

**THE**  
**Punjab Legislative Assembly**  
**Debates.**

**From 23rd February to 19th March 1938.**

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**Vol. III.**

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**OFFICIAL REPORT.**



**Lahore :**

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**1938.**

PRINCIPAL OFFICERS OF THE PUNJAB LEGISLATIVE  
ASSEMBLY.

*Speaker.*

The Hon'ble Chaudhri Sir Shahab-ud-Din, Kt., K.B., B.A., LL.B.

*Deputy Speaker.*

Sardar Dasaundha Singh, B.A., LL.B.

*Secretary.*

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

*Assistant Secretary.*

Khan Sahib Hakeem Ahmad Shujaa, B.A.

## **PUNJAB LEGISLATIVE ASSEMBLY.**

### **LIST OF MEMBERS.**

#### **PREMIER.**

The Hon'ble Major Sir Sikander Hyat-Khan, K.B.E. (West Punjab, Landholders).

#### **MINISTERS.**

The Hon'ble Dr. Sir Sundar Singh Majithia, Kt., C.I.E., D.O.L., Minister of Revenue (Batala, Sikh, Rural).

The Hon'ble Chaudhri Sir Chhotu Ram, Kt., B.A., LL.B., Minister of Development (Jhajjar, General, Rural).

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

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

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

#### **PARLIAMENTARY SECRETARIES.**

Khan Bahadur Mian Ahmad Yar Khan Daulatana, Political and Chief Official Whip (Mailai, Muhammadan, Rural).

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

Sardar Sahib Sardar Ujjal Singh, M.A., Home (Western Towns, Sikh, Urban).

Mrs. Jahan Ara Shah Nawaz, Education, Medical Relief and Public Health (Outer Lahore, Muhammadan Women, Urban).

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

Chaudhri Tika Ram, B.A., LL.B., Development (Rohtak North, General, Rural).

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

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

#### **PARLIAMENTARY PRIVATE SECRETARIES.**

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

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

Sardar Jagjit Singh Man (Central Punjab, Landholders).

Professor W. Roberts, C.I.E. (European).

Rai Bahadur Chaudhri Sham Lal (West Multan Division, General, Rural).

# PARLIAMENTARY PRIVATE SECRETARIES—CONCLUDED.

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

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

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

## MEMBERS.

Abdul Aziz, Mian (Outer Lahore, Muhammadan, Urban).

Abdul Hamid Khan, Sufi (Ambala and Simla, Muhammadan, Rural).

Abdul Rab, Mian (Jullundur South, Muhammadan, Rural).

Abdul Rahim, Chaudhri (Shakargarh, Muhammadan, Rural).

Abdul Rahim, Chaudhri (South-East Gurgaon, Muhammadan, Rural).

Afzaalali Hasnie, Syed (Shahdara, Muhammadan, Rural).

Ahmad Yar Khan, Chaudhri (North-West Gujrat, Muhammadan, Rural).

Ajit Singh, Sardar (South-West Punjab, Sikh, Rural).

Akbar Ali, Pir (Fazilka, Muhammadan, Rural).

Ali Akbar, Chaudhri (Gurdaspur East, Muhammadan, Rural).

Allah Bakhsh Khan, Khan Bahadur Nawab Malik, M.B.E. (Shahpur, Muhammadan, Rural).

Anant Ram, Chaudhri, B.A., LL.B. (Karnal South, General, Rural).

Ashiq Hussain, Captain (Multan, Muhammadan, Rural).

Badar-Mohy-ud-Din Qadri, Mian (Batala, Muhammadan, Rural).

Balbir Singh, Rao Bahadur Captain Rao, O.B.E. (North-West Gurgaon, General, Rural).

Baldev Singh, Sardar (Ambala, North, Sikh, Rural).

Balwant Singh, Sardar (Sialkot, Sikh, Rural).

Barkat Ali, Malik, M.A., LL.B. (Eastern Towns, Muhammadan, Rural).

Bhagat Ram Choda, Lala (Jullundur, General, Rural).

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Bhagwant Singh, Rai Sahib (Kangra East, General, Rural).

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Binda Saran, Rai Bahadur (Punjab Commerce and Industry).

Chaman Lall, Diwan, B.A. (Oxon), (East Punjab, Non-Union Labour).

Chanan Singh, Sardar (Kasur, Sikh, Rural).

Deshbandhu Gupta, Lala (South-Eastern Towns, General, Urban).

Dina Nath, Captain (Kangra South, General, Rural).

Duni Chand, Lala (Ambala and Simla, General, Rural).

Duni Chand, Mrs. (Lahore City, Women, General).



## MEMBERS—CONTINUED.

- Faiz Muhammad Khan, Rai (Kangra and Eastern Hoshiarpur, Muhammadan, Rural).
- Faqir Chand, Chaudhri (Karnal North, General, Reserved Seat, Rural).
- Faqir Hussain Khan, Chaudhri (Farn Taran, Muhammadan, Rural).
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- Fatehjang Singh, 2nd-Lieut., Bhai (South-East, Sikh, Rural).
- Fateh Khan, Raja (Rawalpindi East, Muhammadan, Rural).
- Fateh Muhammad, Mian (Gujrat North, Muhammadan, Rural).
- Fateh Sher Khan, Malik (Montgomery, Muhammadan, Rural).
- Fazl Ali, Khan Bahadur Nawab Chaudhri, O.B.E. (Gujrat East, Muhammadan, Rural).
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- Ghulam Qadar Khan, Khan Bahadur (Mianwali North, Muhammadan, Rural).
- Ghulam Rasul, Chaudhri (Sialkot Central, Muhammadan, Rural).
- Ghulam Samad, Khawaja (Southern Towns, Muhammadan, Urban).
- Girdhari Das, Mahant (South-East Multan Division, General, Rural).
- Gokul Chand Narang, Dr. Sir, M.A., Ph.D. (West Lahore Division, General, Rural).
- Gopal Das, Rai Sahib Lala (Kangra North, General, Rural).
- Gopi Chand Bhargava, Dr. (Lahore City, General, Urban).
- Gurbachan Singh, Sardar Sahib Sardar (Jullundur West, Sikh, Rural).
- Habib-Ullah Khan, Malik (Sargodha, Muhammadan, Rural).
- Haibat Khan Daba, Khan (Khanewal, Muhammadan, Rural).
- Hari Chand, Rai (Una, General, Rural).
- Hari Lal, Munshi (South-Western Towns, General, Urban).
- Hari Singh, Sardar (Kangra and Northern Hoshiarpur, Sikh, Rural).
- Harjab Singh, Sardar (Hoshiarpur South, Sikh, Rural).
- Harnam Das, Lala (Lyallpur and Jhang, General, Reserved Seat, Rural).
- Harnam Singh, Captain Sodhi (Ferozepore North, Sikh, Rural).
- Het Ram, Rai Sahib Chaudhri (Hissar South, General, Rural).
- Indar Singh, Sardar (Gurdaspur North, Sikh, Rural).
- Jagjit Singh Bedi, Tikka (Montgomery East, Sikh, Rural).
- Jahangir Khan, Chaudhri (Okara, Muhammadan, Rural).

## MEMBERS—CONTINUED.

- Jalal-ud-Din Amber, Chaudhri, B.A. (West Central Punjab, Indian Christian).
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- Jugal Kishore, Chaudhri (Ambala and Simla, General, Reserved Seat, Rural.)
- Kabul Singh, Master (Jullundur East, Sikh, Rural).
- Kapoor Singh, Sardar, B.A., LL.B. (Ludhiana East, Sikh, Rural).
- Karamat Ali, Shaikh, B.A., LL.B. (Nankana Sahib, Muhammadan, Rural).
- Kartar Singh, Chaudhri (Hoshiarpur West, General, Rural).
- Kartar Singh, Sardar (Lyallpur East, Sikh, Rural).
- Khalid Latif Gauba, Mr. (Inner Lahore, Muhammadan, Urban).
- Kishan Dass, Seth (Jullundur, General, Reserved Seat, Rural).
- Kishan Singh, Sardar (Amritsar Central, Sikh, Rural).
- Krishna Gopal Dutt, Chaudhri (North-Eastern Towns, General, Urban).
- Lal Singh, Sardar, M.Sc., LL.B. (Ludhiana Central, Sikh, Rural).
- Mazhar Ali Azhar, Maulvi (North-Eastern Towns, Muhammadan, Urban).
- Mohy-ud-Din Lal Badshah, Pir (Attock South, Muhammadan, Rural).
- Mubarik Ali Shah, Syed (Jhang Central, Muhammadan, Rural).
- Muhammad Abdul Rahman Khan, Chaudhri (Jullundur North, Muhammadan, Rural).
- Muhammad Akram Khan, Khan Bahadur Raja (Jhelum, Muhammadan, Rural).
- Muhammad Alam, Dr. Shaikh, B.A., Hons. (Oxon), LL.D. (Dublin) (Rawalpindi Division Towns, Muhammadan, Urban).
- Muhammad Ashraf, Chaudhri (South-West Gujrat, Muhammadan, Rural).
- Muhammad Azam Khan, Sardar (Dera Ghazi Khan North, Muhammadan, Rural).
- Muhammad Hassan, Chaudhri (Ludhiana, Muhammadan, Rural).
- Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar, C.I.E. (Dera Ghazi Khan South, Muhammadan, Rural).
- Muhammad Hassan, Khan Bahadur Makhdom Syed (Alipur, Muhammadan, Rural).
- Muhammad Hayat Khan Noon, Nawab Sir Malik (North Punjab, Landholders).
- Muhammad Huseain Sardar (Chunian, Muhammadan, Rural).
- Muhammad Huseain, Chaudhri, B.A., LL.B. (Gujranwala East, Muhammadan, Rural).
- Muhammad Iftikhar-ud-Din, Mian (Kasur, Muhammadan, Rural).
- Muhammad Jamal Khan Leghari, Khan Bahadur Nawab Sir (Tumandars).
- Muhammad Nawaz Khan, Major Sardar (Attock-Central, Muhammadan, Rural).

## MEMBERS—continued.

- Muhammad Nurullah, Mian, B.Com. (London), (Lyallpur, Muhammadan, Rural).
- Muhammad Raza Shah Jeelani, Makhdumsada Haji Sayed (Shujabad, Muhammadan, Rural).
- Muhammad Saadat Ali Khan, Khan Sahib Khan (Samundri, Muhammadan, Rural).
- Muhammad Sarfraz Khan, Chaudhri (Sialkot North, Muhammadan, Rural).
- Muhammad Sarfraz Khan, Raja (Chakwal, Muhammadan, Rural).
- Muhammad Shafi Ali Khan, Khan Sahib Chaudhri (Rohtak, Muhammadan, Rural).
- Muhammad Wilayat Hussain Jeelani, Makhdumsada Haji Sayed (Lodhran, Muhammadan, Rural).
- Muhammad Yasin Khan, Chaudhri, B.A., LL.B. (North-West Gurgaon, Muhammadan, Rural).
- Muhammad Yusuf Khan, Khan, B.A., LL.B. (Rawalpindi Sadar, Muhammadan, Rural).
- Mukand Lal Puri, Rai Bahadur Mr. (Rawalpindi Division, General, Rural).
- Mula Singh, Sardar (Hoshiarpur West, General, Reserved Seat, Rural).
- Muni Lal Kalia, Pandit (Luthiana and Ferozepore, General, Rural).
- Muzaffar Ali Khan, Qizilbash, Sardar (Lahore, Muhammadan, Rural).
- Muzaffar Khan, Khan Bahadur Captain Malik (Mianwali South, Muhammadan, Rural).
- Muzaffar Khan, Khan Bahadur Nawab, C.I.E. (Attock North, Muhammadan, Rural).
- Narendra Nath, Diwan Bahadur Raja (East Punjab, Landholders).
- Nasir-ud-Din, Chaudhri (Gujranwala North, Muhammadan, Rural).
- Nasir-ud-Din Shah, Pir (Toba Tek Singh, Muhammadan, Rural).
- Nasrullah Khan, Rana (Hoshiarpur West, Muhammadan, Rural).
- Naunihal Singh, Mann, Lieutenant Sardar (Sheikhupura West, Sikh, Rural).
- Nawazish Ali Shah, Syed (Jhang East, Muhammadan, Rural).
- Nur Ahmad Khan, Khan Sahib Mian (Dipalpur, Muhammadan, Rural).
- Partab Singh, Sardar (Amritsar South, Sikh, Rural).
- Pir Muhammad, Khan Sahib Chaudhri (South-East Gujrat, Muhammadan Rural).
- Prem Singh, Chaudhri (South-East Gurgaon, General, Reserved Seat, Rural).
- Prem Singh, Mahant (Gujrat and Shahpur, Sikh, Rural).
- Pritam Singh, Siddhu, Sardar, B.A., LL.B. (Ferozepore West, Sikh, Rural).
- Raghbir Kaur, Shrimati (Amritsar, Sikh, Women).

## MEMBERS—CONCLUDED.

- Rai, Mr. C. (Amritsar and Sialkot, General, Rural) (up to 1st March 1938).  
 Ram Narain Virmani, Seth (Lyallpur and Jhang, General, Rural).  
 Ram Sarup, Chaudhri (Rohtak Central, General, Rural).  
 Ranpat, Chaudhri (Karnal North, General, Rural).  
 Rashida Latif Baji, Begum (Inner Lahore, Muhammadan Women, Urban).  
 Riasat Ali Khan Bahadur Chaudhri (Hafizabad, Muhammadan, Rural).  
 Rur Singh, Sardar (Ferozepore East, Sikh, Rural).  
 Sahib Dad Khan, Khan Sahib Chaudhri (Hissar, Muhammadan, Rural).  
 Sahib Ram, Chaudhri (Hissar North, General, Rural).  
 Saif-ud-Din Kitchlew, Dr. (Amritsar City, Muhammadan, Urban) (up to 14th March 1938).  
 Sampuran Singh, Sardar (Lyallpur West, Sikh, Rural).  
 Santokh Singh, Sardar Sahib Sardar (Eastern Towns, Sikh, Urban).  
 Sant Ram Seth, Dr. (Amritsar City, General, Urban).  
 Shahadat Khan, Khan Sahib Rai (Jaranwala, Muhammadan, Rural).  
 Shah Nawaz Khan, Nawab Khan (Ferozepore Central, Muhammadan, Rural).  
 Shri Ram Sharma, Pandit (Southern Towns, General, Urban).  
 Singha, Mr. S. P. (East Central Punjab, Indian Christian).  
 Sita Ram, Lala (Trade Union, Labour).  
 Sohan Singh Josh, Sardar (Amritsar North, Sikh, Rural).  
 Sudarshan, Lala (Eastern Towns, General, Urban).  
 Sultan Mahmud Hotiana, Mian, B.A. (Pakpattan, Muhammadan, Rural).  
 Sumer Singh, Chaudhri, B.A., LL.B. (South-East Gurgaon, General, Rural).  
 Suraj Mal, Chaudhri, B.A., LL.B. (Hansi, General, Rural).  
 Talib Hussain Khan, Khan (Jhang West, Muhammadan, Rural).  
 Tara Singh, Sardar (Ferozepore South, Sikh, Rural).  
 Teja Singh, Sardar (Lahore West, Sikh, Rural).  
 Umar Hayat Khan, Chaudhri (Bhatwal, Muhammadan, Rural).  
 Uttam Singh Dugal, Sardar (North-West Punjab, Sikh, Rural).  
 Wali Muhammad Sayyal Hiraj, Sardar (Kabirwala, Muhammadan, Rural).

## ADVOCATE-GENERAL.

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

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# PUNJAB LEGISLATIVE ASSEMBLY.

## SECOND SESSION OF THE 1ST PUNJAB LEGISLATIVE ASSEMBLY.

Thursday, 23rd February, 1938.

The Assembly met in the Council Chamber at 2 p. m. of the clock. Mr. Speaker in the chair.

### OATH OF OFFICE.

The following members were sworn in :—

Mrs. Duni Chand (Lahore, Women, General).

Sardar Muhammad Azim Khan (Dera Ghazi Khan North, Muham-  
madan, Rural).

### STARRED QUESTIONS AND ANSWERS.

\*1693—96. Cancelled.

### SARDAR GURMUKH SINGH.

\*1697. Dr. Gopi Chand Bhargava : Will the Honourable Minister of Finance be pleased to state the diet that was given to Sardar Gurmukh Singh, a prisoner in jail, in November, 1937, and in January, 1938 ?

The Honourable Mr. Manohar Lal : In November, 1937, Gurmukh Singh was given daily—

						Chhataks.
Wheat	..	..	..	..	..	19
Gram for parching	..	..	..	..	..	2
Salt ..	..	..	..	..	..	$\frac{1}{2}$
Condiments	..	..	..	..	..	$\frac{1}{2}$
Vegetables	..	..	..	..	..	4
Mustard oil	..	..	..	..	..	$\frac{1}{2}$

In addition he was given twice a week—

Dal urd	..	..	..	..	..	1 $\frac{1}{2}$
Dal masur	..	..	..	..	..	1 $\frac{1}{2}$
Dal rawan	..	..	..	..	..	1 $\frac{1}{2}$

and once a week—

Dal gram	..	..	..	..	..	1 $\frac{1}{2}$ chhataks
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[Finance Minister.]

In January, as a hunger striker, Gurmukh Singh was given daily--

Milk	..	..	..	..	..	4 lbs.
Sugar	..	..	..	..	..	4 ozs.
Eggs	..	..	..	..	..	3
Dalia	..	..	..	..	..	5 ozs.

More recently he has been receiving--

Milk	..	..	..	..	..	5 lbs.
Sugar	..	..	..	..	..	5 ozs.
Eggs	..	..	..	..	..	4
Glucose	..	..	..	..	..	1 oz.
Quakeroats	..	..	..	..	..	4 Tablespoons.
Oranges	..	}	..	..	..	2
Malta (Juice)	..		..	..	..	

**Sardar Hari Singh :** May I know whether this diet is maintaining his health, weight and strength?

**Minister :** Yes.

**Sardar Hari Singh :** May I know whether with this diet he can continue for any length of time?

**Minister :** His present condition is satisfactory. I do not understand what the honourable member means by 'for any length of time.'

**Sardar Hari Singh :** I would like to know whether his life is safe for a year or two.

**Minister :** I cannot obviously answer that question. All I can say is that his present condition is satisfactory, and he is under satisfactory medical supervision.

**Sardar Partab Singh :** Is he suffering from fits?

**Minister :** No, he has not been suffering from any fits.

**Chaudhri Kartar Singh :** May I ask the Honourable Finance Member whether Sardar Gurmukh Singh is forcibly fed?

**Minister :** I think I have answered that question. He is on hunger-strike, and he is forcibly fed.

**Chaudhri Kartar Singh :** Is the Honourable Member aware of the fact that the late Jatindara Nath Das died simply because he was given diet forcibly.

**Minister :** That question does not arise.

**Chaudhri Kartar Singh :** Does the Honourable Minister hold himself responsible that Sardar Gurmukh Singh would not die of this sort of treatment that is being meted out to him?

**Minister :** He is under the best possible medical advice and that is the utmost that any Government could do.

**Sardar Hari Singh :** Is he resisting forcible feeding or not?

**Minister :** If he did not resist it would not be forcible feeding.

**Diwan Chaman Lall :** May I ask the Honourable Member if he would be prepared to release him if his condition becomes serious ?

**Minister :** Government will consider the question of his release if his condition becomes serious.

**Mr. Speaker :** The next question.

MOGHA No. 63412-R. OF 4-R. DISTRIBUTARY, LOWER BARI  
DOAB CANAL.

**\*1698. Chaudhri Kartar Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that Mogha No. 63412-R of 4-R Distributary, Lower Bari Doab Canal, Montgomery district, with a total length of 5 miles irrigates about 29 squares of land ;
- (b) whether it is a fact that the said Mogha irrigates no land up to the first three miles ;
- (c) whether it is a fact that the landholders on this Mogha are experiencing trouble both on account of its length and continuous cuts by other people and that the Irrigation Department has made no arrangement for the upkeep and protection of the first 3 miles of the Mogha ;
- (d) whether it is also a fact that the landholders have approached the Irrigation Department many a time for the removal of their troubles by the conversion of the unused portion of Khal (8 miles) into a minor without any success ;
- (e) if the answer to (a), (b), (c) and (d) above be in the affirmative, the action that is proposed to be taken in the matter ?

**The Honourable Dr. Sir Sundar Singh Majithia :** (a) The outlet is 5 miles from the most distant part of the chak. The area of the chak is equivalent to 28 squares.

(b) The watercourse does no irrigation in the first 2½ miles of its length.

(c) The watercourse is longer than is usual, but irrigators are responsible to maintain watercourses. As regards cuts by other people, Section 70 (4) of the Canal Act provides for redress of aggrieved parties.

(d) Yes, but the discharge to be dealt with is too small to warrant the construction of a minor.

(e) In view of replies to (a), (b), (c) and (d) Government does not consider any action necessary.

**\*1699. Cancelled.**

REFERENCE MADE BY SIND GOVERNMENT TO PUNJAB GOVERNMENT *re.* HANS RAJ 'WIRELESS'S' RELEASE.

**\*1699-A. Dr. Gopi Chand Bhargava :** Will the Honourable Premier be pleased to state whether any reference was made by Sind Government to the Punjab Government regarding the release of Hans Raj 'Wireless', a political prisoner ; if so, what reply was given by the Punjab Government ?

**The Honourable Major Sir Sikander Hyat-Khan :** It is not in the public interest to give the information.

**Diwan Chaman Lall :** May I ask the Honourable Premier the reason why it is not in the public interest to give this information ? Does he apprehend any breach of peace if information regarding the reply given by the Punjab Government to the Sind Government is made available to the public ?

**Premier :** I have not got nothing to add to the answer which I have given.

**Diwan Chaman Lall :** Disclosure of the reply that was sent to the Sind Government may or may not be in the interest of the public, but may I know whether the Punjab Government did give a reply to the Sind Government ?

**Premier :** It is this very information that is asked in the original question, and my answer is clear.

**Diwan Chaman Lall :** But answers were given to similar questions in the last session.

**Premier :** At that time there was no question of public interest.

**Diwan Chaman Lall :** Was a reference made by the Sind Government to the Punjab Government regarding the release or transfer of the prisoner ?

**Mr. Speaker :** That is a part of the question and the Premier has answered it.

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SEAT FOR SIKHS IN THE FAZILKA MUNICIPAL COMMITTEE.

**\*1700. Sardar Rur Singh :** Will the Honourable Minister for Public Works be pleased to state whether the Government is aware that a resolution has been passed by the Singh Sabha, Fazilka, on the 3rd January, 1938, (i) that a separate Sikh constituency be created in the Fazilka Municipality to enable the Sikhs to return one Sikh member to the said municipal committee, (ii) that one of the three seats to be filled by nominations in the said committee be allotted to the Sikhs as a minority safeguard, (iii) that copies be sent to the Deputy Commissioner, Ferozepore, the Commissioner, Jullundur, the Minister for Public Works and the M. L. As. from Ferozepore district ; if so, the action taken in the matter ?

**The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana :** Yes. The resolution in question is at present under the consideration of the local authorities.

**\*1701. Cancelled.**

## IMPROVEMENT OF ROADS IN THE PUNJAB.

**\*1702. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister for Public Works be pleased to state whether the Government has any schemes under consideration for improving the roads including the road (i) from Phillaur to Rahun and Rahun to Rugar, (ii) from Rahun to Machhiwarra and the boats bridge on the river Sutlej, (iii) from Nawanshahr to Garhshankar, (iv) from Phagwara to Hoshiarpur, in the various districts of the province and placing them under the control and management of the Public Works Department ; if so, when it is expected to materialize ?

**The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana :** No, excepting the metalled portion, 10 miles in length, of the road from Phillaur to Rahun proposed for provincialization during 1938-39.

**Sardar Hari Singh :** May I ask whether in considering this matter the Honourable Minister bore the fact in mind that there is a big sugar mill at Phagwara and the people from Hoshiarpur side cart their sugar-cane to the mill and that they would be gaining economically a great deal, if Hoshiarpur-Phagwara road were metalled ?

**Minister :** All facts are considered when decisions are made.

**Sardar Hari Singh :** Was this fact considered ?

**Minister :** It must have been considered.

**Sardar Hari Singh :** May I take it that it was considered ?

**Minister :** My answer is there.

**Sardar Sahib Sardar Gurbachan Singh :** Will he please state which other roads in the Jullundur district are taken over by the Public Works Department ?

**Minister :** That does not arise out of this. The question is about a particular road. A question about all roads in Jullundur district does not arise.

**Sardar Sahib Sardar Gurbachan Singh :** As the road mentioned in the question was about a Jullundur district road, my supplementary question is in order.

**Premier :** All roads will be gradually taken over by the Public Works Department.

**\*1703—04. Cancelled.**

## BAN ON HINDUSTANI SEWA DAL AND NAUJAWAN BHARAT SABHA.

**\*1705. Dr. Gopi Chand Bhargava :** Will the Honourable Premier be pleased to state whether it is a fact that the ban on Hindustani Sewa Dal and Naujawan Bharat Sabha has not been removed so far ; if so, why ?

**The Honourable Major Sir Sikander Hyat-Khan :** The ban on the Hindustani Sewa Dal was removed on 14th August, 1937, while that on the Nau Jawan Bharat Sabha has not been removed so far, because its removal would constitute a danger to the public peace.

**Diwan Chaman Lall :** Is it a fact that the ban on the Nau Jawan Bharat Sabha has been removed by the Congress Ministries in the Congress provinces ?

**Premier :** I am not aware what the Congress provinces have done or what they intend to do.

**Diwan Chaman Lall :** If the ban has been removed, is he willing to remove it in the Punjab also ?

**Mr. Speaker :** That is a hypothetical question.

**Pandit Muni Lal Kalia :** Is the Honourable Premier aware that there is no difference between the policy of the Congress and that of the Nau Jawan Bharat Sabha, so far as the attainment of swaraj by peaceful means is concerned ?

**Premier :** I am not aware of anything.

**Diwan Chaman Lall :** May I know when he considered the case of the Naujawan Bharat Sabha on the last occasion ?

**Premier :** It must have been some weeks ago.

**Diwan Chaman Lall :** Did the Honourable Premier consider the case himself ?

**Premier :** I did.

**Diwan Chaman Lall :** Is the Honourable Member prepared to state that he is really satisfied that reasons do exist for which the ban should not be removed ?

**Premier :** I was satisfied.

**Diwan Chaman Lall :** Is the Honourable Member prepared to consider it again ?

**Premier :** I consider it every now and then.

**Diwan Chaman Lal :** After how long a period ?

**Mr. Speaker :** The next question.

#### POOR SANITARY ARRANGEMENT AT RADOUR, DISTRICT KARNAL.

**\*1706. Dr. Gopi Chand Bhargava :** Will the Honourable Minister for Education be pleased to state whether he has lately received any representation from Harijan residents of Radour, district Karnal, regarding poor municipal sanitary arrangements in their locality ; if so, the action that has been taken so far on that representation ?

**The Honourable Mian Abdul Haye :** No such representation has been made to the Punjab Government.

#### ACTION TAKEN FOR OBSTRUCTING THE PHAG PLAYERS AT PANIPAT.

**\*1707. Lala Deshbandhu Gupta :** Will the Honourable Premier be pleased to state whether it is a fact that as stated on 1st September, 1937, in the court of Additional District Magistrate, Karnal, by Mr. Khurshed Ali, Sub-Inspector of Police, City Police Station, Panipat, in his statement in criminal case No. 88/2 of Crown *versus* Champat and others, investigation

in the case against the persons who obstructed the Phag Players at Qalandar Chawk on 27th March, 1937, has been stopped under orders of the Superintendent of Police, Karnal, pending the receipt of orders from the Government; if so, the reasons therefor?

**The Honourable Major Sir Sikander Hyat-Khan :** No. The Sub-Inspector misunderstood the instructions of the Superintendent of Police. The investigations were not stopped.

#### RESTRICTIONS ON DHOOP DASHMI ON ANANT CHAUDASH PROCESSION.

**\*1708. Lala Deshbandhu Gupta :** Adverting to the assurance given by him in his reply to short notice question put by me on 22nd July, 1937, will the Honourable Premier be pleased to state the reasons which led the Government to impose restrictions on the Dhoop Dashmi and Anant Chaudash processions of the Jains of Panipat which were to be taken out on 15th September, 1937, 19th September, 1937, respectively but which were not taken out in protest?

**The Honourable Major Sir Sikander Hyat-Khan :** The "assurance" to which the honourable member presumably refers, was contained in the answer given to his short notice question<sup>1</sup> on the 22nd July, 1937, in connection with the conditions imposed in the license for the Jagannath Rath Yatra Procession at Panipat on the 10th July, 1937. The answer stated, *inter alia*, that—

"the restrictions were imposed in the interest of the peace of the town and to meet the unusual situation arising out of the communal tension now unhappily prevailing. There is no intention of repeating them in future years unless of course a similar emergency occurs."

Government are satisfied that an emergency had arisen on the occasion of the Dhoop Dashmi and Anant Chaudash processions in Panipat on the 15th and 19th September, 1937, and that the imposition of restrictions on the processions was necessary in the interest of the public peace, as evidenced by action which the district authorities had to take under Section 107 in connection with Nagar Kirtan procession.

#### DELAY IN RELEASING LALA KISHAN LAL FROM JAIL.

**\*1709. Lala Deshbandhu Gupta :** Will the Honourable Minister of Finance be pleased to state—

- (a) whether it is a fact that one Lala Kishan Lal, proprietor of Messrs. Kishan Lal-Shiv Kumar, Grain Market, Ambala Cantonment, was sentenced to one year's rigorous imprisonment by Mian Muhammad Ishaq, Magistrate, Ambala, on 29th June, 1937, and that on an appeal the High Court at Lahore, on 18th September, 1937, reduced the sentence to that he had already undergone;

[L. Deshbandhu Gupta.]

- (b) whether it is a fact that the said Lala Kishan Lal was not released from Jail until 22nd September, 1937 ; if so, the reasons why it took so many days to release him from Jail ;
- (c) whether Government is aware that there is a general complaint against the ministerial staff of the courts that there is always delay in communicating the orders of the courts to jail authorities and in some cases the Jail authorities also take considerable time in complying with the orders of the courts ; if so, the action proposed to be taken to remove this general complaint by the public ?

**The Honourable Mr. Manohar Lal :** (a) Yes.

(b) Yes.

(c) Government is not aware of any such general complaint. In this case the High Court order was received on the 18th September, 1937, in the office of the Sessions Judge, Ambala. The necessary release warrant was prepared by the office the same day and was sent under registered cover to the Sessions Judge at Simla for signature, where he was in recess. 19th happened to be a Sunday and the warrant was consequently delivered to the Sessions Judge on the 20th and received back at Ambala on the 21st and then sent to the Jail Office the same day. The prisoner had in the meantime been transferred to Ludhiana and the warrant was redirected there. The Superintendent, Jail, at Ludhiana released the prisoner on the 22nd on receipt of the warrant. It will thus be seen that the delay was unavoidable and calls for no action.

**Sardar Hari Singh :** Does the Government intend to take steps to prevent the recurrence of such scandalous delays in future ?

**Minister :** I have said that there is no delay. The delay on the present occasion was unavoidable and calls for no action.

**Sardar Hari Singh :** Is he prepared to speed up the procedure under which people who are ordered to be released by the High Court still continue to be in Jail, for as much as a period of nine days as in this case ?

**Minister :** I have already explained that there is no general complaint in this matter. The procedure is speedy enough, but in the present case, a series of holidays and the fact that the Sessions Judge was in recess intervened, and therefore this unavoidable delay took place.

**Diwan Chaman Lal :** Is the Honourable Member prepared to organise this matter in such a way that the moment the High Court orders the release of a particular prisoner, instructions should be issued telegraphically for his release ?

**Minister :** The Government adopt the speediest method of securing release. Whether release can be affected on the basis of a telegram is more than questionable.

**Diwan Chaman Lal :** Is the Honourable Member prepared to consider this new method, this speedier method ? Whether it is questionable or not is another matter.

**Minister :** What is the suggestion ? I do not understand.



**Diwan Chaman Lall :** The Honourable Member stated that as the learned Sessions Judge was in recess in a different ilaqa, therefore this delay took place. Could not some arrangement be made to avoid such delays ?

**Sardar Sohan Singh Josh :** How long does it take generally to actually release a prisoner after the orders of his release have been passed ?

#### SUPERSESSION BY IBRAR HUSAIN OF HISSAR POLICE.

**\*1710. Lala Deshbandhu Gupta :** Will the Honourable Premier be pleased to state whether it is a fact that one Ibrar Husain of the Hissar Police Force has been appointed as Head Constable of Police superseding several others who are senior to him and that this has caused discontent among those whose claims have been ignored ; if so, the action proposed to be taken in the matter ?

**The Honourable Major Sir Sikander Hyat-Khan :** For the principles governing promotions to the rank of head constable the honourable member is invited to see rules 13·8 and 13·1 of the Punjab Police Rules. In a case of this kind, if any of the other officials affected think they have a grievance, it is open to them to represent their case according to service rules, and I see no reason to make any special inquiry.

**Mian Abdul Rab :** Is it not a fact that questions of this kind regarding details of departmental administration tend to subvert discipline and should on that account be deprecated ?

**Premier :** I am in entire sympathy with my honourable friend.

#### MOHARRARS MALKHANAS UNDER CHARGE OF POLICE.

**\*1711. Lala Deshbandhu Gupta :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that there is a standing order issued by the Inspector-General of Police, Punjab, according to which a person may not hold the office of Moharrar of a Malkhana for more than six months at a time ;
- (b) whether it is also a fact that the post of the Moharrar, Malkhana, Sirsa (Hissar), has been held by one person for the last 3 years or so, if so, the reasons therefor ?

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

(b) Does not arise.

#### RECRUITMENT IN POLICE FORCE AT HISSAR.

**\*1712. Lala Deshbandhu Gupta :** Will the Honourable Premier be pleased to state—

- (a) the number community-wise of Constables of Police recruited by the Superintendent of Police, Hissar, from 4th October, 1936 to 31st January, 1937 and also the names of the districts from where they were drawn ;

[L. Deshbandhu Gupta.]

(b) whether it is also a fact that a large proportion of Sub-Inspectors Head Constables and Constables now posted in Hissar district come from the home district of the present Superintendent of Police ;

(c) whether he is aware that this state of affairs is causing apprehension in the mind of the public ; if so, the action that is proposed to be taken in the matter ?

**The Honourable Major Sir Sikander Hyat-Khan :** (a) A statement is laid on the table.

(b) No.

(c) Does not arise.

*Police Constables recruited in the Hissar District from the 4th October, 1935 to 31st January, 1937.*

*By Communities.*

Muslims	..	..	..	25
Hindus	..	..	..	18
Sikhs	..	..	..	6
Total ..				49

*By Districts.*

Hissar	..	..	..	19
Ludhiana	..	..	..	5
Jullundur	..	..	..	5
Ferozepore	..	..	..	4
Hoshiarpur	..	..	..	4
Rohtak	..	..	..	4
Jhelum	..	..	..	2
Amritsar	..	..	..	1
Gujrat	..	..	..	1
Gurdaspur	..	..	..	1
Meerut (United Provinces)	..	..	..	1
Jind State	..	..	..	1
Patiala State	..	..	..	1
Total ..				49

*BEGAR TAKEN BY THE POLICE.*

**\*1713. Lala Deshbandhu Gupta :** Will the Honourable Premier be pleased to state whether it is a fact that the residents of village Gorakhpore in Hissar district have made a complaint against the Sub-inspector and Head Constable of Police Station concerned for taking *begars* from them ; if so, the action that has been taken by the Government on the same ?

**The Honourable Major Sir Sikander Hyat-Khan :** I regret that the answer to this question is not ready.

BEATING OF A PERSON BY JAGADHRI POLICE.

**\*1714. Lala Deshbandhu Gupta :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that about four months ago a person was said to have been beaten by Jagadhri police in the course of investigation in a case to the extent that the said person had to be removed to the hospital ;
- (b) whether it is a fact that thereabout an application was made in this behalf to the Deputy Commissioner, Ambala, wherein allegations of bribery were also made against the said police ;
- (c) whether it is a fact that as a result of that application a first class magistrate was sent down to Jagadhri to hold inquiries into the matter ; if so, the result of the said inquiry and the action taken or proposed to be taken in the matter ?

**The Honourable Major Sir Sikander Hyat-Khan :** (a) and (b) Yes.

(c) Yes. The magistrate found the allegations to be wholly false. The question as to what proceedings should be taken against the authors of the application is under consideration.

**Lala Duni Chand :** Is it true that the man who was beaten by the police was taken to the hospital in a serious condition and the assistant surgeon testified to the seriousness of the injuries ?

**Premier :** I have already answered that in part (c) of the question.

**Lala Duni Chand :** My point is whether the man was taken in a serious condition to the hospital and the seriousness of the injuries on his person was testified to by the Assistant Surgeon in charge of the hospital ?

**Premier :** I am afraid the honourable member is assuming something about which I cannot possibly have information here. What was asked is whether an enquiry has been held and I say that the enquiry has been held and the magistrate found the allegations were wholly false.

STATUS OF THE REGISTERED PHYSICIANS OF INDIAN MEDICINES BOARD.

**\*1715. Lala Deshbandhu Gupta :** Will the Honourable Minister of Education be pleased to state whether Government have recently received any representation from the Medical Council, Punjab, regarding the status of the registered physicians of Indian Medicine Board ; if so, the decision taken or proposed to be taken on that representation ?

**Parliamentary Secretary (Mrs. J. A. Shah Nawaz) :** No representation has been received.

NOMINATION TO THE SHAHABAD MUNICIPALITY.

**\*1716. Lala Deshbandhu Gupta :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that the non-Muhammadan nominated member of Shahabad Municipality always used to be a non-official ;

[L. Deshbandhu Gupta.]

(b) whether it is a fact that for the first time a sub-assistant surgeon, who is in Government service has been nominated for that seat ;

(c) whether it is a fact that a deputation on behalf of the non-Muhamadan population of Shahabad has recently waited on the Deputy Commissioner, Karnal, and had represented to him that if an official were nominated for that seat contrary to the past practice, they would consider this as prejudicial to their best interests ;

(d) whether Government are aware that strong resentment prevails amongst the non-Muhammadan population of Shahabad against the above-mentioned nomination in disregard of past practice ;

(e) the steps that Government propose to take in the matter ?

**The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana :** (a) Yes.

(b) Yes.

(c) A few Hindus belonging to Shahabad met the Deputy Commissioner, Karnal, and represented that one of the two appointed seats should be earmarked for Hindus but gave no expression to their disapproval of an official being appointed.

(d) No information has reached Government.

(e) None.

\*1717--28. *Cancelled.*

#### NOMINATIONS TO MUNICIPAL COMMITTEE, LYALLPUR.

\*1729. **Sardar Hari Singh :** Will the Honourable Minister of Public Works be pleased to state whether it is a fact that the Government intends to make nominations of members to serve the Lyallpur Municipal Committee before the next general election for the said committee takes place, if so, the reasons therefor ?

**The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana :** The honourable member is referred to the reply given to part (b) of question No. \*1280.<sup>1</sup>

**Sardar Hari Singh :** May I enquire when is the next general election of the municipality due ?

**Minister :** May I know whether when a reference is made to the answer of another question, supplementaries can be put to this question ?

**Sardar Hari Singh :** This supplementary question is not answered.

**Minister :** Does it arise out of the main answer ?

**Sardar Hari Singh :** Yes.

**Minister :** No date can be specified.

**Dr. Shaikh Muhammad Alam :** Is the date within the knowledge of the Honourable Minister ?

**Minister :** Not at present.

**Sardar Hari Singh :** May I know whether these nominations have been made to represent the people of the locality or to represent the Government of the day ?

**Minister :** No nominations have been so far made. The honourable member is presuming the whole thing.

LICENCE FOR LIQUOR SHOP AT VILLAGE CHANANWAL, DISTRICT  
LUDHIANA.

**\*1730. Sardar Hari Singh :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that the people of the village Chananwal, thana Sehna, district Ludhiana, have recently submitted a representation to the Deputy Commissioner, Ludhiana, praying that licence for the liquor shop at the said village be not renewed for the next year ; if so, the action proposed to be taken by the Government in the matter ?

**The Honourable Dr. Sir Sundar Singh Majithia :** Yes, as recently as January 14th. Action is being taken in accordance with the rules on the subject ; but the application should have been presented before 1st October, if it was desired to close the shop for the year 1938-39.

**Pandit Muni Lal Kalia :** Was the representation made before the auction of the liquor shop was held ?

**Minister :** If it was made in time it would have been considered.

**Pandit Muni Lal Kalia :** Is the Government aware that the people of that village are not prepared to rent any place for that shop ?

**Minister :** That does not arise out of this.

**Pandit Muni Lal Kalia :** Is the Government aware that a great resentment is being felt in those villages on account of the fact that the Government has not taken notice of their resentment ?

**Minister :** If the resentment was there it must have been brought to the Deputy Commissioner's notice.

**Pandit Muni Lal Kalia :** Does the Government favour the village running dry ?

**Minister :** That does not arise out of this ; it is a matter of policy.

PETITION OF MR. ABDULLA OF UNA.

**\*1731. Sardar Hari Singh :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether the Government has received a petition from one Mr. Abdulla of Una, district Hoshiarpur, alleging certain irregularities practised by the Secretary of the Una Small Town

[S. Hari Singh.]

Committee in its administration and wrong preparation of electoral rolls of the same ;

- (b) if answer to (a) above be in the affirmative, the substance of those allegations ;
- (c) the result of Government inquiry into the matter ;
- (d) the steps proposed to be taken by the Government on the basis of that inquiry ?

**The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana :** The attention of the honourable member is invited to the reply given to question No. \*1442.<sup>1</sup>

**Sardar Hari Singh :** The reply to which the Honourable Minister refers says that a judicial decision is pending in a court. May I enquire whether the Government is interested in the case pending in certain courts ?

**Sardar Hari Singh :** May I know against whom the case is pending ?

**Minister :** That question has already been replied to. The matter is pending in a court of law.

**Sardar Hari Singh :** Against whom is it pending ?

**Sardar Hari Singh :** May I take it that the honourable member is not in possession of the facts relevant to the case ?

**Minister :** The honourable member had already put these question and he has had the replies.

**Sardar Hari Singh :** Does it mean that if the case drags on for five years these irregularities should continue and that the Minister as a responsible officer should not take any action ?

**Mr. Speaker :** That question need not be answered.

#### WEEKLY NEWSPAPER 'SHOLA.'

**\*1732. Diwan Chaman Lall :** Will the Honourable Premier be pleased to state—

- (a) whether he is aware that the weekly newspaper 'Shola' ceased its publication in the Punjab due to the demand of security by the Punjab Government ;
- (b) whether he is aware that the 'Shola' is now being published at Saharanpore ;
- (c) whether it is a fact that the police is seizing and confiscating the published copies of the said newspaper when they are imported into the Punjab ; if so, why ?

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

(b) Yes.

(c) Yes. The Shola, Saharanpur, is an unauthorised newspaper within the meaning of section 2 (9) (b) of the Indian Press (Emergency Powers) Act, 1931, and liable to seizure under section 16 of the said Act.

**Diwan Chaman Lall :** May I enquire the reason, apart from the legal provisions, for the forfeiture of this paper ?

**Premier :** It has not furnished the requisite security.

**Diwan Chaman Lall :** May I enquire whether it is necessary for a paper published outside the Punjab to furnish the necessary security in the Punjab ?

**Premier :** This paper, as the honourable member has himself pointed out, was being published in the Punjab, and it did not fulfil the requirements of the law and, therefore, it went to another place, and is now published there. So far as the Punjab is concerned, it is an unauthorised paper.

**Diwan Chaman Lall :** May I take it that the fact that it was published here and ceased publication in the Punjab and then formed itself into a separate company in another province, makes it incumbent on that paper to give security here in the Punjab ?

**Premier :** The Indian Press Act is not only confined to this province ; it extends to the whole of India.

**Diwan Chaman Lall :** Is it a fact that the United Provinces Government did not demand security from this paper ?

**Premier :** It is not necessary for them to make the demand. If I demand a security and that paper does not furnish it, it will not be allowed to be published here. Similarly if the United Provinces Government demands a security for a paper and it comes here and publishes it, that Government will be perfectly at liberty, according to the present law, to order forfeiture or not to allow its publication in its province.

**Diwan Chaman Lall :** So the position is that the proprietors of the Shola are committing an offence under the Press Act ?

**Premier :** Yes.

**Sardar Sohan Singh Josh :** May I know whether any incriminating article appeared in the said paper, on the basis of which a security was demanded by the Punjab Government as a result of which the paper had to close down ?

**Premier :** I am afraid that does not arise out of this question.

**Pandit Muni Lal Kalra :** What were the articles on the basis of which these orders were passed ?

**Mr. Speaker :** The next question.

**\*1733—34.—Cancelled.**

#### DAMAGE TO CROPS BY HAILSTORM IN AMBALA DISTRICT.

**\*1734-A. Sardar Hari Singh :** Will the Honourable Minister for revenue be pleased to state—

- (a) whether he is aware of the recent hailstorm in the district of Ambala and the damage to crops caused thereby ;
- (b) the extent of damage to crops ;
- (c) whether and what action is called for on the part of Government ?

**The Honourable Dr. Sir Sundar Singh Majitha :** (a) Yes, there was a hailstorm in the district of Ambala on the 14th January, but no damage was caused to crops.

(b) and (c) Do not arise.

**\*1735-36. Cancelled.**

#### ACCIDENTS TO MOTOR VEHICLES.

**\*1737. Sardar Hari Singh :** Will the Honourable Minister of Revenue be pleased to state the total number separately of accidents to public motor vehicles and private cars and lorries during the year 1937 and the main cause of such accidents in each category ?

**The Honourable Dr. Sir Sundar Singh Majithia :** A statement is laid on the table.

**Sardar Hari Singh :** May I ask the Honourable Minister to state the main cause of such accidents ?

**Minister :** The statement is laid on the table and the honourable member is putting questions without seeing the statement.

**Sardar Hari Singh :** I should like your protection. I have put a very important question in reply to a part of which the Honourable Minister says that a statement is laid on the table. I do not want to know the number of accidents on the floor of this House but I do want to know the main cause of the accidents and I want to pursue it further with a supplementary question.

**Minister :** I cannot add anything more to the statement.

**Lala Duni Chand :** Is it true that the main cause of accidents is overloading ?

**Minister :** Possibly yes.

**Lala Duni Chand :** Is it true that overloading in many cases is due to the fact that Police does not take any action ?

**Minister :** No, Sir.

**Sardar Hari Singh :** Will the Honourable Minister for Revenue kindly state whether the number of accidents is on the increase or decrease since he took office ?

**Minister :** That does not arise out of the main question.

**Sardar Hari Singh :** How far have the bad roads to do with the increase in the number of accidents ?

**Minister :** The Punjab roads are the best in the whole of India (*Hear, hear*).

**Sardar Hari Singh :** May I ask the Honourable Minister for Revenue to state what action the Government is taking to decrease the number of accidents ?

**Minister :** Every possible precaution is being taken to see that these accidents decrease. Many of the drivers get drunk and when they are drunk you cannot stop them from going beyond the speed limit.



**Sardar Hari Singh :** What action does the Government propose to take against people who get drunk and what steps would the Government propose to take to prevent people from going drunk while driving ?

**Minister\* :** When they are drunk, they are punished under the law.

**Dr. Shaikh Muhammad Alam :** Is the Government prepared to make a law that drivers, while driving, should not be drunk ?

**Minister :** I wish my friend helped me in this matter (*laughter*).

## I.

*Tyres of motor vehicles primarily involved in motor accidents during the year 1937.*

(a) Motor cycles	..	..	..	..	14
(b) Private cars	..	..	..	..	133
(c) Motor cabs ..	..	..	..	..	24
(d) Buses and dual purpose lorries	..	..	..	..	491
(e) Vehicles intended for the carriage of goods only	..	..	..	..	69
(f) Unknown ..	..	..	..	..	12
Total ..					793

## II.

*Causes and principal contributory causes of motor accidents during the year 1937.*

(1) Mechanical defects	..	..	..	..	67
(2) Excessive speed	..	..	..	..	166
(3) Rashness or negligence	..	..	..	..	413
(4) Negligence on the part of pedestrians	..	..	..	..	94
(5) Negligence on the part of drivers of vehicles other than motor vehicles	..	..	..	..	51
(6) Drivers falling asleep	..	..	..	..	10
(7) Defective road construction	..	..	..	..	7
(8) Irregular loading	..	..	..	..	20
(9) Other causes	..	..	..	..	60

*Note.*—Certain cases, in which the accident was due to two or more causes, have been entered in Table II (above) in more than one place.

## REGISTRATION OF PUBLIC MOTOR VEHICLES.

**\*1738. Sardar Hari Singh :** Will the Honourable Minister for Revenue be pleased to state the total number of public motor vehicles for passengers registered in the province up to December, 1937, separately, under the following categories :—

- (1) taxi motor cars,
- (2) half ton public motor vehicles,
- (3) one and a half ton motor vehicles,
- (4) two ton vehicles, and
- (5) two and a half ton vehicles ?

**The Honourable Dr. Sir Sundar Singh Majithia :** Figures for public motor vehicles classified according to their tonnage rating are not available and would be almost impossible to collect. The various classes of motor vehicles registered in the Punjab at the close of the quarter ending the 30th September, 1937, were specified in the statement attached to the reply given to question \*1424<sup>1</sup>, put by the honourable member for the Lahore City (General) Urban Constituency in the last session.

REVENUE ASSISTANT'S SPEECH AT HOSHIARPUR.

**\*1739. Sardar Hari Singh :** With reference to his answer to question No. \*997<sup>2</sup> given by him on 17th January, 1938, will the Honourable Premier be pleased to state—

- (a) whether the answer is based on the explanation tendered by the officer concerned ;
- (b) the officer who conducted the inquiry ;
- (c) whether inquiries were made from the people present in the meeting ; and
- (d) whether he has considered the question of instituting a thorough and independent inquiry into the matter in view of the gravity of the allegations made ?

**The Honourable Major Sir Sikander Hyat-Khan :** (a), (b) and (c) Government is not prepared to go into these details.

(d) Government does not consider any further enquiry necessary.

**Sardar Hari Singh :** May I ask the Honourable Premier whether he is aware that on account of the Government's refusal to make independent and impartial enquiries in the matter of serious allegations against a permanent government servant, an impression prevails in the public mind in the *ilaga* that the present Government is carrying on propaganda of its own through permanent services ?

**Premier :** That propaganda is absolutely false.

**Sardar Hari Singh :** Is propaganda by the permanent services false ?

**Premier :** Propaganda by those people who say that the Government is carrying on propaganda of its own through permanent services is false.

**Sardar Hari Singh :** Is he aware of the impression in the *ilaga* ?

**Premier :** That impression is wholly erroneous.

BAMRAULI TRAIN COLLISION.

**\*1740. Sardar Hari Singh :** Will the Honourable Premier be pleased to state whether he has taken any steps to ascertain the casualties and loss suffered by the Punjabies consequent on Bamrauli train collision with the result of his inquiries ?

<sup>1</sup>Vol. II, pages 787—89.

<sup>2</sup>Vol. I, pages 365—67.

**The Honourable Major Sir Sikander Hyat-Khan :** A list of the killed and injured has now been received from the Agent, East Indian Railway. From this it does not appear that any persons from the Punjab were involved.

**\*1740-A.—Cancelled.**

**\*1740-B.—Cancelled.**

**\*1741.—Cancelled.**

UNPAID CANDIDATES OF THE DEPUTY COMMISSIONER'S OFFICE,  
HOSHIARPUR.

**\*1742. Sardar Hari Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that some of the candidates in the office of the Deputy Commissioner, Hoshiarpur, have been served with a notice to show cause why their names should not be removed from the list of candidates ; if so, reasons for the same ;
- (b) whether it is a fact that some of them were accepted 4 or 5 years ago, and have mostly worked as unpaid candidates ;
- (c) whether he is aware that these men cannot seek Government employment elsewhere as they are now overage ;
- (d) whether a test was held in the beginning of January, 1938, to select a few candidates in place of old ones ; if so, reasons for the same and the action the Government intends to take in the matter ?

**The Honourable Dr. Sir Sundar Singh Majithia :** (a) Yes. The candidates served with notices had become overage or were about to become overage and had, therefore, hardly any chance of being appointed to permanent posts.

(b) Only three of them were accepted more than three years ago, and none of them has worked as an unpaid apprentice.

(c) Yes, but they were at liberty to seek employment elsewhere during their period of candidature and they have actually been trying to do so. Besides, they have been fully aware that there was very remote chance of securing permanent employment in the district office.

(d) Yes. It was done in order to select one or two candidates knowing shorthand and typewriting, as practically all officers with a knowledge of English insist on the posting of officials knowing shorthand and typewriting in their courts and offices, and there was no candidate on the list from among those served with notices possessing satisfactory knowledge of these subjects.

On the representation of the candidates, it has already been decided to retain their names on the list. They have, however, been warned that there can be no guarantee that permanent appointments would be offered to them as some of them are already or will shortly be overage.

**Sardar Hari Singh :** May I enquire whether these unfortunate persons who were candidates in the office of the Deputy Commissioner were to be sufficiently in advance that there was no likelihood of their being taken in service ?

**Khawaja Ghulam Samad :** Can age limit be condoned in the case of these candidates ?

**Minister :** Which candidates ?

**Khawaja Ghulam Samad :** Those candidates whose names have been struck off the list of candidates by the Deputy Commissioner after working as candidates in the office of the Deputy Commissioner, Hoshiarpur, for four or five years. By this time they must have passed the age limit. If they go to some other office to seek employment, will those officers condone the age limit in their case ?

**Minister :** Will that help unemployment ?

**Khawaja Ghulam Samad :** Yes, it will.

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**SARDAR CHANAN SINGH, STATE PRISONER.**

**\*1743. Sardar Hari Singh :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that the dependants of S. Chanan Singh, a state prisoner, confined in the Lahore Central Jail, are not paid any allowance by the Government; if so, why not;
- (b) whether it is a fact that the said prisoner is suffering from a throat disease; if so, the arrangements made by the Government for his medical treatment;
- (c) his weight on admission and his present weight and the measures adopted to improve his condition;
- (d) new restrictions, if any, imposed on the contents of letters written by him to his relations ?

**The Honourable Major Sir Sikander Hyat-Khan :** (a) A reference is invited to the reply given to question \*745<sup>1</sup> put by the honourable member for the Amritsar (Sikh) Women's Constituency in the last session.

(b) No. His health is very good.

(c) On admission 160 lbs.; now, 172 lbs.

(d) None.

**Sardar Hari Singh :** May I ask the Honourable Premier to state whether he made enquiries from the relatives of the prisoner or from the officials alone as to whether his relatives were dependent upon this prisoner ?

**Premier :** We made official enquiries independently.

**Sardar Hari Singh :** May I enquire whether a reference was made to his relatives ?

**Premier :** The enquiry could not be completed without a reference to the relatives.

**Sardar Partab Singh :** He has an aged father dependent upon him.

**Premier :** His aged father owns several squares of land.

**Sardar Partab Singh :** But land is not a profiteering business.

## PUNJAB UNIVERSITY PROFESSORS, READERS AND LECTURERS IN LAW.

**\*1744. Sardar Muhammad Hussain :** With reference to items 4, 10 and 12 in the statement attached to answer to question No. \*7 asked on the 17th June, 1987, will the Honourable Minister of Education be pleased to state whether the tribes to which each of the three gentlemen mentioned against these three items are notified as agriculturists in the districts from which they come, and, if not, the reasons for which these three gentlemen have been noted in that statement as belonging to notified agriculturist tribes ?

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

**\*1745. Cancelled.**

APPEAL, REVISION AND REVIEW CASES DECIDED BY FINANCIAL COMMISSIONERS.

**\*1746. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister for Revenue be pleased to state—

- (1) the total number of appeal, revision and review cases which came up for disposal and were decided by each of the gentlemen who have held the office of Financial Commissioners during each of the last three years and during the current year ;
- (2) the number of cases in part (1) of the question, in which—
  - (a) the case was thrown out *in limine* and without giving the party or his counsel an opportunity to be heard ;
  - (b) the case was thrown out *in limine* after giving the party or his counsel an opportunity to be heard, but without summoning the record ;
  - (c) the case was thrown out *in limine* after giving the party or his counsel an opportunity to be heard and after summoning the record ;
  - (d) the appeal, revision or review petition, as the case might be, was rejected after hearing the opposite party ;
  - (e) the appeal, revision or review petition, as the case might be, was accepted ;
- (3) the percentage of the cases in each of the sub-paragraphs of part (2) of this question to the total number of cases asked in part (1) of the question ?

**The Honourable Dr. Sir Sundar Singh Majithia :** Statements are laid on the table.

## Financial Commissioner, Revenue.

Period.	Name of officers.	Nature of cases for disposal.	Total number of cases for disposal.	Number of cases disposed of with percentage.	Without hearing with percentage.	Rejected		Total number of cases heard with percentage.	Total number of cases rejected with percentage.	Total number of cases accepted with percentage.	Cases returned referred, etc.	Total number of cases disposed of.
						Heard without record with percentage.	Heard with record with percentage.					
1	2	3	4	5	6	7	8	9	10	11	12	13
8 months	1935. Mr. A. Latif	Appeals	27	22 81%	4 19%	..	12 55%	12 55%	18 73%	6 27%	..	22
		Review	11	11 100%	4 36%	..	7 64%	7 64%	7 84%	..	..	11
		Revisions	265	182 69%	40 22%	..	79 43%	79 43%	119 66%	63 35%	16	182
		Appeals	17	11 65%	3 27%	..	7 64%	7 64%	10 91%	1 9%	1	11
3 months	Mr. A. Aziz	Review	10	8 80%	4 50%	..	4 50%	4 50%	8 100%	..	..	8
		Revisions	171	109 64%	20 18%	..	49 45%	49 45%	89 63%	40 37%	11	109

8 months	1936.	Mr. A. Latif	..	Appeals	91	82 90%	6 7%	6 7%	10 12%	16 19%	22 27%	60 73%	1	82
4 months	1936.	Mr. B. H. Dolson	..	Appeals	77	8 10%	4 50%	..	3 37%	3 37%	7 87%	1 12%	..	8
6 months	1937.	Mr. A. Latif	..	Appeals	31	20 65%	4 20%	5 25%	9 45%	14 70%	18 90%	2 10%	1	20
1 month	1937.	Mr. C. C. Garbett	..	Appeals	15	2 13%	..	..	2 100%	2 100%	2 100%	..	..	2
8 months	1937.	Mr. A. Latif	..	Review	29	25 93%	10 40%	5 20%	10 40%	15 60%	25 100%	..	..	25
4 months	1937.	Mr. B. H. Dolson	..	Revisions	179	117 65%	31 26%	..	63 54%	63 54%	94 80%	23 19%	11	117
6 months	1937.	Mr. A. Latif	..	Appeals	31	20 65%	4 20%	5 25%	9 45%	14 70%	18 90%	2 10%	1	20
1 month	1937.	Mr. C. C. Garbett	..	Review	7	1 14%	..	..	1 100%	1 100%	1 100%	..	..	1
8 months	1937.	Mr. A. Latif	..	Revisions	75	11 15%	7 63%	..	..	..	7 63%	1 9%	3	17

## Financial Commissioner, Revenue—concluded.

Period.	Name of Officers.	Nature of cases for disposal.	Total number of cases for disposal.	Number of cases disposed of with percentage.	Without hearing with percentage.	Rejected		Total number of cases heard with percentage.	Total number of cases rejected with percentage.	Total number of cases accepted with percentage.	Cases returned referred, etc.	Total number of cases disposed of.
						Heard without record percentage.	Heard with record with percentage.					
1	2	3	4	5	6	7	8	9	10	11	12	13
5 months	1937—concl'd.											
	Mr. B. H. Dobson ..	Appeals ..	28	13 46%	3 23%	..	7 53%	7 53%	10	3 23%	1	13
		Review ..	15	12 80%	10 83%	..	1	1 8%	11	1 8%	..	12
		Revisions ..	122	118 61%	30 25%	..	60 51%	60 51%	90	28 23%	15	118
1 month	1938.											
	Mr. B. H. Dobson ..	Appeals ..	48	8 17%	..	..	6 75%	6 75%	6	1 12%	1	8
		Review ..	11	8 73%	6 75%	..	2 25%	2 25%	8	..	..	8
		Revisions ..	79	21 27%	4 19%	..	11 52%	11 52%	15	5 24%	..	21



## FINANCIAL COMMISSIONER, DEVELOPMENT.

12 months	1935.	Mr. B. H. Dolson ..	Appeals	..	32	29 91%	4 14%	..	23 79%	23 79%	27 93%	2 7%	1	29
			Review	..	2	2 100%	1 50%	..	1 50%	1 50%	2 100%	..	..	2
			Revisions	..	55	47 86%	11 23%	..	24 51%	24 51%	35 75%	12 25%	4	47
12 months	1936.	Mr. M. L. Darling ..	Appeals	..	38	27 71%	2 7%	..	14 52%	14 52%	16 59%	11 41%	1	27
			Review	..	2	1 50%	1 50%	..	..	..	1 100%	..	..	1
			Revisions	..	94	66 70%	25 83%	..	30 45%	30 45%	55 83%	11 17%	2	66
10 months	1937.	Mr. M. L. Darling ..	Appeals	..	44	42 97%	10 24%	..	29 69%	29 69%	39 93%	3 7%	..	42
			Review	..	9	6 66%	6 100%	..	..	..	6 100%	..	..	6
			Revisions	..	62	55 88%	20 36%	..	18 33%	18 33%	38 69%	17 31%	8	55
2 months		Mr. C. C. Garbett ..	Appeals	..	21	7 33%	2 29%	..	3 43%	3 43%	5 71%	1 15%	1	7
			Review	..	3	1 33%	1 100%	..	..	..	1 100%	..	..	1
			Revisions	..	12	6 50%	1 17%	..	4 66%	4 66%	5 83%	..	1	6
1 month	1938.	Mr. C. C. Garbett ..	Appeals	..	15	1 7%	..	..	1 100%	1 100%	..	..	..	1
			Review	..	3	1 33%	..	..	..	..	..	..	..	1
			Revisions	..	9	3 33%	..	..	3 100%	3 100%	..	..	..	3

## SURVEILLANCE OF SARDAR BALWANT SINGH DUKHIA.

**\*1747. Sardar Hari Singh :** Will the Honourable Premier be pleased to state whether it is a fact that the Superintendent of Police, Hoshiarpur, has recently ordered surveillance of Sardar Balwant Singh Dukhia immediately on his acquittal by the Sessions Judge, Hoshiarpur, in case under section 302/115 ; if answer to the previous part be in the affirmative, reasons for the same ?

**The Honourable Major Sir Sikander Hyat-Khan :** It is not in the public interest to answer such questions.

## PERSONS ARRESTED ON POLITICAL GROUNDS.

**\*1748. Sardar Hari Singh :** Will the Honourable Premier be pleased to answer—

- (a) starred question No. 937<sup>1</sup> asked on the 14th January, 1938, with the ordinary dictionary meaning attached to the word 'political' occurring therein ;
- (b) the same question with the word 'political' wherever occurring left out ?

**The Honourable Major Sir Sikander Hyat-Khan :** (a) No, Government is not prepared to answer question \*937<sup>1</sup> as it stands. The criminal law of India does not recognise the terms 'arrests on political grounds' and 'political workers.'

(b) The attention of the honourable member is invited to the reply to question No. \*1249<sup>2</sup> asked by him. Since then two persons were committed to custody under section 2 and one was restricted and one externed under section 3 of the Punjab Criminal Law (Amendment) Act.

MELA RAM, SCHOOL TEACHER, PIPLANWALA, DISTRICT  
HOSHIARPUR.

**\*1749. Chaudhri Kartar Singh :** Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that one Mela Ram, school teacher, Piplanwala (Hoshiarpur), who had a fall from the roof in the month of October, 1937, was admitted as an in-door patient in the civil hospital, Hoshiarpur ;
- (b) whether it is a fact that the patient died on the third day of his admittance into the hospital ;
- (c) whether it is also a fact that soon after the death of Mela Ram the mother of the deceased was called by the civil surgeon from her house through one of his compounders ; and

<sup>1</sup>Vol. II, pages 292-93.

<sup>2</sup>Vol. II, page 601.

(d) whether it is or it is not a fact that the lady in question was given to understand that the paper on which her thumb-impression was taken was a recommendation for the grant of a stipend to her grandson from the District Board ;

(e) the action Government propose to take in the matter ?

**The Honourable Mian Abdul Haye :** (a) and (b) Yes.

(c) and (d) No.

(e) Does not arise.

#### PROHIBITION.

**\*1750. Sardar Hari Singh :** Will the Honourable Minister for Revenue be pleased to state whether the Government has considered the question of introducing prohibition in some parts of the province ; if the answer to the previous part be in the affirmative, with what result ?

**The Honourable Dr. Sir Sundar Singh Majithia :** The honourable member is referred to the answer given to question No. \*1655<sup>1</sup>.

**Sardar Hari Singh :** May I ask the Honourable Minister to state whether reports have not yet been received from the Deputy Commissioners ?

**Minister :** Not all of them. The reports have to go to the Commissioner and then come back to us through the Commissioner.

**Sardar Hari Singh :** May I ask the Honourable Minister to state the tendency of the reports ?

**Minister :** The tendency of the reports is very peculiar and particularly to the community to which my honourable friend belongs ?

**Sardar Hari Singh :** May I ask the Honourable Minister to state the attitude of the Government in regard to this matter on principle ?

**Minister :** Well, in due course the Government will take up the matter.

**Diwan Chaman Lall :** Was that the Honourable Minister's own opinion or was that suggested by the Premier ?

**Minister :** That is not my opinion but the opinion of the Cabinet as a whole.

**\*1751. Cancelled.**

#### ANSWERS TO QUESTIONS IN WHICH ALLEGATIONS ARE MADE AGAINST GOVERNMENT SERVANTS.

**\*1752. Sardar Hari Singh :** Will the Honourable Premier be pleased to state whether answers to questions in which allegations are made against Government servants are based on the explanation tendered by those concerned or whether instructions are issued for preparation of answers after independent inquiries ?

**The Honourable Major Sir Sikander Hyat-Khan :** The Head of the Department has to satisfy Government as to the facts and must adapt his procedure to the nature of the case.

### SHORT NOTICE QUESTIONS AND ANSWERS.

#### REPERCUSSION IN PUNJAB BY RELEASE OF POLITICAL PRISONERS IN THE NEIGHBOURING PROVINCES.

**1. Sardar Hari Singh :** Will the Honourable Premier be pleased to state whether there has been recently any exchange of communications between the Central Government and the Punjab Government—

(a) on the subject of the repercussions likely to be felt in the Punjab in case a certain class of prisoners were released in the neighbouring provinces ;

(b) on the question of consequences and implications likely to flow from the constitutional deadlock created by the resignation of ministries in the United Provinces and Behar ?

**The Honourable Major Sir Sikander Hyat-Khan :** The answer to both questions is in the negative.

**Lala Duni Chand :** Is it true that one of the hunger-strikers has died in Bengal and there are apprehensions that similar cases may occur in the Punjab ?

**Diwan Chaman Lall :** May I ask whether any consultations have taken place between the Cabinet as such and the Governor as such in regard to this matter ?

**Premier :** I am afraid it would be improper for me to disclose what happened in the Cabinet, but so far as this question is concerned it has not been considered.

**Diwan Chaman Lall :** May I ask whether the Honourable Premier's attention has been drawn to a statement issued on behalf of the Government of India in which some sort of reference has been made to the question of the prisoners in the Punjab being responsible for the deadlock created in Bihar and the United Provinces ?

**Premier :** No. I have not seen any such official statement.

**Diwan Chaman Lall :** Has the Honourable Premier not seen any statement in regard to this particular matter in the press ?

**Premier :** The only statement which I saw was the report of a speech made by Mr. Vallabhai Patel in which he pointedly mentioned the Punjab. I must say he took a very uncharitable view in coming to the conclusion.

**Diwan Chaman Lall :** May I take it that it is the considered opinion of the Cabinet in the Punjab that the question of the release of political prisoners in Bihar and the United Provinces is not likely to affect the situation in the Punjab adversely ?

**Premier :** I am afraid I cannot discuss policy, but so far as the present crisis is concerned I can assure the honourable member that my own personal view in the matter has not been considered in the Cabinet or by Government as such because there was no occasion for considering it. If on the present question my own opinion were sought it would certainly be in the negative—an emphatic no.

**Sardar Sohan Singh Josh :** Does the Honourable Premier know that the Honourable Mr. Pant, Premier of the United Provinces, stated at Haripur Congress in the subjects committee that this deadlock has taken place on account of the Punjab and Bengal Governments.

**Premier :** Sir, if somebody else jumps to any conclusion or gives an opinion, a pure fiction of his own mind, I cannot be held responsible.

**Diwan Chaman Lall :** May I ask the Honourable Premier to make the position perfectly clear that if the Governors of Bihar and the United Provinces ever mentioned to their Cabinets that the question of the release of their prisoners would affect the position in the Punjab, if ever a statement like that was made, would it be an incorrect statement?

**Premier :** How do I know what the Governors tell their respective Cabinets in Bihar and the United Provinces? So far as I am concerned no such consultation has taken place.

**Sardar Partab Singh :** Has the Honourable Premier read the statement of the Governor-General published in to-day's papers?

**Premier :** Yes.

**Sardar Partab Singh :** It refers to the Punjab and Bengal.

**Premier :** I am afraid the honourable member has not read the statement carefully; there is no mention of the Punjab.

**Lala Duni Chand :** In view of the fact that two ministries have resigned on the question of the release of 15 prisoners in one province and 26 in the other, would the Punjab Government be prepared to consider the question of the release of their prisoners?

**Diwan Chaman Lall :** May I ask the Premier whether his attention has been drawn to the following passage in the statement issued by the Governor-General this morning—

“To acquiesce in immediate and indiscriminate release of prisoners with records of violent crime would have been to strike a blow at the root of law and order in India; dangerously threaten peace and good Government and run a grave risk to peace and tranquillity; all the more so since this categorical demand took no account of the possible reactions of certain releases on the position elsewhere”—

elsewhere obviously meaning—Bengal and the Punjab?

**Mr. E. Few :** Is the honourable gentleman entitled to tell us that the word ‘elsewhere’ only applies to the Punjab and Bengal.

**Diwan Chaman Lall :** Before the Honourable Premier makes the position clear it will help him to answer the question that the word ‘elsewhere’ in the statement does not mean Honduras or America. (*An honourable member : Sind.*) That is why I am asking the Honourable Premier to make his position quite clear that this does not refer to the Punjab.

**Premier :** So far as this question is concerned, that view was expressed by the Governor-General and it is not for me to examine its correctness. As a matter of fact that view has been expressed by him, and naturally he used his special powers under the section of special responsibility. If my honourable friend would read that statement carefully, it will be quite clear that there is only one province specifically mentioned.

**Pandit Muni Lal Kalia :** May I take it that the view expressed by His Excellency the Viceroy is approved by the Punjab Government ?

**Premier :** I claim no competence to sit in judgment over the views expressed by His Excellency the Viceroy.

**Diwan Chaman Lal :** May I ask the Honourable Premier whether he would make it quite clear that the reference to other parts or " adjoining " provinces is not a reference to the Punjab and that the question of peace and tranquillity does not arise ?

**Premier :** I think that my honourable friend has probably not studied the statement carefully or I have not been able to make myself clear with regard to my reply to the original question. I have categorically denied that the Punjab Government was ever consulted in this matter. The Punjab, so far as this question is concerned, has had no concern in the matter. So far as the view expressed by the Governor-General is concerned, it is not for me to say anything. I have no communication with the Government of India on the subject.

#### RELEASE OF POLITICAL PRISONERS AND MENACE TO LAW AND ORDER.

**2. Sardar Hari Singh :** Will the Honourable Premier be pleased to state—

- (a) whether the Central Government recently made any reference to the Punjab Government enquiring if the release of prisoners of a certain category would constitute a menace to law and order in this province ; if so, the answer given by the Punjab Government ;
- (b) whether the Punjab Government has on its own initiative made any representation on the subject referred to in (a) above to the Government of India ; if so, the contents of the representation ?

**The Honourable Major Sir Sikander Hyat-Khan :** (a) and (b) The answer is in the negative.

**Sardar Hari Singh :** Will the Honourable Premier consider the question whether it would not be advisable for him to write to the Governor General in Council and the Governments of the United Provinces and Bihar to the effect that the Punjab Government does not stand in the way of release of political prisoners elsewhere ?

**Premier :** I am afraid that my honourable friend is expecting too much.

**Lala Duni Chand :** Will the Honourable Premier be prepared to make his position quite clear and state that in view of the attitude taken by other provinces, no stigma attaches to the Punjab Government ?

**Premier :** As the Premier of the Punjab no stigma attaches to me.

**Sardar Hari Singh :** What is the policy of the Punjab Government in regard to the release of prisoners ?

**Sardar Lal Singh :** Is the Honourable Premier prepared to make a statement that if prisoners in other provinces are released, the peace of this province will not be jeopardised ?

**Mr. Speaker :** That is a hypothetical question.

### MOTION FOR ADJOURNMENT.

#### BAN ON THE ENTRY OF PROFESSOR RANGA INTO THE PUNJAB.

**Sardar Hari Singh :** Sir, 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 order recently served by the Punjab Government on Professor Ranga, a prominent member of the Central Assembly and President, All-India Kisan Committee, prohibiting his entry without permission into the Punjab for one year, while he was on his way to Lahore to preside over the Bank and Insurance Employees' Conference.

**Mir Maqbool Mahmood** (Parliamentary Secretary) : Sir, I rise to object to the admissibility of this adjournment motion under standing orders now in force in regard to this matter. My objection is based on two grounds—firstly, that there has not been any departure from the ordinary administration of law ; and secondly, that questions of supply and discussion of the budget will provide more convenient time for discussing this matter. In this connection I beg to invite your attention to May's Parliamentary Practice. You will find on page 248 it is stated—

“ Motions have also been ruled out of order when it appeared that the administrative responsibility of the Government was not involved or that there had not been any departure from the ordinary administration of law.”

I would also like to draw your attention in particular to the debates of the House of Commons, Volume 156, page 1463, where the Speaker definitely held that—

“ The administrative action in this case has been taken under the statute passed by Parliament and therefore, there is no question that can arise to justify a motion for the adjournment of the House ”.

A similar occasion arose in this connection when, such a motion was not allowed because there was no departure from the ordinary administration of law (*vide* volume 194, page 168, 4th series of Parliamentary Debates).

**Sardar Hari Singh :** Sir, I rise to answer the objections raised by my honourable friend opposite. In the first place, I would submit that departure from the ordinary administration of law has not been fully understood by my friend who raised this objection. I would not have brought in this matter by means of an adjournment motion if Professor Ranga had entered the Punjab, made a speech and was arrested under section 124-A., or some other section and then I would have admitted that it was not a departure from the administration of law. But now in this case, the action has been taken under an emergency law.

[S. Hari Singh.]

In the second place, if I may refer to the House of Commons debate, volume 155, 5th series, page 205, you will find that there is a case on all fours with this case. On 13th June, 1922, one of the members, Mr. Holmes, got up in the House of Commons and asked for leave to discuss a definite matter of urgent public importance by means of adjournment of the House, i.e., the action of the Home Secretary in instituting an enquiry into the sanity of one Ronald True.

Then Mr. Speaker, a Mir Maqbool Mahmood of the House of Commons raised an objection on the ground that the Home Secretary had acted under section 2 (a) of the Criminal Lunatics Act of 1884. The Speaker of the House of Commons said "I put the question on quite another ground and that is whether the Home Secretary acted rightly under the powers entrusted to him." I do not question that the Government has used certain powers entrusted to it by law, but I do question the desirability of exercising those powers against such a prominent man whose presence in the province would not have been against public interest.

The second objection is postponeability of the discussion to supply stage. If that argument was to pass muster no adjournment motion would be allowed during a budget session. My honourable friend over there has referred to a certain page of May's Parliamentary Practice while I have studied all the references given in the footnotes and spent two days over the matter. If you study the footnote references as regards postponeability of matters to supply you will find that in every single case the Speaker has ruled out motions on the ground that the matter would be discussed the same night or the next day. On the 19th August, 1889, an Irish member of the House of Commons wanted to discuss a matter relating to the health of a prisoner in Ireland. The Speaker said, 'as the Irish Estimates are there on the agenda for to-night this may be discussed there.' Adjournment motions can be ruled out and discussion postponed to supply only if there is a reasonable probability of the matter being taken up very early, say the next day.

**Mr. Speaker :** Sardar Hari Singh has given notice 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 order recently served by the Punjab Government on Professor Ranga, a prominent member of the Central Assembly and President, All-India Kisan Committee, prohibiting his entry without permission into the Punjab for one year, while he was on his way to Lahore to preside over the Bank and Insurance Employees' Conference.

Has the honourable member leave of the House to move the adjournment motion ?

**Mir Maqbool Mahmood :** Sir, I object to leave being granted.

**Mr. Speaker :** Those members who are in favour of leave being granted may please rise in their seats.

*(More than 80 members stood up.)*

The honourable member has the leave of the House. The motion will be taken up at 11 A.M. to-morrow.



# RULES OF PROCEDURE.

**Mr. Speaker :** The House will now proceed to consider the Draft Rules.

**Sardar Hari Singh :** On a point of order, Sir. It is a very important point of order which requires your earnest consideration. As a result of the prorogation<sup>1</sup> I contend that all the proceedings so far taken on the Rules of Procedure have lapsed. I will give reasons. In the first place, these Draft Rules cannot by any stretch of imagination be considered to be a Bill under any section of the Government of India Act or under any rule or standing order of the *interim* rules. In the second place, all the rules stand together ; they are to be passed as one draft. In the third place, the rules that have already been considered have not been passed, they have been merely adopted. Now section 73 of the Government of India Act lays down—

A Bill pending in the Legislature of a Province shall not lapse by reason of the prorogation of the Chamber.

Then the *interim* standing order 4 expressly states—

All pending notices shall lapse.

and further—

Any Bill which has been introduced and any motion for the amendment of the standing orders, which has received the leave of Assembly, shall be carried over, to the pending list of business of the next session :

Now, Sir, the Draft Rules are neither Bill nor are they amendments to standing orders. They are quite new rules. Neither the Government of India Act nor the *interim* rules make any exception in the case of Draft Rules. They must lapse. In support of my contention I would like to draw the attention of the House to page 80 of *Campion* where it is laid down—

The effect of a prorogation is to pass a sponge over the parliamentary slate. All proceedings which have not been completed .....lapse. In the new session they have to start from the beginning without profiting from the progress made upon them in the previous session.

So we have to start afresh with the Draft Rules which are neither Bill nor amendments to standing orders.

**Mr. Speaker :** The honourable member's contention does not appear to be sound. The Standing Order cited and the passage quoted by him from *Campion's* book do not help him. So the House may proceed to consider the remaining draft rules. We should not be too technical.

**Mian Abdul Aziz :** Sir, on the last occasion we stopped at rule 61. The House was adjourned on that day and we have not considered rule 61 yet.

**Mr. Speaker :** Consideration of rules 50 and 61 was postponed, but the House did not decide when they will be taken up again. In any case, they will be taken up after the rules still to be considered are disposed of.

## Rule 67.

**Sardar Hari Singh :** Sir, I do not move my amendment No. 1<sup>1</sup>, because Pandit Shri Ram Sharma's amendment is better.

**Mr. Speaker :** Amendment No. 2<sup>2</sup>, standing in Pandit Shri Ram Sharma's name, is not in time.

<sup>1</sup>That in line 2 of sub-rule (2) (iii), between the words "offensive" and "expressions" the words "or unparliamentary" be inserted.

<sup>2</sup>That in sub-rule (2) (iii) line 2, for the word "offensive", the word "unparliamentary" be substituted.

**Sardar Hari Singh** (Kangra and Northern Hoshiarpur, Sikh, Rural) :  
I beg to move—

That at the end of part (vi) of sub-rule (2), the following words be added :—  
'or hold out threats to him'.

This is a very necessary amendment in view of the fact that we have had cases in which Ministers sitting on the Treasury benches have held out threats to the Opposition. (*A voice* : Question.) It was done, I think, in the very first session of the Assembly.

**Mr. Speaker** : The honourable member may discuss the position theoretically.

**Sardar Hari Singh** : If they had not questioned my statement, I would not have answered.

**Mr. Speaker** : The question is—

That at the end of part (vi) of sub-rule (2), the following words be added :—  
'or hold out threats to him'.

*The motion was lost.*

**Mr. Speaker** : The next amendment<sup>1</sup> in the name of Sardar Hari Singh is not in time. The question is—

That rule 67 be adopted.

*The motion was carried.*

#### Rule 68.

**Sardar Dasaundha Singh** (Deputy Speaker) : I beg to move—

That in line 1, the word 'private' be omitted and the following be added at the end :—  
*Exception* : This rule shall not apply to a speech by the Finance Minister in introducing the Budget or an important announcement or statement by a minister."

So far as this exception is concerned, it is necessitated by the following reasons.

**Diwan Chaman Lal** : On a point of order. I understood that you were ruling out certain amendments for want of notice. I take it that the notice of this amendment which my friend is moving was given two days ago. I suggest that you might be a little lenient to-day in regard to the time of the notice being given regarding these amendments and we might follow the rule strictly from to-morrow.

**Mr. Speaker** : I have no objection to accept the honourable member's suggestion if the House has none. Is there any objection ?

**Pandit Muni Lal Kalia** : I gave notice of some new amendments and fresh notice for some of the old ones which appeared in the seventh revised list. I did so by posting on the 20th February but they do not appear on the revised list before us.

<sup>1</sup>That at the end of sub-rule (2) the following be added :—

"(viii) refer to another member by name."

**Mir Maqbool Mahmood** (Parliamentary Secretary): Unless you have already given your ruling, my submission is that in the circular sent round to us it was stated that latitude in this matter will not be allowed, and if we knew that it was going to be lightly treated, we might have tabled certain amendments. Since your circular was there, we have been debarred from sending in notice of other amendments.

**Diwan Chaman Lall**: May I draw the attention of the House that you have already decided this matter? The matter has already been decided and the honourable member was apparently taking a little nap on his bench at the time.

**Mir Maqbool Mahmood**: May I submit that the matter has not been finally decided.

**Mr. Speaker**: If the House desires that the rule requiring two clear days' notice should be applied strictly, I will do so; otherwise I will exercise my discretion and relax it in suitable cases.

**Premier** (The Honourable Major Sir Sikandar Hyat-Khan): The circular letter sent by your office was actuated by the desire to expedite the business in connection with the rules and if you are now pleased to give way or relax that rigidity which you have yourself imposed in order to expedite the business of the House, I am afraid similar requests will be made to you to-morrow and there will be no end to them. So, I beg to submit that it would be only right if you adhere to your previous orders, so that we might be able to get through this business quickly and allow these rules to be passed within these three days allotted to that business, and we need not be governed by the rules and standing order which are in some cases anomalous. I am sorry the Leader of the Opposition is not here, but I appeal to the front benchers on the Opposition, my friends opposite, to co-operate with us wholeheartedly and expedite the passing of these rules. We can follow the practice which we started during the last two days of the last session, that is only to move the amendments and make no lengthy speeches. We have got only three days to get through this business.

**Mr. Speaker**: If that is the pleasure of the House I shall act accordingly. The amendment moved by the Deputy Speaker, not being in time, cannot be discussed. Sardar Hari Singh may now move his amendment.

**Sardar Hari Singh** (Kangra and Northern Hoshiarpur, Sikh, Rural): I beg to move—

That in line 1, the word 'private' be deleted.

**Mr. Speaker**: Rule under consideration, amendment moved is—

That in line 1, the word 'private' be deleted.

**Diwan Chaman Lall**: Mr. Speaker, on a point of order, may I draw your attention to the point that was earlier raised by my honourable friend, Sardar Hari Singh? If prorogation had not already passed a sponge on the slate regarding rules, it had not necessarily passed a sponge on the slate regarding any amendments and if any amendment was given notice of then and it relates to the rules not disposed of, it still holds good without further notice. I therefore submit that the amendments of which notice was given last session should also be held to be in order for this session.

**Mr. Speaker**: I would like to consult the House.

**Diwan Chaman Lall :** I submit that it is a point for decision by the Speaker and not by the House, because the Speaker has ruled that the sponge does not wipe off the notice given regarding the rules previously, that is, for the previous session. If no further notice is required regarding the draft rules, I cannot see how a further notice should be required regarding the amendments. The position has quite clearly been stated by you when you pointed out to my honourable friend, Sardar Hari Singh, that we should not stand on technicalities. If that position is correct, and no fresh notice is required in regard to the rules, then I fail to notice why fresh notice should be required *qua* the amendments to these rules, notice of which was given in the last session. [If these draft rules are valid, amendments to these rules of which notice was given in the last session are also valid for discussion on the floor of this House in this session.]

**Mr. Speaker :** The notice of a motion is spent and finished when the motion is moved according to the rules and standing orders in force. Therefore, the notice of the motion that the draft rules be taken into consideration was spent and finished when it was moved and passed by the House ; and a notice which has ceased to exist, cannot lapse. On the other hand, the notices of amendments, which were not moved, remained in existence and lapsed on prorogation, under Standing Order 4. There is nothing in the Standing Order to show that the draft rules adopted by the House in pursuance of a motion passed by it, have also lapsed. Consequently, the draft rules, already passed or adopted, have not lapsed on prorogation. What has lapsed are the notices of amendments which were still to be moved. Such amendments as were moved and passed cannot lapse.

**Pandit Muni Lal Kalia :** Those amendments were published in the 7th revised list last time.

**Diwan Chaman Lall :** It cannot be held that this is a Bill.

**Mr. Speaker :** The Secretary informs me that he expressly said in his letter that all notices of amendments given previously had lapsed and that they should be renewed. So, if despite that letter the honourable members did not care to renew notices of amendments, they have to thank themselves.

**Diwan Chaman Lall :** On a point of information, may I enquire whether the Secretary also sent a notice similar in nature, to the Treasury benches, telling them that the rules of which notice had been given on the floor of this House, lapsed, and fresh notice would be required for the next session in view of the prorogation ? Did the Secretary send a notice of that nature to them ?

**Mr. Speaker :** Yes. The letter was sent to every member of the House.

**Diwan Chaman Lall :** My point is this. This position arises under section 73 of the Government of India Act and our Standing Order 4. Under that any pending business that remains is wiped out, subject to the special provisions with regard to Bills. A Bill may originate in either chamber. "A Bill pending in the Legislature of a Province shall not lapse by reason of the prorogation of the Chamber or Chambers thereof." Now by no stretch of imagination can these draft rules before the House which are merely the report of a committee set up by you, Mr. Speaker, be considered to be a

Bill. "A Bill pending in the Legislative Council of a Province which has not been passed by the Legislative Assembly shall not lapse on a dissolution of the Assembly. A Bill which is pending in the Legislative Assembly of a province, or which having been passed by the Legislative Assembly is pending in the Legislative Council, shall lapse on a dissolution of the Assembly."

Let us read this with Standing Order No. 4 which you will find on page 12 of the Punjab Legislative Assembly Rules and Standing Orders.

"4. On the termination of a session—

(1) all pending notices shall lapse :

Provided that, when a question entered in the list of questions for the day has been called and put and the final reply is not ready either on that day or before the close of the session in time for the final reply to be given during the session, the question and its reply will be entered without further notice in the list of questions for the next session :

Provided further that, if the Assembly is dissolved at the close of the session at which the question is put, the question shall lapse ;

(2) any Bill which has been introduced and any motion for the amendment of the standing orders, which has received the leave of Assembly, shall be carried over to the pending list of business of the next session ;

I take it to-day is the beginning of a new session and the old session has terminated. Then there is the proviso to sub-rule (2) of Rule 4—

Provided that, if the member in charge of a Bill makes no motion in regard to the same during the next two sessions, the Bill shall lapse unless the Assembly, on a motion by that member in the next session, makes a special order for the continuance of the Bill."

The position is perfectly clear with regard to the Standing Order. All pending notices lapse. Are all the draft rules which we are now considering to-day such as have been introduced by a due notice given? I submit that no business can be considered on the floor of this House without a notice being given regarding that particular business and no notice having been given of the draft rules, those draft rules have now lapsed because of prorogation and since the pending notice of the draft rules has lapsed, because of prorogation, may I take it..... I hear the Secretary remarking "which pending notice." Is there any business before this Assembly which can come up without any notice? What is a notice? Notice is on behalf of a committee or by a member on behalf of himself or on behalf of the Government. One can get up and say, I move such and such a thing. Who is moving such and such a thing? In the matter of these draft rules the Honourable Deputy Speaker is moving the draft rules. Notices have been given through him that he is going to move these draft rules. That is the notice. What else is notice? I fail to understand whether there is something mysterious or mystic about the meaning of the word 'notice.' There can be nothing mysterious about the meaning of the word 'notice.' I submit in regard to these draft rules that since notice has to be given of business, notice of these draft rules has lapsed because of prorogation.

**Mr. Speaker :** More than half of the rules which were proposed to be considered were discussed and adopted. Only less than half of the draft rules remain to be considered.

**Diwan Chaman Lal :** Rules happen to be 149 in number besides the schedule. When notice is given for a particular rule, it cannot be considered.

[Diwan Chaman Lall.]

to have been given for a whole document. It cannot be given because if that were so, even the heading given namely, Draft Rules regulating the Procedure and Conduct of Business of the Punjab Assembly, would come in. That is not part of the notice. Notice is given *qua* each individual rule. The House of Commons procedure is that every standing order must stand by itself and must be considered by itself and notice of any amendment cannot be given *ad hoc*. Notice must be given separately and amendment moved separately and must not be considered *ad hoc*. All that I am suggesting is that in view of these facts a little latitude might be granted. It is within your power to utilise your discretion in accepting any particular amendment whether due notice of two days has been given or not given.

**Premier :** With regard to the technical quibble about notice, may I remind you that so far as this particular matter is concerned notice was given to the effect that rules will be taken up for consideration on a certain date or dates and I dare say that the Assembly Secretariat has circulated that programme to all the honourable members. If notice is at all necessary that should be quite a sufficient notice for technical purposes. My honourable friend was referring to section 73 of the Government of India Act but that relates to legislative procedure, introduction of Bills, etc.

**Minister for Finance :** On a notice on behalf of the Deputy Speaker that the draft rules be taken into consideration, this House considered that motion and actually passed that the rules be taken into consideration and that consideration is proceeding. There can be no question now of a notice *qua* that matter. The House has passed the motion and we are merely carrying into effect what the House has decided. Reference was made to section 73 of the Government of India Act. It says that "a Bill pending in the legislature of a province shall not lapse by reason of the prorogation of the chamber or chambers thereof." It does not say that everything else must necessarily lapse, even though the matter may be important to the functioning of the House itself such as that of the framing of its own Rules of Procedure under section 84. I take it that the House is perfectly competent to proceed with the consideration of these draft rules because of the virtue of section 84 in the face of which no mere technical quibble will stand. When we pass from the Government of India Act to our own standing orders, there the words are perfectly clear, *i.e.*; "all pending notices shall lapse." We are not confronted in considering these rules with any pending notice whatever. We are carrying forward a decision of this House which can by no stretch of language be regarded as proceeding with a pending notice which could suffer a lapse because of prorogation. The two things are entirely different. We are no longer at any notice stage. Nor can it be argued that because we are in this matter in a position to continue the consideration of a rule on a motion which was duly passed by the House, we must similarly for that very reason consider every notice, that was given prior to prorogation, as being still alive. The two things are not at all on the same basis. So, I do not see that standing order No. 4 in any way affects the consideration of the draft rules. As a matter of fact it has already been ruled from the chair that we can proceed with their consideration. I think this is the short but ample answer. Honourable members have had every opportunity to renew those notices for their proposed amendments to rules. They did not renew

those notices. In the absence of renewal, the effect of prorogation on the previous session's notice is that the contemplated amendments can no longer be considered.

**Sardar Lal Singh :** I submit that in the first place these standing orders do not contemplate at all the consideration of these rules that we are now considering. To be brief, the standing order which states that all pending notices shall lapse, refers only to notices of questions and notices of resolutions, so that business of the House may not accumulate unnecessarily. While these rules that we are framing are under consideration, I submit that the words "all notices shall lapse" do not refer to notices of these rules which are continuously under consideration. That would be no accumulation of work of this Assembly if those amendments which were in order and which were admitted, would be as continuously considered as the other rules because they form a part of the rules themselves. Therefore, I submit that the words "all notices shall lapse" do not at all apply to the question under consideration.

**Lala Duni Chand :** May I invite your attention to an important fact and it is this—though it will not be a legal excuse—that we were away for ten or twelve days. A large number of amendments were sent in but these amendments are not to be found on the agenda. The impression was that no fresh notice was necessary for those amendments. As we were away and these amendments had already been sent, I think some concession should be shown to us.

**Pandit Muni Lal Kalia :** There is one point for consideration. The present session should be regarded as continuation of the last session in view of the fact that the prorogation by His Excellency was strictly not prorogation as it is understood in parliamentary language. In the present case it was only announced by His Excellency that the Assembly was prorogued, but no date for the next meeting was fixed at the time of prorogation. This session should, therefore, be regarded as continuation of the last session and for that reason notices for amendments already given should be taken as valid and no fresh notice be required.

**Mr. Speaker :** I am thankful to the House for the interesting debate on the point of order, whether the notices of amendments to draft rules, which were given by the honourable members during the last session, have lapsed as the result of prorogation of the Assembly, or whether they can be still considered in existence and valid.

As to the ingenious argument, advanced by Pandit Muni Lal Kalia that the prorogation was not quite legal and that, therefore, we should not consider the notices of amendments as lapsed, I need only say that prorogation is made by the Governor in exercise of his discretion and that, therefore, its legality cannot be questioned.

As regards the standing order 4 on which reliance is placed by some honourable members, I wish to invite their attention to clause (2) of the order. In the words of the order, "any motion for the amendment of the standing orders which has received the leave of Assembly, shall be carried over to the pending list of business of the next session." The rules, which the House is considering, are, to all intents and purposes, amendments to the *interim* standing orders and rules. Therefore, the motion

[Mr. Speaker.]

for their consideration, which had received the leave of the House, is automatically taken to the list of business of the new session, which begins from to-day. Further, the set of draft rules under consideration is like a Bill, and the individual rules are like its clauses; while the whole set of rules is like a Bill. So, by that analogy also they are brought over to the pending list of business of the new session.

As to the request about amendments of which notices are late, I think the matter deserves a sympathetic consideration; especially when some honourable members say that they were away from their homes and did not receive the Secretary's letter in time and, consequently, were not able to renew their notices. But I leave it to the House to decide whether the late notices should be admitted or not.

**Malik Barkat Ali :** Through you, Sir, I would invite the attention of the House to the exceptions mentioned in sub-clause (2) of standing order No. 4. The sub-clause says :—

"Any Bill which has been introduced and any motion for the amendment of the standing orders, which has received the leave of the Assembly, shall be carried over to the pending list of business of that next session ;"

To my mind these are the only exceptions to the rule that all pending notices shall lapse. Strictly speaking, the amendment notice of which was given at the time of the last session do lapse under this standing order. My submission is that if this is the law, then the law should be adhered to, so that we may definitely know the course of action in future.

4 P.M.

**Mr. Speaker :** Is that the sense of the House ?

(Voices : No, no, and Yes, yes.)

The majority appears to be in favour of the view that we should entertain only those amendments of which notices were renewed in time. The question is—

That in line 1, the word, "private" be deleted.

The Assembly divided : Ayes 33 : Noes 74.

AYES.

Abdul Aziz, Mian.  
Ajit Singh, Sardar.  
Barkat Ali, Malik.  
Bhagat Ram Choda, Lala.  
Bhim Sen Sachar, Lala.  
Chanan Singh, Sardar.  
Duni Chand, Lala.  
Duni Chand, Mrs.  
Gauga, Mr. K. L.  
Ghulam Hussain, Khawaja.  
Gokul Chand Narang, Dr. Sir.  
Hari Lal, Munshi.  
Hari Singh, Sardar.  
Harjab Singh, Sardar.  
Kabul Singh, Master.  
Kapoor Singh, Sardar.  
Kartar Singh, Chaudhri.

Kartar Singh, Sardar.  
Kishan Singh, Sardar.  
Lal Singh, Sardar.  
Muhammad Hassan, Chaudhri.  
Muhammad Iftikhar-ud-Din, Mian.  
Muni Lal Kalia, Pandit.  
Partab Singh, Sardar.  
Raghubir Kaur, Shrimati.  
Ram Narain Virmani, Seth.  
Rur Singh, Sardar.  
Saif-ud-Din Kitchlew, Dr.  
Sampuran Singh, Sardar.  
Sant Ram Seth, Dr.  
Shri Ram Sharma, Pandit.  
Sohan Singh Josh, Sardar.  
Sudarshan, Lala.



NOES.

Abdul Haye, The Honourable Mian.  
 Abdul Rahim, Chaudhri (Gurgaon).  
 Afzaalali Hasnie, Sayed.  
 Ahmad Yar Khan Daulatana, Khan Bahadur Mian.  
 Amjad Ali Shah, Sayed.  
 Anant Ram, Chaudhri.  
 Balbir Singh, Rao Bahadur Captain Rao.  
 Balwant Singh, Sardar.  
 Chhotu Ram, The Honourable Chaudhri Sir.  
 Dasaundha Singh, Sardar.  
 Faiz Muhammad, Shaikh.  
 Faqir Chand, Chaudhri.  
 Faqir Hussain Khan, Chaudhri.  
 Farman Ali Khan, Subedar-Major Raja.  
 Fateh Jang Singh, 2nd-Lieut. Bhai.  
 Fateh Khan, Raja.  
 Fateh Sher Khan, Malik.  
 Fazal Din, Khan Sahib Chaudhri.  
 Fazal Karim Bakhsh, Mian.  
 Few, Mr. E.  
 Ghazanfar Ali Khan, Raja.  
 Ghulam Mohy-ud-Din, Maulvi.  
 Ghulam Samad, Khawaja.  
 Gopal Das, Rai Sahib Lala.  
 Gopal Singh (American), Sardar.  
 Gurbachan Singh, Sardar Sahib Sardar.  
 Habib Ullah Khan, Malik.  
 Hans Raj, Bhagat.  
 Jagjit Singh Man, Sardar.  
 Jagjit Singh Bedi, Tikka.  
 Jahangir Khan, Chaudhri.  
 Jalal-ud-Din Amber, Chaudhri.  
 Khizar Hayat Khan Tiwana, The Honourable Nawabzada Major.  
 Manohar Lal, The Honourable Mr.  
 Maqbool Mahmood, Mir.  
 Mubarak Ali Shah, Sayed.  
 Muhammad Ashraf, Chaudhri.  
 Muhammad Azam Khan, Sardar.  
 Muhammad Hassan, Khan Bahadur Makhdum Sayed.

Muhammad Hussain, Chaudhri.  
 Muhammad Nurullah, Mian.  
 Muhammad Saadat Ali Khan, Khan Sahib Khan.  
 Muhammad Sarfraz Khan, Chaudhri.  
 Muhammad Wilayat Hussain Jee-lani, Makhdumzada Haji Sayed.  
 Mukand Lal Puri, Rai Bahadur Mr.  
 Mushtaq Ahmad Gurmani, Khan Bahadur Mian.  
 Muzaffar Khan, Khan Bahadur Nawab.  
 Narendra Nath, Diwan Bahadur Raja.  
 Nasir-ud-Din, Chaudhri.  
 Nawazish Ali Shah, Sayed.  
 Nur Ahmad Khan, Khan Sahib Mian.  
 Pir Muhammad, Khan Sahib Chaudhri.  
 Pritam Singh Siddhu, Sardar.  
 Ram Sarup, Chaudhri.  
 Ranpat, Chaudhri.  
 Rashida Latif Baji, Begum.  
 Riasat Ali, Khan Bahadur Chaudhri.  
 Ripudaman Singh, Thakur.  
 Roberts, Professor W.  
 Sahib Dad Khan, Khan Sahib Chaudhri.  
 Shahadat Khan, Khan Sahib Rai.  
 Shah Nawaz, Mrs. J. A.  
 Shah Nawaz Khan, Nawab Khan.  
 Sham Lal, Rai Bahadur Chaudhri.  
 Sikander Hyat-Khan, The Honourable Major Sir.  
 Singha, Mr. S. P.  
 Sita Ram, Lala.  
 Sultan Mahmood Hotiana, Mian.  
 Sumer Singh, Chaudhri.  
 Sunder Singh Majithia, The Honourable Dr. Sir.  
 Suraj Mal, Chaudhri.  
 Tara Singh, Sardar.  
 Tikka Ram, Chaudhri.  
 Ujjal Singh, Sardar Sahib Sardar.

**Mr. Speaker :** The question is—

That rule 68 be adopted.

*The motion was carried.*

*Rule 69.*

**Sardar Hari Singh** (Kangra and Northern Hoshiarpur, Sikh, Rural) :  
Sir, I beg to move—

That the proviso in lines 6—9 be deleted.

Rule 69 says that if a minister quotes in the Assembly a public or other state document which has not been presented to the Assembly he shall lay such document on the table, and the proviso, is to the effect that if a minister alleges that the document is of such a nature that its production would be inconsistent with public interest he may decline to so place it before the House. I want to delete the proviso because unless the document is before the House, the House may be misled by a quotation read away from the context. The true meaning of a quotation can be understood fully if the quotation is read in the proper context and unless the House is in possession of the document from which the quotation is given, the House will not be able to know the exact import of the quotation. I admit no doubt that in the House of Commons the ministers are allowed to say that such and such a document cannot be laid on the table because it is not in the public interest, but there such cases are very rare. Discussing this question on page 170 Campion says—

The conclusion from these divergent considerations is that papers which cannot be laid *in toto* should not be read or quoted in extracts.

That is what we want our ministers to do. They are new to parliamentary duties. The sense of responsibility with which the ministers can play their part has yet to be developed in our ministry and so long as the position is what it is at present we would like that the minister quoting a document should lay it on the table. If he cannot do so, he should not quote it at all.

**Mr. Speaker :** Rule under consideration, amendment moved is—

That the proviso in lines 6—9 be deleted.

**Sardar Dasaundha Singh** (Deputy Speaker) : This is a salutary provision which is acted upon even in law courts. It is consistent with the parliamentary practice. In May on page 329 it is stated—

It has also been admitted that a document which has been cited ought to be laid upon the table of the House, if it can be done without injury to the public interest.

If the document discloses a secret which it is necessary to keep concealed in the interest of the public, then it is essential that the document should not be laid on the table, and it is for this reason that this proviso has been added.

**Pandit Muni Lal Kalia** (Ludhiana and Ferozepore, General, Rural) : The argument given by the honourable the Deputy Speaker is that this is a very salutary provision and is also observed in courts, and that it is in the interests of good administration that such information should be withheld. I have only to bring to the notice of this House and also to the notice of the honourable the Deputy Speaker that there is a difference between a legislative body and the courts. In the case of the courts they have only to interpret the law as it is given in the book but in the other case we have to discuss the *pros* and *cons*, the merits and the demerits of a certain enactment and for that purpose it is not at all desirable that a section of the House

should be deprived of appreciating the position taken by the other side, simply on the pretext that it is not in the "public interest" that the matter should be laid on the table or the document should be referred to or that the information should be given. It is an unfortunate experience which we daily have here on the floor of this House that on very important matters and sometimes matters which concern the life of the people, which concern the progress of the people, which concern the conditions of the people, which concern, as a matter of fact the existence of the people, on such matters sometimes the Ministers on the other side get up and say that it is in the public interest that the information should not be laid on the table.

My submission is that if the House is deprived of this right of knowing the exact position or the view which the Government benches take of a certain measure, it is no use at all of having a lengthy discussion or even of putting questions. We daily see here that a lot of questions are put and the answer is simply evasive; it is evaded by the formal reply that it is not in the public interest to answer. I fail to understand what is that public interest which the members of this House cannot understand or cannot be taken into confidence or be made aware of, unless the public interest is a thing which is only important to certain sections of the House or only to the Treasury benches. If it is an interest which is public, it must be an interest in which the public is interested, it is an interest about which the public wants to know. It is not a private interest, it is not a reason of state or it is not a military or other policy of the Government. After all what can be the public interest in the case of our Government where it is ridden by so many special responsibilities, so many matters which are within the discretion or in the individual judgment of the Governor? Let public interest be confined to these matters of special responsibilities or other provisions of the Government of India Act which this House has not the privilege to discuss. With the already limited rights which this House has got under the Government of India Act, it is not proper for the Treasury benches to further deprive us of this right, very small or meagre right which we possess.

**Sardar Sohan Singh Josh** (Amritsar North, Sikh, Rural) (*Punjab*): Sir, the only criterion to judge whether a government is good or bad, is to see as to what extent the Government takes the public into its confidence. Honourable members of this House are aware of the stereotyped answers "not in public interest" daily given by the honourable ministers in reply to our questions. They refuse to lay certain documents from which they quote on the table of the Assembly on the plea that it would be against public interest to lay them there. But my submission is that if the amendment proposed by my honourable friend is accepted it would strengthen the hands of the Government inasmuch as they would be able to disclose such facts or lay such documents on the table of the House as will create greater confidence in the public at large. Besides, it has been stated before the House that acceptance of the amendment in question would create difficulties for the Government. I may be permitted to submit that so long as the Government do not take the public into their confidence, difficulties would continue to obstruct their way. I, therefore, strongly support the amendment under consideration and commend it to the House for acceptance.

**Lala Duni Chand** (Ambala and Simla, General, Rural) : I rise to support the amendment moved by Sardar Hari Singh. If this proviso is retained it will perhaps be abused. It is said that the rule in regard to production of documents in courts is different, but there is one safeguard which does not exist here. The safeguard there is that the judge has got the right to inspect and read the document and after that inspection he can decide whether it is privileged document or not. Very often the production of the document will be consistent with public interest ; but it might be said that it is inconsistent. How are we to know it ? Do we not know that many times in this House it is said that the disclosure of such and such a thing or the supply of such and such information is contrary to public interest ? This proviso places power in particular hands, in interested hands, hands not likely to serve public interest. I can well understand if the power given by the proviso is placed in absolutely good hands ; perhaps then the objection will not be so much. But I know that these people who are called upon to produce certain documents, to disclose the contents of certain documents, are often interested people. They do not want to produce them. In some cases if they produce the documents they will themselves be placed in an awkward or inconvenient position. We know every day that honourable members find themselves in an awkward position and they try to wriggle out of it. That is the experience of every day. We do not want to give them a position under which they can take shelter. For these reasons I strongly support the amendment.

**Sardar Sampuran Singh** (Lyallpur West, Sikh, Rural) : Sir, I rise to support this amendment. As a matter of fact no argument has so far been advanced to oppose it.

**Mir Maqbool Mahmood** : Because we have not been called upon to speak ; because we have not caught the Speaker's eye.

**Sardar Sampuran Singh** : We know you have no arguments. The sponsor of these rules (the Deputy Speaker) has already replied and he has stated two things. He said that the principle is a wholesome one, nay he used the word "salutary," and that this is acted upon in law courts. About its being salutary I cannot see eye to eye with him, because I do not believe in any under-hand tactics. And so far as the courts acting upon it is concerned, it is totally wrong. I am afraid he is confusing two parts of this rule. With regard to the first portion, up to the first six lines, I confess, it is salutary and certainly this is acted upon by the courts ; i.e., if a person quotes from a document he has to put that document before the court so that the counsel on the opposite side might cross-examine the witness on that document. But there are certain documents which are referred to and perhaps depended upon by the prosecution in the courts which are considered to be privileged documents. I refer to police diaries. But another wholesome or salutary principle is established in law courts, that when a person refreshes his memory from the police diaries, the other side has the right to examine him on that diary and he has to put it in the court.

The learned Deputy Speaker seems to doubt this statement. If he has read up-to-date law on these police reports and diaries he would know that when a police officer refreshes his memory from the police diaries the counsel

on the other side has the right to cross-examine him on it. If he had remembered this principle, which is observed in the law courts, I think he would never have said this was the law. Moreover, if any minister thinks that the document which he is going to refer to or quote from is a confidential document, he need not quote from it at all. He can give information from that document or advance an argument on the basis of that document and call it only an information from himself. Why should he mention the source of his information at all. He wants to strengthen his hands by taking support from such documents but he does not want to allow the other side even to examine the documents. This is hardly a chivalrous way of doing things. You want to derive advantage and strength from a certain document and do not even allow the other side to examine your arms.

**Mir Maqbool Mahmood** (Parliamentary Secretary) : There appears to be a great deal of misunderstanding as to the purpose of this rule. Arguments which have been advanced on the other side have mainly centred round the suggestion that a similar safeguard is provided with regard to documents produced in courts. With due deference to what they said, I submit that that argument is irrelevant for our purposes. All we are concerned with is whether the rule, as drafted, is fair, whether it has the sanction of legislative experience and the governmental experience of other democratic countries, and, if so, whether there is any objection to its being provided in our present rules. With regard to the propriety of the rule, you will find that the wording of the rule is—

"If a Minister quotes in the Assembly a public or other state document which has not been presented to the Assembly he shall lay such document on the table, provided that if he alleges that the document is of such a nature that its production would be inconsistent with public interest he may decline to so place it".

This is a plain and straightforward rule of convenience. I submit that it is not only the courts that give similar protection to privileged documents, but you will find that in the House of Commons after years of administrative and governmental experience, they have come exactly to the same conclusion and you will find definitely laid down on page 329 of May's Parliamentary Practice that documents may be laid on the table if it can be done without injury to public interest. I submit that all the arguments that have been advanced on the other side are based on the mistrust of the ministers. I, standing here, must repudiate any insinuation of that sort. I claim that whosoever be the minister on this side of the house—it may be we or anybody else—the Government of the day has to be run by a certain amount of trust by the chosen people and so long as members sitting on the Treasury benches have behind them representatives and the public opinion of the province, we are entitled to be given the fullest trust and confidence and if they find that the ministry is abusing those powers for which we have no justification, it is open for them to come and say that they feel that discretion is not rightly exercised. I submit that it is not fair to make remarks of this nature which are uncontroversial and based on vague generalities. Supposing a debate is initiated on the floor of this House on an important matter and at the spur of the moment a question is raised or an argument advanced which has to be met by a minister on reference to a very confidential document—it may be that in that document information has been given with regard to terrorism or any very important event about which he cannot very well disclose the name of the informer who has given that

[Mir Maqbool Mahmood.]

information. Do you expect that he should lay that information on the table of the House against his oath of secrecy? If not, I submit the only logical conclusion is that we should trust the minister and if the ministers abuse their powers, it is open for the opposition to tell them so and move a censure motion. We are all here in a joint partnership to evolve rules which will conduce to good government of the country. We may differ on policy, etc., but so far as the main items and the basis of the running of the Government are concerned I am sure that we shall all combine together so as to follow conventions which have behind them the sanctity and the support of democratic institutions of most advanced countries of the world.

**Sardar Lal Singh** (Ludhiana Central, Sikh, Rural): I support this amendment for one or two very strong reasons. In the first place there is a convention behind such a provision that the excuse of "not being in public interest" should be very rarely trotted out. Our experience has been that this has been an every day occurrence with our ministers and their secretaries.

**Mr. Speaker:** The honourable member is repeating the argument already advanced.

**Sardar Lal Singh:** I am sorry. In the second place I submit that we are entering upon a new era. We have broken away from the past bureaucratic methods. The archives of that bureaucracy are full of one-sided and ill-considered reports containing findings highly prejudicial to the people of this country. Those reports and documents stand discredited by the new form of Government and it would be very unwise if such a big loophole is given to our ministers to trot out those state documents and put them here before us and make those documents an excuse and say that it would not be in the public interest to do this or to do that. In reply to Mir Maqbool Mahmood's argument that there are sometimes very secret documents, I submit that those secret documents which cannot see the light of the day—which cannot stand exposure—should not at all be relied upon. That is why we support the amendment and entering as we are on an era of new experience and new constitution, I submit that those so-called salutary provisions should not at all be given in the hands of inexperienced ministers.

**Diwan Chaman Lall** (East Punjab, non-Union Labour): I did not intend to intervene in this debate but for what actually happened this morning. I believe it was on two occasions that the reply was received by the Opposition from the Treasury benches that it was not in the public interest to disclose a certain secret. When in ordinary matters of day to day administration which cannot possibly affect the safety of the State or the dignity of the Treasury benches, replies are given to us that in the public interest it is not possible for honourable members to disclose certain information—and what sort of information; information on questions of this kind namely; did a particular Government send a communication to this Government or did this Government send a particular communication to another Government—then the apprehension arises in our minds that such wide powers as are contained in the proviso ought not to be placed

in the hands of the Government of the day as it is constituted. The question does not seek information contained in a particular document with which honourable members of the Treasury benches have dealt. We do not want disclosure of any information from those documents. All we want is knowledge of the fact whether a particular document has or has not been sent by this Government to any other Government and we are told that the interest of the State would suffer if an admission of this nature were to be made by the Treasury benches. The ridiculous depths to which it is possible for certain people to descend in taking cover under that phrase "public interest" raises the fear in our minds that if this power is handed over to honourable members opposite, it would lead to nothing but abuse as it has led to abuse at the present moment.

Mr. Maqbool Mahmood referred to the practice in the House of Commons and said that this particular provision is to be found in the rules of procedure governing the business of the House of Commons.

**Mir Maqbool Mahmood :** What I said was this : the practice in the House of Commons as given on page 329 of May's Parliamentary Practice, was that a document which has been cited ought to be placed on the table of the House if it can be done without injury to public interests.

**Diwan Chaman Lall :** My honourable friend, if he had been a little patient, would have known that I am not misquoting him. I do not mean standing orders but the rules governing the procedure of the House of Commons. What is it that the honourable member quoted. He quoted from page 329 forgetting the existence of page 328. He has not given us the actual meaning and significance of the phrase appearing on page 328. It says—

Another rule or principle of debate may be here added—

That is why I mentioned 'rule' when my honourable friend interrupted me unnecessarily. That is the word used by May, the great pandit under whose authority my honourable friend lives constitutionally. It says—

Another rule or principle of debate, may be here added. A Minister of the Crown is not at liberty to read or quote from a despatch or other state paper not before the House unless he be prepared to lay it upon the table.

This rule is actually in practice. Further it says—

This restraint is similar to the rule of evidence in courts of law, which prevents a counsel from citing documents which have not been produced in evidence. The principle is so reasonable that it has not been contested.

My honourable friend did not read that. Then it says—

And when the objection has been made in time, it has been generally acquiesced in.

Mir Maqbool Mahmood did not realise the significance of what he stated. The significance of the footnote on page 329 is that it was a private individual who was debarred from reading certain state papers on the floor of the House and who in spite of the decision of the House continued reading extracts from those particular papers and that is why he was not allowed to read them. The House resolved that he should not read them. He was a private individual.

[Diwan Chaman Lal.]

Now let me again refresh my honourable friend's memory. Through the courtesy of the Secretary Sardar Bahadur Sardar Abnasha Singh, I draw his attention to page 142 of the Manual of Procedure of the House of Commons. Rule 15 says—

If a Minister of the Crown quotes in the House a despatch or other state paper which has not been presented to the House, he ought to lay it on the table. This rule is analogous to the rule observed in courts of law against quoting documents which are not produced in evidence. It may not apply to private documents or to documents which are alleged by the minister to be of such a nature that their production would be inconsistent with public interest.

Now what are these documents. The distinction I was drawing was a distinction of this nature, namely a document from one department to another regarding some confidential matter. That particular document will not be quoted on the floor of the House and will not be placed on the table of the House; but if he wants to quote from a public document of an ordinary nature he must place it on the table. Secret despatches, not secret despatches between the Sind Government and the Punjab Government about one poor wretched Wireless Hansraj whether he should be released, not despatches of that nature, but secret despatches of the type which may have passed between my honourable friend the Premier and His Excellency the Governor-General regarding the question of the release of political prisoners, cannot be referred to. My honourable friend will turn round and say they are secret despatches and he would not refer to them (*A voice*: The word is document and not public document.) A document of a private nature cannot be referred to although the House of Commons rule is that a private member may refer to a private document, while if any Minister refers to any state document of a public nature and takes advantage of the arguments contained therein, it is his duty to let the public know what the nature of the document is so that the public may be able to test the veracity and the accuracy of that particular document, not necessarily the veracity and accuracy of the minister quoting the document but of the document itself. If that is the position I do submit that my honourable friends should not be given the authority to deal with the documents in this particular manner apart from the general rule itself. I object to Government being entrusted with this power because ministers will shelter themselves under the plea that it is not in the public interest to disclose information contained in those replies. We will be told it is correct, take our word: it is not in the public interest to disclose the information and it is not in the public interest to lay it on the table. I submit that such powers given to what is virtually a dictatorship in the Punjab of a handful of big landlords and zamindars would be to the detriment of the interests of the people of the province. (*Applause*.)

**Mr. Speaker:** The question is—

That the proviso in lines 6—9 be deleted.

*The Assembly divided: Ayes 26; Noes 78.*

**AYES.**

† Ajit Singh, Sardar.  
Bhim Sen Sachar, Lala.  
Chaman Lal, Diwan.  
Chanan Singh, Sardar.  
Duni Chand, Lala.

Duni Chand, Mrs.  
Ghulam Hussain, Khawaja.  
Hari Lal, Munshi.  
Hari Singh, Sardar.  
Harjab Singh, Sardar.



Kabul Singh, Master.  
Kapoor Singh, Sardar.  
Kartar Singh, Chaudhri.  
Kishan Singh, Sardar.  
Lal Singh, Sardar.  
Muhammad Hassan, Chaudhri.  
Muhammad Iftikhar-ud-Din, Mian.  
Partab Singh, Sardar.

Raghubir Kaur, Shrimati.  
Rur Singh, Sardar.  
Saif-ud-Din Kitchlew, Dr.  
Sampuran Singh, Sardar.  
Sant Ram Seth, Dr.  
Shri Ram Sharma, Pandit.  
Sohan Singh Josh, Sardar.  
Sudarshan, Lala.

NOES.

Abdul Haye, The Honourable Mian.  
Abdul Rahim, Chaudhri (Gurdaspur).  
Abdul Rahim, Chaudhri (Gurgaon).  
Afzaalali Hasnie, Sayed.  
Ahmad Yar Khan Daulatana, Khan Bahadur Mian.  
Ahmad Yar Khan, Chaudhri.  
Akbar Ali, Pir.  
Amjad Ali Shah, Sayed.  
Anant Ram, Chaudhri.  
Balwant Singh, Sardar.  
Chhotu Ram, The Honourable Chaudhri Sir.  
Dasaundha Singh, Sardar.  
Faiz Muhammad, Shaikh.  
Farman Ali Khan, Subedar-Major Raja.  
Fateh Jang Singh, 2nd-Lieut. Bhai.  
Fateh Khan, Raja.  
Fateh Muhammad, Mian.  
Fazl Ali, Khan Bahadur Nawab Chaudhri.  
Fazal Din, Khan Sahib Chaudhri.  
Fazal Karim Bakhsh, Mian.  
Ghazanfar Ali Khan, Raja.  
Ghulam Mohy-ud-Din, Maulvi.  
Ghulam Samad, Khawaja.  
Gopal Das, Rai Sahib Lala.  
Gopal Singh (American), Sardar.  
Gurbachan Singh, Sardar Sahib Sardar.  
Habib Ullah Khan, Malik.  
Hans Raj, Bhagat.  
Het Ram, Rai Sahib Chaudhri.  
Indar Singh, Sardar.  
Jagjit Singh Man, Sardar.  
Jahangir Khan, Chaudhri.  
Jalal-ud-Din Amber, Chaudhri.  
Jogindar Singh Man, Sardar.

Khizar Hayat Khan Tiwana, The Honourable Nawabzada Major.  
Manohar Lal, The Honourable Mr.  
Maqbool Mahmood, Mir.  
Mubarik Ali Shah, Sayed.  
Muhammad Akram Khan, Khan Bahadur Raja.  
Muhammad Ashraf, Chaudhri.  
Muhammad Azam Khan, Sardar.  
Muhammad Hayat Khan Noon, Nawab Malik Sir.  
Muhammad Hussain, Chaudhri.  
Muhammad Nurullah, Mian.  
Muhammad Saadat Ali Khan, Khan Sahib Khan.  
Muhammad Sarfraz Khan, Chaudhri.  
Muhammad Sarfraz Khan, Raja.  
Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.  
Muhammad Wilayat Hussain Jeelani, Makhdumzada Haji Sayad.  
Muhammad Yusuf Khan, Khan.  
Mushtaq Ahmad Gurmani, Khan Bahadur Mian.  
Muzaffar Khan, Khan Bahadur Nawab.  
Narendra Nath, Diwan Bahadur Raja.  
Nasir-ud-Din, Chaudhri.  
Naunihal Singh Mann, Lieutenant Sardar.  
Nawazish Ali Shah, Sayed.  
Pir Muhammad, Khan Sahib Chaudhri.  
Ram Sarup, Chaudhri.  
Ranpat, Chaudhri.  
Ripudaman Singh, Thakur.  
Roberts, Professor W.  
Shahadat Khan, Khan Sahib Rai.  
Shah Nawaz, Mrs. J. A.

Sikander Hyat-Khan, The Honour-  
able Major Sir.  
Singha, Mr. S. P.  
Sita Ram, Lala.  
Sumer Singh, Chaudhri.  
Sundar Singh Majithia, The Honour-  
able Dr. Sir.

Suraj Mal, Chaudhri.  
Tara Singh, Sardar.  
Tikka Ram, Chaudhri.  
Uj al Singh, Sardar Sahib Sardar-  
Uttam Singh Dugal, Sardar.

**Mr. Speaker :** The question is—

That rule 69 be adopted.

*The motion was carried.*

#### RULE 70.

**Sardar Hari Singh** (Kangra and Northern Hoshiarpur, Sikh, Rural) :  
Sir, I beg to move—

That in lines 5—7 of sub-rule (2), for the words “whether.....replied,”  
the following be substituted :—

“twice, but in all cases the reply of the mover of the original question  
shall close the debate.”

The rule in question is—

“(2) A member who has moved a motion may speak again by way of reply, and if the  
motion was moved by a private member, the Minister to whose department the  
matter relates shall have the right of speaking whether he has previously spoken  
or not in the debate, after the mover has replied.”

The Minister in charge to whose department the matter under discussion  
relates has got a right of speaking twice and also at the  
end of the debate. I do not touch that right. My amend-  
ment wants to give the mover of a motion a right of speaking at the end of the  
debate. In moving this amendment I am fortified by parliamentary practice  
in Great Britain and parliamentary practice in the Dominions. In Canada  
standing order 43 expressly provides that in all cases the Speaker shall  
inform the House that the reply of the mover of the motion closes the debate.  
This is a very salutary provision. During the course of a debate arguments  
may be advanced from the other side on the issue raised by the mover which  
may side-track the main issue and it is but right that the mover may be  
given a chance to make the whole thing clear so that the House may know  
what the exact issues are.

**Mr. Speaker :** Rule under consideration, amendment moved—

That in lines 5—7 of sub-rule (2), for the words “whether.....replied” the follow-  
ing be substituted :—

“twice, but in all cases the reply of the mover of the original question shall  
close the debate.”

**Sardar Dasaundha Singh** (Deputy Speaker) : Sir, the honourable  
mover of this amendment admits that the Minister to whose department  
the subject matter of the motion relates can have a right of speaking twice.  
The right becomes meaningless unless that right is exercised after a reply

has been given by the mover of the motion. The object is that the Minister-in-charge should be in a position to accept or reject the motion after he has listened to the whole debate. First of all the mover moves his motion. Then certain members make speeches in support of the motion while others speak against it. Now, if the Minister exercises his right of a second speech before the mover gives a reply that would mean that he has not before him all the facts which the mover brings forward. It may happen that he (the Minister) may change his view point owing to some arguments advanced by the mover in his reply. He is not in a position to say whether he accepts the motion or not till the whole debate is concluded. This is why this right of speaking after the mover has replied, has been given to the Minister by this rule.

**Sardar Partab Singh** (Amritsar South, Sikh, Rural): Sir, the point under consideration is whether the member who has moved a motion should be allowed to speak after the Minister-in-charge has spoken or not. I submit that the Minister whether he speaks originally or after the motion has been discussed at some length states his point of view. If he is allowed to speak after the mover has made his reply it is very likely that the Minister may bring in such material to which the mover may have objection but will not have any chance of refuting it or restricting it in a form which is more palatable to the members of the House.

On this particular point if we wish to make this House a House in the real sense of the word, where every argument is met with argument, where after hearing the position of the Honourable Minister a reasoned reply is given, I believe then, on this ground the mover of the motion should be allowed to speak at the end and the Minister should be allowed to speak before him. I support the amendment.

**Sardar Kapoor Singh** (Ludhiana East, Sikh, Rural): I rise to support the amendment. It is a pity that this amendment is being opposed by the Deputy Speaker who is one of the leading lawyers, because he must know that the original rule is against the law of principle. Always you will find that the mover has a right of reply and that right is generally exercised at the end of the debate or at the end of any motion. But in this case if this right is not given to the mover of the motion, then his case might go to some extent by default, because the Minister of the department might prejudice his case by initiating certain matters which the mover might not be able to reply. So, it is necessary according to the principle of law and justice, and at the same time I do not think the Parliamentary practice will in any way support the original motion but on the other hand it must support the amendment. With these remarks I support the amendment.

**Munshi Hari Lal** (South-Western Towns, General, Urban): It has been stated by the honourable learned lawyer members on the other side that the right given to the Minister to speak more than once is based on the principle that he may accept or reject the motion. The acceptance or the rejection of the motion rests with the House. The final verdict on a motion is to be given by the House. If a Minister speaks last of all, then the mover has got absolutely no opportunity to reply to the arguments of the Minister and the House is finally in possession of the arguments that may be advanced by the Minister. My friend Sardar Hari Singh has quoted from the Procedure

[Munshi Hari Lal.]

of the House of Commons and also of the Canadian Government. In addition I submit that in the adjoining province, i.e., the North-West Frontier Province a similar rule has been provided. The amendment is so salutary that it must appeal to all. The amendment is that the person who has propounded a proposition should have the last word to say on it. With these remarks I support the amendment moved by Sardar Hari Singh.

**Diwan Chaman Lall** (East Punjab, Non-Union Labour) : The point raised by my honourable friend Sardar Hari Singh is of some importance. Whenever it happens to suit the Treasury benches to quote from Parliamentary Procedure, they are always anxious to quote chapter and verse in their favour. But when it happens not to suit them then of course conditions in the Punjab are very different, and, therefore, the rules applicable to the House of Commons are not the rules that should govern us. (*Laughter*). I was waiting for my honourable friend Mir Maqbool Mahmood to get up with this voluminous book in his hand and to quote chapter and verse where it is laid down that such a rule is not acceptable. On the contrary, because it so happens that this rule is actually to be found in practice in the House of Commons, therefore, I find not a single reference by my honourable friend the Deputy Speaker, to the procedure in Parliament and the justification that he might seek out of the procedure in Parliament in objecting to the acceptance of this amendment. What exactly is the procedure in Parliament? The Manual of Procedure on page 189, rule 149 (*iii*), lays down :—

The right of reply is only allowed to a member who has moved a substantive motion.

Therefore there is the general rule that no member shall speak twice, and an exception is made in reference to that where a certain type of a substantive motion is moved, that in regard to the substantive motion a member has a right to reply and only that member has the right. Then on page 314 in May's Parliamentary Practice it says :—

A reply is only allowed to the peer or member who has proposed a substantive question to the House.

It is perfectly true that when one moves an amendment one has not the right of reply, but in matters of a substantive motion—how is it—for what justification should the Honourable Minister in charge regarding whose department the substantive motion is moved, be given a right of reply over the head of the honourable member who moved the substantive motion? My honourable friend, the Deputy Speaker gives the reason, that in the amendment moved by my friend Sardar Hari Singh, the word “twice” is mentioned, that is, the minister is allowed a speech twice regarding a substantive motion moved by an honourable member. Perfectly true. He ought to be pleased that Sardar Hari Singh has thought it fit to seek the convenience of the Treasury benches and give them a second opportunity to think out the question after having listened to the debate, but that is not the same thing as saying they shall have the last word. Why should they have the last word? The reason he gave was that at the last moment they may state their objections to the acceptance of the motion or they may have some statement to make regarding the substantive motion, but that can be done at any stage of the debate, and that is the reason why my honourable friend has snatched this opportunity to say this, but that is a very different thing that they shall have the last word of the debate. The last word must go

to the honourable member who has raised the substantive motion because he knows the reasons for moving it, he has listened to the debate and should have come to some conclusion after hearing the debate, and if the debate has satisfied him he should be in a position to withdraw that motion. He cannot do so if some one else has the right of making a speech after him. He should have the last word, because he should be given an opportunity of withdrawing or expatiating on the particular substantive motion. At what stage, I ask my friend the Deputy Speaker, would he permit him to withdraw his motion if he has no opportunity of getting up to make a second speech? Does he contemplate any particular stage when, if he has certain reasons for withdrawing he can withdraw the motion? He cannot do so if he is not given the final right of reply and he should be given that right of reply and the final word. I think the amendment of my friend is very reasonable and the Government ought not to object to the amendment being accepted.

**Mr. Speaker :** The question is—

That in lines 5—7 of sub-rule (2), for the words “whether.....replied” the following be substituted :—

“twice, but in all cases the reply of the mover of the original question shall close the debate.”

*The Assembly divided : Ayes 25 : Noes 70.*

**AYES.**

Ajit Singh, Sardar.  
Bhim Sen Sachar, Lala.  
Chaman Lall, Diwan.  
Chanan Singh, Sardar.  
Duni Chand, Lala.  
Duni Chand, Mrs.  
Hari Lal, Munshi.  
Hari Singh, Sardar.  
Harjab Singh, Sardar.  
Kabul Singh, Master.  
Kapoor Singh, Sardar.  
Kartar Singh, Chaudhri.  
Kartar Singh, Sardar.

Kishan Singh, Sardar.  
Lal Singh, Sardar.  
Muhammad Hassan, Chaudhri.  
Muni Lal Kalia, Pandit.  
Partab Singh, Sardar.  
Raghubir Kaur, Shrimati.  
Rur Singh, Sardar.  
Saif-ud-Din Kitchlew, Dr.  
Sent Ram, Seth, Dr.  
Shri Ram Sharma, Pandit.  
Sohan Singh Josh, Sardar.  
Sudarshan, Lala.

**NOES.**

Abdul Rahim, Chaudhri (Gurdaspur).  
Afzaalali Hasnie, Sayed.  
Ahmad Yar Khan Daulatana, Khan Bahadur Mian.  
Ahmad Yar Khan, Chaudhri.  
Akbar Ali, Pir.  
Amjad Ali Shah, Sayed.  
Anant Ram, Chaudhri.  
Balwant Singh, Sardar.  
Chhotu Ram, The Honourable Chaudhri Sir.

Dasaundha Singh, Sardar.  
Faiz Muhammad, Shaikh.  
Faqir Hussain Khan, Chaudhri.  
Fateh Jang Singh, 2nd-Lieutenant. Bhai.  
Fateh Khan, Raja.  
Fateh Muhammad, Mian.  
Fazl Ali, Khan Bahadur Nawab Chaudhri.  
Fazal Din, Khan Sahib Chaudhri.  
Fazal Karim Bakhsh, Mian.  
Ghazanfar Ali Khan, Raja.

Ghulam Mohy-ud-Din, Maulvi.  
 Gopal Das, Rai Sahib Lala.  
 Gopal Singh (American), Sardar.  
 Gurbachan Singh, Sardar Sahib  
 Sardar.  
 Habib Ullah Khan, Malik.  
 Hans Raj, Bhagat.  
 Het Ram, Rai Sahib Chaudhri.  
 Indar Singh, Sardar.  
 Jahangir Khan, Chaudhri.  
 Jogindar Singh Man, Sardar.  
 Khizar Hayat Khan Tiwana, The  
 Honourable Nawabzada Major.  
 Manohar Lal, The Honourable Mr.  
 Maqbool Mahmood, Mir.  
 Mubarik Ali Shah, Sayed.  
 Muhammad Akram Khan, Khan  
 Bahadur Raja.  
 Muhammad Ashraf, Chaudhri.  
 Muhammad Azam Khan, Sardar.  
 Muhammad Faiyaz Ali Khan,  
 Nawabzada.  
 Muhammad Hayat Khan Noor,  
 Nawab Malik Sir.  
 Muhammad Nurullah, Mian.  
 Muhammad Raza Shah Jeelani.  
 Makhdumzada Haji Sayad.  
 Muhammad Saadat Ali Khan, Khan  
 Sahib Khan.  
 Muhammad Sarfraz Khan, Chaudhri.  
 Muhammad Sarfraz Khan, Raja.  
 Muhammad Shafi Ali Khan, Khan  
 Sahib Chaudhri.  
 Muhammad Wilayat Hussain  
 Jeelani, Makhdumzada Haji  
 Sayed.

Muhammad Yasin Khan, Chaudhri.  
 Mushtaq Ahmad Gurmani, Khan  
 Bahadur Mian.  
 Muzaffar Khan, Khan Bahadur  
 Captain Malik.  
 Muzaffar Khan, Khan Bahadur  
 Nawab.  
 Narendra Nath, Diwan Bahadur  
 Raja.  
 Nasir-ud-Din, Chaudhri.  
 Nawazish Ali Shah, Sayed.  
 Pir Muhammad, Khan Sahib  
 Chaudhri.  
 Ram Sarup, Chaudhri.  
 Ranpat, Chaudhri.  
 Rashida Latif Baji, Begum.  
 Ripudman Singh, Thakar.  
 Roberts, Professor W.  
 Sahib Dad Khan, Khan Sahib  
 Chaudhri.  
 Shahadat Khan, Khan Sahib Rai.  
 Shah Nawaz, Mrs. J. A.  
 Shah Nawaz Khan, Nawab Khan.  
 Sham Lal, Rai Bahadur Chaudhri.  
 Sikander Hyat-Khan, The Honour-  
 able Major Sir.  
 Sumer Singh, Chaudhri.  
 Sunder Singh Majithia, The Honour-  
 able Dr. Sir.  
 Suraj Mal, Chaudhri.  
 Tikka Ram, Chaudhri.  
 Ujjal Singh, Sardar Sahib Sardar.  
 Uttam Singh Dugal, Sardar.

**Mr. Speaker :** The question is—

That rule 70 be adopted.

*The motion was carried.*

#### Rules 71—73.

**Mr. Speaker :** The question is—

The rules 71—73 be adopted.

*The motion was carried.*

*Rule 74.*

**Sardar Hari Singh** (Kangra and Northern Hoshiarpur, Sikh, Rural) : I beg to move—

That between sub-rules (2) and (3) the following sub-rule be added—

"During division a member may raise a point of order only on a matter arising out of the division and shall do so sitting."

This is quite parliamentary and no one can refute that. Even the honourable members sitting on the opposite side will not refute that. The reason why I want that it should be specifically inserted in the rule is that we are quite new to parliamentary practice. The members of the House of Commons with much longer experience are quite aware of these ordinary things, but here only the other day when a point of order was raised during division, so many people stood up and there was pandemonium in the House. I, therefore, think that if this is specifically inserted, the members will keep it in mind and if they raise a point of order during division, they will do so sitting.

**Mr. Speaker :** Question is—

That between sub-rules (2) and (3) the following sub-rule be added:—

"During division a member may raise a point of order only on a matter arising out of the division and shall do so sitting."

*The motion was carried.*

**Mr. Speaker :** The question is—

That rule 74, as amended, be adopted.

*The motion was carried.*

*Rules 75—82.*

**Mr. Speaker :** The question is—

That rules 75—82 be adopted.

*The motion was carried.*

*Rule 83.*

**Sardar Dasaundha Singh** (Deputy Speaker) : I beg to move—

That in line 1, for the word "is" the words "has been" be substituted.

*The motion was carried.*

**Sardar Hari Singh :** I beg to move—

That at the end the words "or Punjabi" be added.

This amendment is not actuated by any communal consideration but it is actuated by patriotic motives. On a reference to the recent Census Report you will find that majority of the people of the Punjab speak Punjabi and at present no one can say that Punjabi is a raw language. Punjabi literature has developed as well as the literature of any other language.

**Mr. Speaker :** May I suggest that for the words "or Punjabi" the words should be "and Punjabi"?

**Sardar Hari Singh :** Yes the words should be "and Punjabi."

**Mr. Speaker :** Rule under consideration, amendment moved—

That at the end of rule 83 the words "and Punjabi" be added.

**Premier** (The Honourable Major Sir Sikander Hyat-Khan): Sir, I hope my honourable friend the mover of this amendment would realise that this is a very controversial subject so far as the question of language in this House is concerned and I communicated my own views the other day and suggested that Punjabi should be included along with Urdu when the Act is amended and when our rules are framed with regard to the question of language. Here it is with regard to the question of certain documents which are circulated to the members of this House. My honourable friend will realise that there is another aspect of the question and that is the financial aspect.

While we should do everything possible to provide facilities for honourable members with regard to various documents which are published or are circulated, it should also be understood that it is our duty not to create unnecessary work for the Assembly office or incur unnecessary expenditure. I personally think that there would be very few members who will not be able to follow one of the two languages already included in this rule. What I am going to suggest is that if there are any members who cannot follow any of the two languages already included the Assembly office could get a few copies typed or cyclostyled for their use. I do not think there will be any difficulty whatever in that connection. Here also as you know it is optional for the members to get it. If some member gets up and says that he cannot follow either of the two languages and he wants translation in a particular language or a particular script, I am sure you will be prepared to accommodate him. I would suggest that we adopt a convention in this House that whenever such a request is made by two or three members—and I am certain there would be very few members who will be in that position—you would be pleased always to instruct your office to issue typed or cyclostyled copies to the members. That will save expenditure too. I think convention is even more sacred than rules. If you will bring the question into the rules it will create controversy in this House and outside. I do not think it is our object to raise a controversy which would not bring any substantial gain to members. What we want is that there should be no practical difficulty for members who cannot follow these two languages. If my suggestion is accepted and the House is prepared to accept the convention it will not be necessary to make any further amendment. I therefore submit to you and through you to the honourable mover not to press his amendment. We will be prepared to accept similar convention with regard to various other documents mentioned in this rule. The question of language and script is an all India question and when that is settled we can amend the rule. For our present purpose it will be sufficient if my honourable friend accepts the undertaking if you are prepared to set up that convention and get over the difficulty.

**Mr. Speaker:** What is the proposal?

**Premier:** My proposal is that there would be very few members who would require the documents mentioned in the rule translated into some other language or script. Even if there are 8 or 10 such members it will not be necessary for them to put the whole House to unnecessary delay or to put the Government to unnecessary expense, because it should



not be difficult to get a few copies typed or cyclostyled and distributed to the members. That is my point.

**Diwan Bahadur Raja Narendra Nath :** I have listened very carefully to the speech of the Honourable Premier. All that I wish to point out is that the convention proposed to be established should give equal facilities in the case of Hindi (*Premier :* If there are any members who want it) I want this to come on record that the facilities to be given for Punjab will also be given in the case of Hindi.

**Diwan Chaman Lall** (East Punjab, Non-Union Labour): I must confess that out of many things that have amazed me since I joined this august Assembly one thing that has amazed me more than any other is the speech made by the Honourable Premier followed by the speech made by the honourable Raja Narendra Nath. Consider the position, Mr. Speaker. A request is made with regard to this particular rule that the report of the select committee and a Bill should be presented in Punjabi also whereas the rule says if a member is ignorant of the English language it shall be his right to have it translated in Urdu (*Premier :* Bills and not the report of the select committee). What does my honourable friend say? He says it is a controversial matter; it will raise tremendous controversy in the province. Why? Because a large body of members here whose mother tongue is Punjabi want a Bill to be translated to them in Punjabi. Punjabi is my mother tongue but the honourable members over there deny that it is their mother tongue (*Hear, hear*). Is this the manner in which they want to protect the rights of the minorities in the province? They say that it will not be as a matter of right that it will be translated into Punjabi if you do not know the English language but that it shall be done at their sweet will. And I am surprised at my honourable friend Raja Narendra Nath, the protector of the interests of the Hindu community, agreeing to accept this charitable gift out of the hands of the Honourable Premier instead of standing for his rights and demanding that if a member is ignorant of the English language it shall be translated into Punjabi (*Cheers*). May I draw the honourable member's attention to the proviso which says—

If any member is unacquainted with English the Secretary shall, if requested, cause the Bill to be translated into Urdu.

If any honourable member is only conversant with Urdu he can demand as a matter of right that the Bill shall be translated into Urdu; but why cannot a member demand that it shall also be translated into Punjabi? The answer my honourable friend gives is, as I have stated, that it will cause controversy in the country, but my honourable friend did not give the reasons why. It shows, Mr. Speaker, the communal mentality of the honourable members opposite. (*Cheers*). They think that a controversy will be created if it were asked on the floor of the House that a certain document should be translated into Punjabi. That is their mentality. The second point raised was that it will cause a certain amount of expenditure but immediately the Premier let the cat out of the bag by saying that a few copies can be typed or cyclostyled and handed over to the members. Where is then the question of expense? I ask the Sikh members whether they are going to support a proposition like this. If they are not, I want to see them walking into the lobby with us.

[Diwan Chaman Lall.]

Now, Mr. Speaker, so far as the question of expense is concerned, the Honourable Premier is quite willing to bear the expense for cyclostyling the translation in Punjabi, but he is not willing that it should be done by accepting the amendment of my honourable friend, Sardar Hari Singh. The argument about expense is camouflage. The real reason has been given by the Premier—controversy in the Punjab.

There was another argument that was raised by my honourable friend and that argument was this. The question was the question of delay. I ask, where was the delay? If an honourable member, unacquainted with the English language, is, under the rules, capable of making a speech in Punjabi, is it not the right of the Treasury benches to see that when he makes a speech on a particular Bill, the contents of that Bill should be known to him in the language with which he is acquainted. (*Premier: Why not?*) Then why do you not accept the amendment? (*Cheers*). And why do you raise the question of controversy? (*Premier: Why did you not raise this question in the committee?*)

Why did I not raise this question in the Committee? I am not in a position to disclose anything because the proceedings of the committee are confidential. My honourable friend knows that the report of that committee was marked 'Confidential, for members' use only.' We are raising it on the floor of the House now and the Honourable Premier is objecting to it. Where is the argument? I do not see the argument. My honourable friend says, 'It is a controversial matter.' That is the real basis of it. When it is a question of expense, he is willing that it should be done, but he is not willing that it should be done as a matter of right. (*Premier: What is the basis of the rule?*) The basis of the rule is that when an honourable member is ignorant of English he can demand the translation in Urdu but suppose he is ignorant of Urdu, has he or has he not a right to demand that it should be translated into Punjabi? (*Diwan Bahadur Raja Narendra Nath: No.*) My honourable friend, the protector of the interests of the minorities says 'No.' He says that an honourable member has no right to demand its translation in Punjabi. (*Ironical cheers*).

**Diwan Bahadur Raja Narendra Nath:** It is only a question of script of a language. Urdu is not different from Hindi. (*Hear, hear from the Treasury benches*).

**Diwan Chaman Lall:** My honourable friend does not see the point. He is talking about Hindi at the present moment. I will give him a reply also, about Hindi. It is not a question of Urdu and Hindi, it is a question of Urdu and Punjabi. The question is, what is the basis? The basis of the rule is the ignorance of the man to understand the contents of a Bill in English and you say, 'Very good, it shall be translated into Urdu', which he may not be able to understand. Where is reason behind it, where is justice behind it and where is sense behind it? You may just as well say that because an honourable member is only conversant with the Punjabi language, you will translate it into German or French for his benefit. (*Lala Duni Chand: Why are you talking about sense?*) My honourable friend, Lala Duni Chand says, 'Why are you talking about sense?' The reason is that I expect, at any rate, a certain amount of sense from my friends over there in matters of this description.

I want that the country should know that the first matter that comes up in regard to the protection of the interests of the minorities and in regard to the protection of the interests of those members who are conversant with no other language but Punjabi, my honourable friend over there does not even concede this little point that the translation of a Bill should be done in Punjabi. This is the attitude that my honourable friend has adopted in regard to this question of minorities and he is unfortunately in this position that the great supporter of the minority interests goes to him and says, 'I beg of you please to include Hindi also. I come with a beggar's bowl.' Now that should not be the attitude of the man who wishes to promote the interests of minorities. Raja Narendra Nath should have turned round and said 'Yes, I demand as a matter of right that translation of this Bill shall be done into Hindi'. It should be demanded as a matter of right and not by means of convention, or at the special request of the Prime Minister or at his command or at his behest.

I promised that I would give a reply to my honourable friend, Diwan Bahadur Raja Narendra Nath, when he said that it was only a question of script—of Urdu and Hindi. I do seem to remember an enormous amount of controversy in the Hindu Sabha and amongst its leaders and that they were prepared to lay down their lives for the sake of Hindi. But here in this House, divested from public influence outside, they come as the followers of the Unionist Party and say, 'There is no difference between Hindi and Urdu.' Outside they say, 'We are prepared to lay down our lives'; but here they are prepared to open their mouths over a proposition of this nature, or lay down their votes. (*Hear, hear from the Opposition benches*). Really a first class issue has been raised in this matter. It is time that my honourable friends over there, in regard to this particular proposition, should accept the amendment of my honourable friend Sardar Hari Singh. (*Cheers*).

**Diwan Bahadur Raja Narendra Nath :** At the present stage to talk of any distinction between Hindi and Urdu—

**Diwan Chaman Lall :** On a point of order, Sir. Is the honourable member making a personal explanation or a second speech ?

**Diwan Bahadur Raja Narendra Nath :** I simply want to say that, so far as the language is concerned, Urdu is assimilated to Hindi. I will quote some instances. (*Loud cries of order, order from the Opposition benches*).

**Diwan Chaman Lall :** Is the honourable member in order in making a second speech ? It is a matter that affects the rules of procedure. If the honourable member wishes to make a personal explanation he is within his rights in doing so.

**Mr. Speaker :** His first speech can hardly be called a speech ; but he cannot be allowed to make a second speech. However, he can make a personal explanation.

(*Cheers from the Opposition benches*).

**Diwan Bahadur Raja Narendra Nath :** Sir, I simply—

(*Loud cries of order, order from the Opposition benches*.)

**Premier :** Sir, I should like to make the whole position clear. It was I and not Raja Sahib who was in possession of the House. Raja Sahib only interrupted me and his interruption was to the effect that Hindi should also be included in addition to Punjabi. You cannot possibly describe that interruption as his speech. Then he sat down and I continued my speech. I would therefore request you to allow the Raja Sahib to make his speech now.

6 P.M.

**Mr. Speaker :** May I ask the Raja Sahib whether he had only interrupted the Honourable Premier or had made a speech ?

**Diwan Bahadur Raja Narendra Nath :** I simply supplemented his speech.

**Mr. Speaker :** The honourable member may make a speech if he wishes.

**Diwan Bahadur Raja Narendra Nath :** When my honourable friend said that a Bill translated into Urdu is not understood by Punjabis, I deny this. I say that even Hindi full of Sanskrit words is understood by every Urdu speaking man and I will quote an authority.

**Sardar Sohan Singh Josh :** Can the honourable member be allowed to read.

**Mr. Speaker :** He can certainly quote.

**Diwan Bahadur Raja Narendra Nath :** Diwan-i-Hafiz has been translated in the vernacular by a Muslim poet and I would just like to read out one verse to the House with its translation. I will then ask the honourable members whether or not they can understand it and whether it is Urdu or Hindi. The poet says :—

مشکل خویش پر پیرِ نغانِ بدم دوش

کارِ بٹا گئوں نظرِ حقِ معامی کرد

The translation by Syed Maqbool Hussain is this :—

بات کٹھن جو آن پڑی تھی پیرِ نغانِ بدم دوش سے کل جا ہو چھی

ایشور کی کرپا سے اُس نے دبدبا دور کیا ننگن سے

May I know who does not understand this ?

Sir, the only difficulty arises as regards the script. Only the other day a great symposium of poets was held under the auspices of the Punjab Literary League and one of the greatest poets came forward with the proposition that there is no distinction between Urdu and Hindi. Hindi is as easily understood by Urdu speaking people as Urdu is understood by Hindi speaking people. When the Honourable Premier got up and recognised the distinction between Urdu and Punjabi I pointed out to him that the same distinction should be recognised in the case of Hindi as well. If, however, there are financial difficulties in translating these Bills, etc., into so many languages then no exception should be made in the case of Punjabi. The only difficulty, as I have already pointed out, is with regard to script and so far as the language is concerned it is all humbug (*Laughter*). Every one in this House who makes his speech in Urdu speaks Punjabi at home.

and when some of them sit down together they begin to speak in English and I call it 'git mit' (Laughter). It is only a case of *zid* and nothing else and when that *zid* was being given effect to in the case of Punjabi I want the same recognition in the case of Hindi as well.

**Sardar Sohan Singh Josh** (Amritsar North, Sikh, Rural) (*Punjabi*) : Sir, the question as to whether Urdu, Hindi or Punjabi should be the *lingua franca* of the province, requires a very cool and dispassionate consideration at the hands of the House. But it is a thousand pities that whenever we proceed to discuss this problem, communal considerations cloud the real issue. In a debate regarding the question of language, a Muslim member advocates the cause of Urdu, a Hindu member recommends Hindi and a Sikh member sponsors the cause of Punjabi. But this is not the proper way to deal with this question. We should, apart from communal considerations, deal with this problem on its merits. We should keep some principle in view and unless we do that, we will not be able to arrive at a right conclusion in this connection. I hope it will not be out of place to mention that even the Congress have recognised the right of Punjabi to be adopted as the common language in the Punjab as it is really the mother tongue of all the Punjabis. The Honourable the Premier has been pleased to remark that a few members can understand Punjabi and the Gurmukhi script makes the matter worse.

**Premier** : I am afraid my honourable friend has not understood me. What I said was that there are very few members who do not understand Urdu and if those few members had any difficulty in following the Urdu translation then the Honourable Speaker should make it incumbent on his office to provide Punjabi translation as well.

**Mr. Speaker** : I would request the honourable member (Sardar Sohan Singh Josh) not to discuss a general and wide question but to restrict his speech to the motion now before the House.

**Sardar Sohan Singh Josh** : I would submit that there is not a single member of this House who cannot understand Punjabi and if, unfortunately there is any member who cannot understand it, he can very well be supplied with the Urdu translation of the Bill.

**Mr. Speaker** : I find that the general question of Urdu, Hindi and Punjabi is being discussed. But that is beyond the motion now before the House. The question under consideration is whether certain Bills should be translated into Urdu, Hindi or Punjabi, when some honourable members want them to be so translated. We are not discussing the *lingua franca* of the province. So, I would request the honourable members not to go beyond the scope of the motion before the House.

**Sardar Sohan Singh Josh** : But here the cart is being put before the horse. I wish to make it clear that all those members who prefer Urdu to Punjabi, can very well understand the Punjabi version of a Bill. The only difficulty that stands in our way is that of the script. Personally I would not mind if the Persian script is adopted. There should be no serious difference of opinion about this. Perhaps we shall have to adopt Roman Characters for our language. But I am sorry to observe that a mountain is made of a mole hill with regard to this aspect of the problem. Let us endeavour to patch up these minor differences of opinions. It is not too

Sardar Sohan Singh Josh.

late as yet to mend matters. If an early action is not taken in the right direction, the cause of Punjabi would seriously suffer. I would like to invite the attention of the Honourable Speaker to the intimate and inseparable connection of a language with the culture and literature of a people. I hope the House is aware of what Ireland has done in this behalf. But here the whole trouble is about the question of script. My submission is that if Sikhs had insisted on the adoption of Gurmukhi script, their case would not have been strong. So, it is better to adopt the Persian script, in order to settle the issue once for all. I would appeal to the Treasury benches to think over the matter dispassionately without bringing communal considerations into prominence and to devote their immediate and concentrated attention to this problem. Mere lip sympathies would not help. If they refuse to accede to our request, they should be prepared to face the serious repercussions which will take place in this country as they occurred in many other countries in similar circumstances. I may make it clear to the honourable members on opposite benches that they cannot force Urdu down our throats. If they attempt to do so, then Providence help them. I would remind them that the temple of literature is beyond the reach of communalism.

It was interesting on the part of the Honourable Premier to remark that a convention should be set up in favour of Punjabi. My submission is that they should rather set up a convention in favour of Hindi or Urdu. Besides, it has been stated that if this amendment is accepted it would entail another burden on the revenues of the province. The excuse of financial stringency does not appeal to me. If there is a will there is a way to do a particular thing. They can provide funds for this purpose as well. I request the Honourable Premier to accept the amendment in question as it is a harmless one. If it is rejected it would create unrest amongst the people. With these words I strongly support the amendment under consideration.

**Khan Bahadur Mian Mushtaq Ahmed Gurmani** (Parliamentary Private Secretary) (*Urdu*): Sir, the object of the amendment under discussion is that the Bills should be translated into Punjabi at the request of those honourable members who are not acquainted with English or Urdu languages. (*An honourable member*: How many are they?) I shall discuss that point later. The first question that I would like to ask from the supporters of this amendment is whether there are suitable equivalents in the Punjabi language for the technical terminology of law. (*Voices from the Opposition benches*: Yes.) May I ask the honourable members how they will translate into Punjabi the following: Culpable homicide not amounting to murder, public nuisance, *res-judicata*, injunction, and so on? My honourable friend who preceded me, and who is a scholar in Punjabi had to borrow many Urdu and English words to express his thoughts which shows that the vocabulary of Punjabi language is most limited. For instance, he used the words mind, develop, scientific literature, script and فرقہ دارانہ-رسم الخدا-دلیل-ترجیم-جذبات-بحث and so forth. This shows my honourable friend had no equivalent for these words in the Punjabi

language. May I ask him how he will translate the word Bill in Punjabi, the Urdu equivalent of which is *مسودہ قانون*.

**Sardar Sohan Singh Josh :** He should read a little bit of philology, then he will know the link between these words.

**Khan Bahadur Mian Mushtaq Ahmed Gurmani :** Sir, my honourable friend has again used the word 'philology' for which he could not find an equivalent in Punjabi while I can tell him an equivalent in Urdu. I was saying that during his short speech my honourable friend had to depend on Urdu and English words in giving expression to his ideas. My honourable friend had used the word 'libby' for script. This is a Sanskrit word and not Punjabi, he himself thought it proper to translate it as *رسم الخط* in order to make the house understand. Punjabi is only a dialect and cannot be termed as a literary language. Besides I fail to understand as to which Punjabi language my honourable friend the mover of this amendment has in view. We have different dialects in different parts of the province and each is different from the other. For instance the Punjabi spoken in Multan is quite different from that spoken in the Central Punjab and if I were to speak in the Punjabi as spoken in Multan and Derajat I challenge if my honourable friends from the Central Punjab could understand even a sentence of it. (*A voice from the Opposition :* That is Multani and not Punjabi.) Do you not consider Multan as a part of the Punjab? What do my friends mean by Punjabi language? Do they mean the dialect spoken in a few districts of the Central Punjab? What about the language spoken in Pothawar, Attock and the Eastern Punjab? Will they not call it Punjabi?

**An Honourable Member :** What do you mean by Urdu?

**Khan Bahadur Mian Mushtaq Ahmed Gurmani :** That which my honourable friend is speaking.

**Mr. Speaker :** The honourable member is not speaking to the motion.

**Khan Bahadur Mian Mushtaq Ahmed Gurmani :** Sir, I was discussing the arguments advanced by the honourable members supporting this amendment. The honourable mover of this amendment has stated that his object in moving this amendment is to ensure that all the members of this House should be able to understand fully the contents of the Bills which come up before the Assembly. My submission is that if this amendment is accepted, it will defeat the object which the mover has in view. As I have already submitted the vocabulary of the Punjabi language is very limited and we have not got equivalent legal terms in the Punjabi language which will make it impossible to translate legislative measures into Punjabi language correctly. There is a danger of honourable members misunderstanding the Bills so translated. I am sure, the House would not like to adopt a method which instead of providing facilities to the honourable members may create further difficulties and misunderstandings. The case of Urdu language is different. Urdu is a court language of our province and possesses a complete legal terminology.

**Mr. Speaker :** I have more than once pointed out that honourable members are not speaking to the motion.

**Khan Bahadur Mian Mushtaq Ahmed Gurmani :** Sir, I respectfully submit that my remarks are quite relevant to the amendment under discussion. I am trying to show that no useful purpose will be served by translating Bills into Punjabi and that it will create practical difficulties. I further submit that many points have been raised by honourable members opposite and I must answer their criticism and remarks. In fact, they were responsible to carry the discussion in the wrong direction. I respectfully request that I should be allowed the same latitude which has been extended to the members of the Opposition. It would be unfair to put restraints on me while you have been patiently hearing all the irrelevant remarks made by the members of the Opposition.

**Mr. Speaker :** Is the honourable member criticising my ruling ?

**Khan Bahadur Mian Mushtaq Ahmed Gurmani :** Sir, I have every respect for your ruling and I have not the slightest hesitation in obeying it ; but I should be allowed to give my reasons for opposing this amendment. There is some force in the arguments advanced by my honourable friend Raja Narendra Nath with regard to the question of script. It can be said that a few members are not familiar with the Urdu script, but in no case can it be said that any of the honourable members cannot understand Urdu (Hindustani) language. I must confess that Sardar Sohan Singh Josh's proposition is beyond my comprehension when he says that the script may be Urdu but the translation of the Bills should be in the Punjabi language. I am at a loss to understand the logic of his argument. Urdu is the common language of India and is understood in each and every corner of the country. When an honourable member is familiar with Urdu script, how can it be conceived that he cannot understand the language ? Moreover, if the House accepts the principle underlying this amendment it will create many difficulties and will impose considerable extra expenditure. If it is decided by the House that Bills and other business of the Assembly may be translated into Punjabi how can we justifiably deprive the honourable member from Dera Ghazi Khan who is only acquainted with the Balochi language, from the privilege of having a Balochi version of the Bills and other business of the House ? In that case the Government will have to acquire the services of a Balochi interpreter for the convenience of only one member. Similarly a member might ask that Bills and other business of the House be translated into a particular dialect with which he is most familiar. By agreeing to this amendment the House will make the whole position impossible and absurd. The case of Urdu language is quite different. It is the court language of the province and the honourable members who are not sufficiently acquainted with the English language may rightly demand that an Urdu translation of Bills and other papers may be provided to them so that they may be able to follow the business clearly. May I ask my honourable friend whether the facilities asked for are provided by the Law courts in this province and has any demand been so far made in this respect ? If not, why should they feel the alleged difficulty in connection with the business of the House ?



Sir, let me remind my honourable friends of the Opposition that during the last session of the Indian National Congress great stress was laid on the necessity of evolving a common language for the country, and it was suggested by the Congress President that Hindustani should be regarded as the common language of India although he suggested that the script should be Roman. As regards the script I would only say that our Congress friends, in spite of their profession for nationalism and hatred for the western civilisation, have certain inner affinity with the British and they want to retain the western script in preference to a script which has been in use in India for centuries.

**Sardar Sohan Singh Josh :** Turkey has also adopted the Roman script. Better ask the Turks first about this matter.

**Khan Bahadur Mian Mushtaq Ahmed Gurmani :** Does my honourable friend want us to follow Turkey in all matters? If we ever mention the name of Turkey we are accused of Pan Islamism, but when it suits the purpose of the Opposition they refer us to Turkey.

**Mr. Speaker :** I cannot allow a dialogue between two honourable members.

**Khan Bahadur Mian Mushtaq Ahmed Gurmani :** Sir, certain sweeping allegations have been made from the Opposition benches and we have been accused of disregarding the rights and interests of the minority in the Punjab. It was suggested that the majority should in no way force the minorities to accept their own point of view. This is well and good and I make bold to say that we have never disregarded the legitimate rights and privileges of the minorities. As a matter of fact, we have always tried to appreciate their point of view and to meet them in a spirit of co-operation and goodwill, but may I enquire my Congress friends whether the same principle is being followed in provinces where they are in majority? What happened in the Central Provinces and Madras with regard to the question of Hindi. The Congress Governments there have forced Hindi on the Muslim minority and have discontinued to provide facilities to Muslim children to learn Urdu in schools. Bande Mataram has been forced on the Muslim minority in all the Congress provinces in spite of their protests, and no regard has been paid to their religious susceptibility. What attitude did the Congress majority take in the selection of cabinet ministers? They did not give any representation to the members of the Muslim minority who enjoyed the confidence of their community. Those Muslims have been taken in the Congress cabinets who have no representative character in their own community but were prepared to come forward to act against the mandates of their own community. In face of these hard facts, does it lie in the mouth of my Congress friends to adopt the role of protectors of minorities? If they really mean to champion the cause of minorities, let them put their own house in order first. I would appeal to them to take a broad view of the question and not to consider this question with a narrow communal outlook.

**Sardar Sohan Singh Josh :** You are inflicting Urdu over the minorities against their wishes.

**Mr. Speaker :** I request the honourable member not to make interruptions.

**Sardar Sohan Singh Josh :** No Sir, it is only communalism running riot.

**Khan Bahadur Mian Mushtaq Ahmed Gurmani :** Sir, let me assure my honourable friend that I am not opposing this amendment on communal consideration and I would appeal to him that he should also not take communal view of this question. Can any one say that he does not understand Urdu ?

**Sardar Sohan Singh Josh :** The honourable member should be sent to a school of philology ; then he will be all right.

**Mr. Speaker :** I request the honourable member not to interrupt him again.

**Khan Bahadur Mian Mushtaq Ahmed Gurmani :** My honourable friend has been constantly interrupting me and raising objections with regard to certain points in my speech. I can conclude only two things from this. Either the honourable member championing the cause of Punjabi has been raising objections and making interruptions without understanding my Urdu speech or that he can understand the Urdu language perfectly well. If he understands Urdu language, which I believe he does, as is apparant from his interruptions, then his objection that he and certain other friends do not understand Urdu is not correct.

Now I would like to make a few observations with regard to the question of script. As I have already explained the Punjabi language has a very limited vocabulary which does not contain any legal terms and if the Urdu or English legal terms are to be written in the Punjabi script it may prove misleading and create difficulties. I cannot illustrate this difficulty better than by quoting a story which is as follows :

The Sardars of the Khalsa court made a representation to Maharaja Ranjit Singh that the court language should be Punjabi instead of Persian as it looked ridiculous that the Khalsa Darbar should retain a foreign language as its court language in the Punjab. After due consideration the Maharaja pointed out that the Punjabi vocabulary was too limited to meet the requirements of the court correspondence. It was therefore agreed upon that the Persian language be retained till such time as new terms are evolved in the Punjabi language for the purpose, but it was decided to change the script immediately. This decision was communicated to the ministers and other officers of the Government. Next day a Parwana was written to the Qazi of Multan in Punjabi script though the form of address used was Persian. The Mir Munshi dictated the Parwana which was taken down by an assistant in the Punjabi script.

**Sardar Lal Singh :** On a point of order. Are all weaknesses of the Punjabi language to be discussed during this debate whereas Urdu itself is a borrowed language ? Is the honourable member in order in doing so ?

**Mr. Speaker :** Some honourable members on this side of the House went beyond the question. I repeatedly asked them not to do so, but they could not restrain themselves. Now the opposite side argues that if whatever is said on this side is not replied to, their silence might be misconstrued. I do not accept the argument. If one gentleman commits a mistake that is to say, if he makes an irrelevant speech, it does not follow that others also should be allowed to be irrelevant. Two wrongs cannot make one right.

**Khan Bahadur Mian Mushtaq Ahmed Gurmani :** Sir, I bow to your ruling and I would not take much time of the House. After the Parwana had been written the Mir Munshi asked the writer to read it out in order to satisfy himself that it had been correctly taken down. The Qazi was addressed in the following customary form :

رفيع الدرجات قاضى القضاء مولوي قطب الدين

The writer read it in the following terms :

رانجی دی جات کاجی کجات مولوی کتا بے دین

The Maharaja after hearing this version cancelled the orders and directed that the Persian script should be continued in the future. I would now give you an illustration with regard to the legal terminology which was tried to be evolved in the Punjabi language. For the terms "Office to report" the Urdu translation used in the courts is سرشتہ رپورٹ کرے but in an Indian State the following equivalent Punjabi term was suggested

کاڈھا کاڈھر کڈھے

Now, may I ask the honourable members whether the Urdu term is more intelligible or its Punjabi equivalent? Sir, my view is that the amendment under discussion is unnecessary and impracticable (*interruptions*).

*At this stage the Assembly adjourned till 11 A. M. on Thursday, 24th February, 1938.*

1917

1. The first of the three main branches of the  
theology of the church is the doctrine of God.

2. The second of the three main branches of the

theology of the church is the doctrine of man.

3. The third of the three main branches of the



1917

1. The first of the three main branches of the  
theology of the church is the doctrine of God.

# PUNJAB LEGISLATIVE ASSEMBLY.

## 2ND SESSION OF THE 1ST PUNJAB LEGISLATIVE ASSEMBLY.

Thursday, 24th February, 1938.

*The Assembly met at the Council Chamber at 11 A.M. of the clock. Mr. Speaker in the Chair.*

### MOTION FOR ADJOURNMENT.

BAN ON THE ENTRY OF PROFESSOR RANGA INTO THE PUNJAB.

**Sardar Hari Singh** (Kangra and Northern Hoshiarpur, Sikh, Rural): I beg to move—

That the House do now adjourn.

The order which is the subject matter of this adjournment motion was served on Professor Ranga on 4th February in the evening at Delhi railway station while he was on his way to Lahore to preside over the Bank and Insurance Employees' Conference. The object of his visit was to preside over the conference and presumably to address one or two public meetings at Jullundur and elsewhere and then go back to Delhi in connection with his parliamentary duties in the central legislature. I question the wisdom, I question the expediency of this order which is totally unjustifiable. Heavens would not have fallen, the earth would not have been rent asunder if Professor Ranga had been allowed for a couple of days to enter the Punjab and to address certain meetings. This order cannot be justified by any canon of fairplay and justice and from the point of view of civil liberties of the subjects. Professor Ranga's position in the politics of India is well-known to all. He is a distinguished member of the central legislature and he is a leader of all-India fame. He is President of the All-India Kisan Committee and recently he presided over the Excluded Areas Conference held at Haripura in connection with the Congress session. Where is the justification of serving an order of this nature upon a leader of all-India reputation and upon a man who believes in the Congress creed of non-violence? If the present Government cannot carry on the administration of the province without resort to such orders, they should make way for those who can carry on the Government without such orders. On reading the text of the order served on Professor Ranga, which is before me one finds that this order is supposed to have been served upon him in order to prevent an action which would have been prejudicial to the public safety and peace in the Punjab. On reading this plea of public safety and public interest, I am reminded of a certain writer who wrote about the iniquities perpetrated in the name of religion. He describes the horrors of inquisition and the brutalities of the crusades, he describes the iniquities, the sins and crimes committed in the name of religion by the votaries of religion—the whole population being destroyed, whole towns being burnt down in the sacred name of religion—and cries at the end, "Oh Religion, what sins and what crimes have been

[S. Hari Singh.]

committed in thy name"! Similarly may I exclaim, Mr. Speaker, with equal pathos, "Oh Public Interest, what sins, what crimes, what iniquities and misdeeds have been committed and are being committed by our Government in thy name". (*Hear, hear from Opposition benches*). If Public Interest had a tongue to speak, I am sure it will cry, "God save me from such a Government".

Professor Ranga's telegram to the Chief Secretary to the Punjab Government, a copy of which lies before me, exposes the real character of the order served upon him. One of the paragraphs of the telegram is as follows :—

Please let me vehemently protest against the prohibitory order served on me by your Government. It is most unjust, as it is most arbitrary. If I had already caused any disturbance of peace, etc., mentioned in the said order, it was the duty of your Government to have prosecuted me for it. But to adopt this means to prevent me from getting into direct contact with the Punjab Kisans and mazdoors does not at all become a respectable Ministry.

I have to enter your province on many occasions and for many purposes, including the discharge of my duties as a member of the Central Legislative Assembly. I, therefore, trust that your Government will see it fit to withdraw this order without any delay.

Now what has the Honourable Premier to say to this challenge and to this appeal? May I now put a few very pertinent questions to the Minister incharge of law and order? Professor Ranga is a member of the central legislature whose sessions during the summer season are held at Simla. He has to enter the Punjab during the summer season on many occasions to attend to his parliamentary duties. Will our Honourable Premier expect Professor Ranga to bend on his knees every time and beg him to give permission to enter the Punjab whenever he comes to attend the central legislature? Or supposing Professor Ranga is appointed a member of any committee set up by the central legislature—say an Income-tax Committee or Railway Committee—and that committee has to tour the Punjab in connection with that enquiry, will my friend then expect him to get the permission before touring the Punjab in connection with the duties laid upon him by the central legislature? Or suppose, God forbid, the federation is inaugurated within a few months and Professor Ranga, who is a prominent member of the Congress party, becomes a Federal Minister in charge of the portfolio of Labour and he has to tour the Punjab in connection with his duties as Minister of His Majesty's Government.

**Premier :** Then, why say "God forbid"?

**Sardar Hari Singh :** Then, will my friend ask him to get permission before entering the Punjab for purposes of discharging his official duties? Will the Honourable Premier answer this question? Again, may I ask him, how he will relish if the Government of Mr. G. B. Pant had served a similar order on him at the Delhi railway station when he went to the United Provinces last time to attend a meeting of the Muslim League? How will he relish if the Government of Dr. Khan Sahib serves a similar notice on him when he goes to Peshawar to attend a meeting of the Muslim League? He merely smiles. (*Voices from Opposition benches :* He relishes very much). I now come to the real reason why this order was served on Professor Ranga. Professor Ranga wants to organise the peasantry of the Punjab on an economic basis. He wants that the Punjab peasants should

organise themselves with a view to effect reduction in the land revenue rates, with a view to liquidation of debts and with a view to the removal of their long standing grievances. But our friends fear that once the Punjab peasantry has been organised, it will constitute a strong menace and a great danger to their own political hegemony. So, that is the real danger to public peace. Public interest in Sikander parlance means the interest of the party in power and not the interest of the public. They fear, and their fear is well-founded, that the broom of organised peasantry will sweep them off the scene like a gust of wind blowing leaves before it.

Their interest is quite opposed to the public interest which in the Punjab means the interest of the peasant whom they are exploiting. I have further to submit that the Punjab Criminal Law Amendment Act of 1935 was passed for a period of five years. It is going to expire on the first December, 1940. We suspect, and our suspicion is well founded that Government is making frequent use of this black law with a view...

**Mr. Speaker :** Order, order. The honourable member has used the expression 'black law'. That is a contempt of the legislature which passed it, and as it is unparliamentary, I ask the honourable member to withdraw it.

**Sardar Hari Singh :** The Government is making frequent use of the Act to show that there exists justification for the retention and continuation of the Act.

**Mr. Speaker :** The honourable member has not withdrawn the objectionable expression.

**Sardar Hari Singh :** I withdraw the expression 'black law'. The Punjab Debates of the session when this law was passed show that this Act was originally designed to meet the menace of civil disobedience movement and terrorism. Now that the Congress has suspended this movement for a long time to come, there exists no justification for resorting to an Act which was designed to meet the menace of civil disobedience movement and terrorism. There is no danger of terrorism in the Punjab. Terrorism has ceased to play its part even in the home of terrorism, I mean Bengal. Orders like that show that our Government, while paying lip sympathy to the creed of democracy, is treading on the path of dictatorship. There is only difference of degree but no difference of kind between Nazi dictator and our dictator. While the dictator of Germany is a menace to the world peace, our dictator is a menace to the peace of the province and the interest of the province. May I, Sir, wind up my speech by greeting our dictator with 'hail Hitler'.

**Mr. Speaker :** The motion moved is—

That the House do now adjourn.

**Premier (The Honourable Major Sir Sikander Hyat-Khan) :** Sir, apparently there are very few members who want to speak on this rather academic subject, so I may at this stage intervene in the debate. I have heard the speech of my honourable friend who has moved the adjournment motion, but I must confess that I am at a great disadvantage because it is impossible for me even on the floor of the House to divulge the reasons which actuated me to agree to that order, for the simple reason that if I

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divulge the real reasons it might create unfortunate repercussions. The information received by us was carefully examined, and it was found, I regret to be correct, it is not such as can be placed before even honourable members in this House. Let me make it quite clear that I am not making any charge or even suggestion against Mr. Ranga himself. Mr. Ranga I think paid two or three visits to this province during the last year, attended several meetings in the Doaba and elsewhere and although he made certain speeches which might have been considered objectionable from a particular point of view, but on the whole we did not consider them so rabid or so dangerous as to impel us to take any action against him. It was for this reason that we allowed Mr. Ranga to visit the province and address certain meetings. On this particular occasion, I am not aware whether Mr. Ranga knew about it or not, but I know that certain organisations had arranged to hold meetings with a view to accentuating the movement for mass violent action and it was intended that Mr. Ranga should give them a lead in this meeting. As I have said I am not aware whether Mr. Ranga himself knew it or not. (*A voice*: In the Bank Employees' meeting?) If my friend will be a little patient I will come to that. If he did not know, then I think that Mr. Ranga should thank us for saving him from attending the meeting which might have put him in difficulty. In any case, as I have said, it is not possible for me to divulge the information, but I am sure that the House will agree with me that any movement to upset society by violent action will be deprecated by this House and by the public outside (*hear, hear*). Instead of allowing Mr. Ranga to come and then serving an order upon him which would have caused him a great deal of inconvenience, we thought that it would be as well to convey to him the decision of the Government so that he should not enter the province if he was aware of these meetings. When Mr. Ranga received our message he sent us the following telegram:

Insurance employees conference, non-political. Wire whether permitted to stay Lahore to-morrow.

(*A voice*: A very respectful telegram). Yes, very reasonable and courteous telegram; and to this, Sir, we immediately replied that the Punjab Government had no objection whatever to his coming and presiding over the meeting provided that he after attending the meeting did not attend or address other political meetings. (*A voice*: Why this curtailment of liberty?) This curtailment of liberty I do not think was due to Mr. Ranga's fault at all. Perhaps my honourable friend who interrupted me may know more than I do about the restriction of liberty. It is quite possible he is aware of the reasons which stood in the way of Mr. Ranga coming to preside over the conference. As my honourable friend from Rawalpindi has suggested it was a non-political conference. It certainly was a non-political conference; but Sir, if you follow the proceedings of the meeting, some of which were published in the press—and I have my information from other sources also—you will find that rabid communism was preached in that meeting. (*Sardar Hari Singh*: What is communism?) If my honourable friend does not know it, he should go to Russia and find out. He might take some other friends with him also.

Now, Sir, that insurance conference, apart from other resolutions, passed a political resolution. I do not think that my honourable friend can



well say that it was purely a business meeting, because the resolution was not at all relevant to insurance work or bank business. However, that is by the way. In spite of the fact that we knew that a certain amount of political talk would be unavoidable in this meeting, we were quite prepared to allow Mr. Ranga, and we wired him back to come to the Punjab and preside over that meeting. (*A voice* : Subject to certain conditions). Of course, subject to the conditions which I have already stated.

My honourable friend has asked me certain questions. He said, 'God forbid,' if Federation comes to-morrow, Mr. Ranga may be appointed a labour minister or some other minister. I do not see the significance of the words 'God forbid'. (*A voice* : Because Federation is not wanted in India by anybody including your party). Not my party.

**Mr. Speaker :** I have more than once ruled that no member in possession of the House, should be interrupted. I repeat my ruling and hope that honourable members will follow it.

**Premier :** As a matter of fact, I do not mind my honourable friends' interruptions, because they may enliven the debate.

**Mr. Speaker :** The Honourable Premier may or may not mind. The ruling of the Chair is that no interruptions should be made.

**Premier :** Thank you, Sir. My honourable friend put me certain questions. If Mr. Ranga is fortunately appointed a labour minister and if he comes to the Punjab, I am almost certain that he will have that sense of responsibility which every Minister of His Majesty's Government has, and I am sure that he will not do anything which is subversive of law and order.

As I have said, it was not Mr. Ranga's fault that he had to be requested not to come to this province. My honourable friend also asked me what I would have done if Mr. Pant had banned my entry into the United Provinces when I went to Lucknow. I do not follow the suggestion. Let me, however, make it clear to my honourable friend that if he had banned my entry, for the same reasons as in the present case, there would be no occasion to express dissatisfaction. But if no proper reasons existed, it would have been your duty to show your resentment, because, as you are aware, I am not a person who would go to another province to run down the Government there or otherwise cause trouble. My honourable friends are also aware that I received several invitations from the adjoining province of North-West Frontier where I have close connections and where I have very friendly relations with several people. I was several times pressed to go there and address political meetings at very critical times, but I may assure the honourable members that on each occasion I had to express my regret, for the simple reason that my principle is—I think that should be the principle of every minister in every province—that we should not go into other provinces and meddle in their affairs or run down their Government, because once that practice is set up or that licence is allowed, there would be a civil war in the country. We want a united India and want a Federation which will bring all the component parts of the country into one homogeneous whole. If we start going about, denouncing each other, I think we would be doing great disservice to this country. My honourable friend is not aware that certain political leaders of eminence have been visiting this province and have been allowed to go about making speeches without any restriction or obstacle

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in their way. I can assure my honourable friend that so long as those distinguished leaders, who do not believe in violent methods, wish to press a particular political creed on the people's attention, constitutionally there would be no bar to their entry into those provinces. It is only when the peace and tranquillity of this province—and if I may say so the peace and tranquillity of the whole country—is jeopardised that it becomes necessary for the Government to see that that peace and tranquillity is not allowed to be disturbed in any way. It was for these reasons that we had to take that safeguard, specially on the eve of the Haripura Congress session, because at that time nobody was aware that the crisis in those two provinces were likely to arise. I may be presumptuous enough to think that I did a great service at that time in barring Mr. Ranga from coming here on the eve of the Haripura Congress because those meetings, which some people here had more or less decided to hold and in which they wanted to involve Mr. Ranga, would have created undoubted difficulty.

I have only one or two more sentences to add. I do not want to trespass on the time of the House any longer. My honourable friend says that much too frequent use of a certain law—and he used a term about this which you asked him to withdraw—was being made. He indulged in this suspicion, because he imagined that Government wanted to have a strong case for the renewal of the law when the time for it came; Government would, in his opinion, employ the argument from frequent use for necessity of renewal. Let me assure my honourable friends opposite that it gives me greater pain than to my honourable friends, when I have to sanction an order under this Act, for the simple reason that I want peace and tranquillity in this province just as my friends profess that they want it. It is in my interest and in the interest of the Government that the province should be peaceful and tranquil, so that we can get on according to our own laws to protect the province. If my honourable friend thinks that the numerousness of orders under this Act is likely to make it necessary for the Government to renew that Act in 1941, why does not my honourable friend opposite come and co-operate with me and help me and try to make it impossible for the Government to use this Act by preaching peace and tranquillity in the province and ask his friends also in public meetings and in private conversations that they should not do anything which would make it imperative for the Government to use this law. When the time comes for its renewal we can generally say that since this law has been absolutely dormant for the last so many years, it is not necessary to renew it. Now, Sir, I would appeal to my honourable friends to help me in trying to make the position in this province so peaceful that it would not be necessary to use this law at all.

One word more with regard to terrorism. My honourable friend says that there is no danger of terrorism in the Punjab. I am very glad that he has said so. Let us hope that what he has said is true. I agree with him that several of our political friends have now abandoned the doctrine of individual terrorism. Is my honourable friend prepared to affirm that there is no school of thought which instead of individual terrorism now preaches violent mass action to upset the society and the Government as they stand by law? (Voices: Question). That is the danger which we have all to forestall, and I hope that my honourable friends opposite would help the

Government in forestalling that danger, because individual terrorist action after all is directed against an individual, but violent mass revolution is more or less not only against the Government but is against the whole society. I am sure my honourable friends will agree with me that nobody who has got any sense of propriety or proportion in this province would like to have mass violent revolution which would involve rapine, murder and bloodshed.

**Sardar Sampuran Singh** (Lyallpur West, Sikh, Rural): Sir, the speech of the Honourable Premier gives me great surprise and reminds me of a story of an Akali who came in olden times to the district of Hoshiarpur from Anandpur Sahib. Some policeman asked him where he was coming from. The Akali replied that he was coming from Anandpur and that five lakhs of the Khalsa army were coming from that side. The deputy commissioner of the district did not probably understand the implication of the remark of the Akali and got "so frightened that he immediately wired to the then Lieutenant-Governor to make preparations because such a huge number of Sikhs were coming from Anandpur. (*Laughter*). I can believe foreigners being afraid of such things in this country; but that a gentleman of our own province who has lived with us all his life should get so panicky on receipt of such reports that a great revolution is coming into the Punjab because a gentleman of another province was coming here, shows colossal ignorance of the Premier about the condition of things in this province.

**Premier:** I never said that. My honourable friend is misquoting me.

**Sardar Sampuran Singh:** The Premier said that mass action was going to take place and some violent revolution was brewing and that something untoward would happen if that gentleman came to this province. Evidently he feels very panicky that something untoward is going to happen in this province.

**Premier:** I did not say all that.

**Sardar Sampuran Singh:** The Premier said that the presence of that gentleman would be conducive to that. If he did not mean that, he had no reason to stop that gentleman coming to this province. He should have had more confidence in the people of this province. I live in the same province as he does; and I live with all classes of people and travel practically all over the province and I know that there is no immediate danger in the Punjab of that sort which he is afraid of. (*An honourable member:* Immediate). Nor even a remote danger. This reminds me of another story, a historical incident. General Sir O'Moor Creagh was the Commander-in-Chief of India in 1913. One day when he was Military Secretary to the Secretary of State he met Lord Morley at the door of the India office when the latter told him that there was a great danger in India and that there was going to be a revolution by the Sikhs, and that he felt very anxious about it. The General gave him an assurance that such a thing would not happen during their life time and that the Secretary of State need have no anxiety on that account. I can give a similar assurance to the Leader of the House now that nothing of the sort that he apprehends will happen in this province and that he need not feel panicky about it. The Premier said that he would not go to the Frontier Province because he did not want to interfere with the affairs of that province.

**Premier :** I did not say so.

**Sardar Sampuran Singh :** The Premier said that he did not accept the invitations of the people of the Frontier Province because he did not want to interfere with the politics of that province. I fear he has got a very narrow view of politics then. He must have political tolerance.

**Premier :** Exactly, that is my point.

**Sardar Sampuran Singh :** You must give allowance for difference of opinion.

**Premier :** Quite so.

**Sardar Sampuran Singh :** If Mr. Pant were to come to this province and to express some differences of views or if he did not look eye to eye with the politics of the Government of this province, it does not mean that he should not be welcomed to this province for the simple reason that he held different views from those of the Government. Similarly, nothing should prevent our Premier going to the Frontier Province even if he held different views from those of the Government of that province. Unless we cultivate that habit of toleration I am afraid we cannot get on and we cannot exercise a responsibility which we are supposed to have under the new reforms.

The last words of the Premier were that there was a great danger of revolution.

**Premier :** Who said that ?

**Sardar Sampuran Singh :** He said that there were people who believed in bringing about revolution or mass movement or violent action. As I have already said, these are only signs of getting panicky unnecessarily. I think the former Governments committed such mistakes several times in the past. I would request the present Government that they should not commit this mistake. They must have confidence in their own people and should not get frightened when there are no reasons for that. If they do not want progressive movements in the province, if they do not want any change at all in the province, then I would say that they are extremely conservative and that they should give up that attitude. After all, 'old order changeth yielding place to new'. They should allow people to develop their institutions so that there may be greater progress, greater freedom and greater liberty in the province.

**Malik Barkat Ali** (Eastern Towns, Muhammadan, Urban) : Sir, I have listened with great attention to the speech of the Honourable Premier and I must say that I find it very difficult to withhold my support to the adjournment motion.

Professor Ranga is an esteemed member of the Central Assembly and a leader of all-India fame and it is very depressing that his entry into this province has been banned because if he did enter, Ravi would be set on fire. This is not the first time when an entry of a public man in this province has been banned. Some 20 or 23 years ago when Sir Michael O'Dwyer was in this province he actually banned the entry of such eminent persons as the late Mr. B. C. Pal and the late Bal Gangadhar Tilak. The grounds for banning the entry of these great leaders were identical with the grounds trotted out by our Government, viz., that the peace and tranquillity of the province will be disturbed. Sir, the Government of this province to-day is

certainly more democratic and the conditions prevailing far more tranquil and peaceful than they were in the days of Sir Michael O'Dwyer. Such things were possible in those days, because the cast-iron bureaucracy of that time was impervious to the voice of the public. We are to-day living under a Government which is a representative Government, which consists of the elected representatives of the public and which is accountable for its actions to this House as well as to the outside public who are really the masters of this House. The Honourable Premier has laid great emphasis on the peace and tranquillity of the province. We want to know from him how the peace and tranquillity of the province would have been jeopardized or endangered by the presence of so able a man as Professor Ranga who, as the Premier himself admitted, was coming to attend a non-political meeting. The Premier told us that he sent him a wire welcoming him to this province on condition that he did not indulge in any political activity and the Honourable Premier seems to think that a reply of this kind satisfied his conscience. I think Professor Ranga acted in accordance with the best traditions of Indian leadership when he refused to come on this condition. I will give you an instance of another kind which happened some time back. Mr. Jinnah came to this province some months ago, and the Principal of the Islamia College invited him to deliver a lecture to his students, but added the condition that the lecture shall not deal with politics. Mr. Jinnah refused outright to accept such an insulting invitation. I think that it is derogatory to the position of any self-respecting man to be told that he can come to this province but he must give an undertaking that he would not indulge in any political or public activity. Mr. Ranga was coming to preside over the Bank and Insurance Employees' Conference. That Conference certainly was a conference of persons who are not Government servants. The Honourable Premier seems to make it a grievance that that Conference passed resolutions for the release of political prisoners. I fail to understand how it advances his arguments. It was certainly open to that conference to pass any kind of resolutions so long as those resolutions did not preach mass violent action. There was nothing in the speech of the Honourable Premier to indicate that the holding of this conference was a menace to the peace and tranquillity of the province. Peace and tranquillity are terms which one can very easily understand. Let me ask the Honourable Premier whether the pretexts of peace and tranquillity can be used to stifle public opinion or to put a break on the actions of public leaders. To-day when we are talking of freedom and living in and breathing a freer atmosphere, it is certainly very tragic to be told that men of the position of Professor Ranga cannot enter this province because those in power think that their entry would be a menace to the peace and tranquillity of the province. The Honourable Premier has admitted, that so far as Professor Ranga is concerned, he has no personal knowledge of his activities. He is not prepared to associate him with any campaign of mass violent action. He is not prepared to say on the floor of this House that Professor Ranga is a man who is connected with any revolutionary activity or terrorists' campaign. In the face of these facts, I fail to understand how this Act of interfering with the inalienable right of every citizen to go about wherever he likes, can be justified. These acts done under the authority of legislative provisions are foes to freedom and must be opposed, and the sooner these things cease, the better for the cause of law and order. My learned friends seem to think

[Malik Barkat Ali.]

that in the name of law and order they can do whatever they like. The maintenance of law and order is certainly essential and I concede to them their claim that law and order must be maintained. But if law and order are of the very essence, so too are conscience, the principle, the thinker, the teacher and the writer. To treat these elements of social structure as secondary and subordinate is the negation, the contradiction of liberalism, it is downright militarism, and the present action of the Premier can rightly be characterised Napoleonism, if I may use that expression. Napoleon, whenever thinkers went wrong or gave an inconvenient ply to their conscience, or carried their doctrines to lengths which were troublesome, thought that there was mutiny in the regiment and he would do anything to quell that mutiny. I respectfully submit that it would be more in keeping with the position of this Government—an autonomous Government and a Government which professes to be of the people—it would be more in consonance with the character of this Government not to follow the methods of the bureaucracy. It is a stigma, a stain on the honour of this province not to allow a man like Professor Ranga, whose position in public life is well-known and who is not associated with any terrorists' movement, to enter our province and especially when he said that he was coming to attend a non-political conference. We are not living under a bureaucracy. I again say that it is a stigma on our political reputation that acts like these should be done at this time.

**Raja Ghazanfar Ali Khan** (Parliamentary Secretary): Sir, I have listened very carefully to the speeches delivered by the members of the Opposition benches. I have come to the conclusion that their objection is two-fold. In the first instance they do not like any preventive action being taken either under the Criminal Law Amendment Act or any other criminal law for the sake of stopping people from doing anything which, in the opinion of the Government, is likely to disturb the peace and tranquillity of the province. The second objection is as to why this step was taken particularly against Professor Ranga. So far as the first proposition is concerned, I would like to remind honourable members opposite that the Government and the member of the Cabinet who is in charge of law and order have to take certain steps under certain circumstances irrespective of the fact whether they represent the Unionist Party or the Congress Party or any other political party. If mere application of such section is a crime I would remind my honourable friends that

این گناه نیست که در شهر شما فتنه کنند

because we know that even Congress Governments had in some cases to promulgate section 144 and prevent people from addressing meetings. So far as this particular instance of Professor Ranga is concerned, I must confess that we are working under a certain amount of disadvantage because as the Honourable the Premier has told us just now, he does not consider it would be in the interest of the public to explain on the floor of the House all the circumstances which compelled him to issue those orders. Therefore in these circumstances there is to some extent the question of our having faith in the member in charge of law and order, and so far as we on this side

of the House are concerned we have perfect faith that unless the circumstances absolutely compelled the Honourable the Premier he would not resort to such actions. Therefore we agree that he is unable to inform the House of all the details of the reports upon which he based his decision. We are inclined to think that he could not have issued those orders unless he found that it was in the public interest to do so. (*A voice: What would you say in the case of a lawyer who does not disclose all the facts?*) This is not the first instance and it does not relate to this province only where a Member of the Cabinet has had to inform the House that it is not in the public interest to give certain reasons at a certain stage. This is often done in the House of Commons and is done in various other legislatures where the Minister says that it is not in the public interest to divulge all the details of a particular case.

*(At this stage Mr. Speaker left the Chair and the Deputy Speaker occupied it.)*

Therefore I consider that the Premier had no intention of preventing Professor Ranga from visiting Lahore for the purpose of presiding over a meeting. Some irrelevant questions were put by the mover of the motion when he drew an imaginary picture of the Federation being inaugurated after a few months and Professor Ranga becoming the Minister for Labour in the Federation. The simple answer is that when Professor Ranga sent a telegram that his object was merely to preside over a meeting, a reply was immediately sent by Government to say that he could preside over that meeting, but that Government would not like him to take part in any political movement at the present time. But, as I said before, I am not in possession of full facts and therefore I will not be able to tell you what precisely was the reason which compelled Government to take action, and even if I knew it would not be in the interests of the public to divulge those facts. But is it not quite possible that there may be some parties or political groups in the Punjab who are divided into certain groups where there is *party-bazi* and *dharra-bandi* going on? There are two groups belonging to extreme parties who are working at variance. Can it not be that one of these parties decided to take advantage of Professor Ranga's presence at Lahore to use him to encourage the object of a certain group whose intention was to bring about a revolution in the country? It may have been on account of such reports that Government thought that it would be in the interests of the public that he should be prevented from entering the province. I would ask my friends opposite to consider seriously that when certain political leaders of very high reputation have been very freely moving about in our province, when Congress meetings have been held at so many villages, there must be some good reason why Professor Ranga alone should not be allowed to enter the province. If you collect figures you will find that the number of socialist meetings held in this province during the last six months exceeds the number of meetings held during the last twenty years. The Punjab Government did not prevent the holding of such meetings and they did not prevent the leaders from visiting the province. Their taking action against Professor Ranga who happens to be a member of the central legislature means that there was something absolutely unavoidable, but it is very unfortunate—(*interruptions*).

**Deputy Speaker :** I have to request the honourable members not to indulge in conversation or to make remarks which might interrupt the honourable speaker.

**Raja Ghazanfar Ali Khan :** I would conclude my speech just with one appeal to the members of the House. Unfortunately the present conditions prevailing in this province are far from satisfactory. There is so much agitation. There are communal questions of very acute nature. Government may have to take action in the interests of the public under the Criminal Law Amendment Act or some other sections of the criminal law. The Opposition would be discouraging Government from taking such action even on such occasions which are of a very grave nature if they merely try to censure the Government for taking an action which, in the words of the Honourable the Premier, was very unpleasant but which he had to take after a great deal of reluctance and hesitation.

**Mrs. Duni Chand** (Lahore City, Women General) (*Urdu*) : Mr. Speaker, I rise to support the adjournment motion moved by the honourable member, Sardar Hari Singh. I consider it my duty to congratulate him inasmuch as he has rendered a great service to the province by moving this motion. There is no doubt about this fact that Professor Ranga is a great personality. He is one of the most responsible persons. He is the recognised leader of the majority party—I mean the Kisan party of our province where agriculturists form more than 70 per cent. of the total population. He is the president of a representative body of Kisans. It was not politic on the part of the Government to serve an order upon such a great personality to the effect that he should not enter the limits of the Punjab. This action on the part of the Government is undesirable, regrettable and condemnable. Apart from the case of Professor Ranga it is not proper for the Government to take such measures even against an ordinary person.

It is the birth right of every individual that he should have full liberty to express his views whenever and wherever he likes and nobody should interfere with him. I think it is highly objectionable to forcibly prevent a person from expressing his views. As a matter of fact there should be no restraint placed upon one's freedom of speech.

I draw the attention of the Government to the fact that in Bengal masses were tyrannised by the police and the result was that most of the people of the province resorted to violence. It is a fact that even young girls of 14 or 15 took part in subversive activities. I, therefore, feel it necessary to warn the Government that it should refrain from repression, for, if they suppress violence by force it will only add to its volume. Nature tells us that a tree always bends before the wind and if it does not it breaks. Similarly it is essential for the Government to act according to the prevailing public opinion. I am personally acquainted with the poor plight of the zamindars, for I have also worked in the area where Chaudhri Sir Chhotu Ram has been working. He claims to be a friend of the zamindars and says that the Unionist Ministry has full sympathy with them. Consequently we should have hoped that a friend of the zamindars would be a friend of the whole of India. But for the life of me I cannot understand



why, while they are the friends of the zamindars, they should deem Professor Ranga—who has been befriended by the zamindars and who is their well-wisher, a friend of their friends—a foe. I think your friendship ends when they claim their rights. You do not like that any one should be the friend of the starving zamindars and voice their grievances. To say that Professor Ranga is a danger to the tranquillity of the province is but a lame excuse. Where lies the danger? If a responsible and able person like Professor Ranga was invited to preside over a conference of bank employees it was, because he was well-versed in these matters and would assist them in arriving at a solution of their troubles. The Government has done wrong to them by depriving them of an opportunity of availing of Professor Ranga's advice. It also constitutes a grave injustice to the zamindars. The Government has acted in a high-handed manner in denying them their rights. So long as the Government does not allow the masses to organise and put up their grievances, it cannot hope to succeed. Zamindars can distinguish between a friend and a foe. They wanted to hear Professor Ranga, but the Government has deprived them of hearing his speech and benefitting by it. A speech made by him would not have created so much resentment among the zamindars as the order of the Punjab Government prohibiting his entry in the province has created. With these words I support the adjournment motion now before the House.

**Mir Maqbool Mahmood** (Parliamentary Secretary): Sir, let me  
 12 noon. congratulate my sister from Ambala on her maiden  
 speech and if I may say so, her excellent maiden  
 speech (*hear, hear and applause*). I have a great respect for my friend  
 from Ambala Mr. Duni Chand, but he will forgive me if I say that the sweet  
 reasonableness of my sister has proved that she is literally his better half.

The question before the House is a very important one and I submit that it requires to be looked at not from a sentimental or personal or parochial point of view, but in the best interests of the province. The Honourable Premier in opening his speech expressed the handicap under which he was working. He could not take the House into his confidence and I am sure that my honourable friends opposite will concede that there are occasions when with the best of cordiality and confidence the head of a Government—a democratic government—finds it impossible to place all his cards on the table. This is one of such matters and I hope and trust that on such matters a convention will be allowed to grow in this House that rather than bringing such matters for open discussion, the honourable Leader of the Opposition might see the honourable the Leader of the House and ask him to take him into confidence on such points and to the extent that he could be taken into confidence, so that when there are matters where the head of the Government or even some of the speakers on the other side of the House may find it difficult—because after all we are not here to score debating points, we are here, I submit, as His Majesty's Government and as His Majesty's Opposition joined together in a common partnership to serve the province—to take the House fully into confidence—I feel confident that in these matters my friend the Leader of the Opposition will rise to the occasion and say that he will sympathise with the difficulties of the Honourable Premier—(*Voices: "No, No"*)—a healthy convention might be established.

[Mir Maqbool Mahmood.]

Now, Sir, in regard to the motion before the House, the main argument raised by the mover of the adjournment motion was that the Criminal Law Amendment Act was designed only to be applied in circumstances when there was civil disobedience movement. He will forgive me if I give him the authority of the statement of objects and reasons accompanying the Criminal Law Amendment Bill of 1935, where it was definitely stated that a certain section of the old Act which was designed primarily to deal with civil disobedience movement had been deleted in the new Bill. That is No. (1). Secondly, I am sure that if he analyses the situation in the province he will not state that the civil disobedience has died out of the province. The mentality is there. Even in the last year, at Panipat, at Karnal, in the Lahore Cantonment and in Lahore itself and in various other places, there has been civil disobedience movement. I grant that the Congress as a responsible party has for the time being abandoned it as a weapon in its armoury. But so far as civil disobedience movement is concerned, we find that it has not come to stay. More than that, even ignoring the question of civil disobedience movement, let us see the situation in the province. I am sure my honourable friends opposite do not need to be told that in the last year there have been 45 meetings in which non-payment of land revenue or any kind of liability has been openly preached; that there have been 37 meetings in which openly mass revolution has been advocated; in fact one murder has happened; that posters preaching violence have been openly promulgated; that in connection with the burning of motor cars when the case was taken up, the person concerned confessed that he was under the influence of terrorists and subversive activities in the province and that was why he had to take that course; that similarly a bomb exploded in the hands of a member of the Congress Socialist party at Sonapat; that highly inflammatory posters preaching violence and mass revolution were recovered from different parts of the Lyallpur district and when one person was actually arrested he revealed the whole secret and stated that he was under the influence of mass propaganda and subversive terrorist movement that was being carried on in the province.

**Premier :** It is the district of my honourable friend opposite and he knows the whole thing.

**Mir Maqbool Mahmood :** So my honourable friend the story teller will repeat this story in his next speech. I submit that so far as these facts are concerned, they certainly do not say that we have no need to be alarmed.

**Shrimati Raghubir Kaur :** May I request the honourable member to let us know the name of the person in whose house the bomb exploded?

**Mir Maqbool Mahmood :** I was going to submit that nobody advocates on this side that action had been taken because there was any panic among the public. If the situation in the province is not panicky, I submit the credit primarily goes to the farsightedness and action in time taken by the Government. But in matters of this nature we have to view this question detached from personal considerations. My honourable leader has indicated that he has nothing personal against Professor Ranga. As a matter of fact, the moment he was assured that Professor Ranga wanted to confine his activities to the Bank and Insurance Employees' meeting

there was no objection to his doing so. That shows the *bona fides* of the Government in the matter but my honourable friend forgets that action under section 3 of the Criminal Law Amendment Act is not only to be taken in a case when a person does anything or is likely to do anything against public peace, but there is also another clause that when he is likely to do anything which gives furtherance to a movement which is likely to disturb the peace, action can be taken. It is under that clause that action has been taken, I presume, against Professor Ranga. My honourable friend on the opposite side will not deny that there are movements, and I am sorry to say Kisan movement is one of them, which tend at times, to lead to breach of the peace and this is a feeling which is shared by all Congress ministeries. A point was raised that the main fear of the Opposition is that the Government have abused the powers given to them under the Criminal Law Amendment Act. I wish, with your permission, to invite their attention to the fact that in the Criminal Law Amendment Act there are certain sections which can only be applied after a notification by the local Government. Up to this date the local Government have not issued any notification of that sort. If they wanted wider arbitrary powers under this section, there is nothing to debar them and I hope that activities of the subversive workers in the province will not make it necessary for my leader to introduce them. Secondly, they will find that in not a single case action has been taken by the Government under the Central Government Criminal Law Amendment Act. Surely you will find on reference to the very proceedings, to which the honourable member often refers, that when the Criminal Law Amendment Act was introduced, it was definitely stated that section 2 will be used mainly, if not entirely, against terrorists of the province and people of that nature. He will find that though the undertaking was not exhaustive or final or that it did not permit of exceptions, in not a single case has the Government taken action against people who were covered under that Act or directly associated with activities of that nature. More than that, I hope I am not revealing any secrets when I say that there have been cases when it had been suggested to the Honourable Premier to take action under the Criminal Law Amendment Act but he refused to act accordingly and, as he has stated, he considered it an unpleasant duty for him to take action under this particular Act and when he does that for reasons which he finds impossible to place entirely on the floor of this House, I feel that he is entitled to the fullest confidence of this House. I know that in the running of Government in more than one matter we have to trust the man who leads a particular party. I feel that by his release of political prisoners and even the courteous reply which he gave yesterday on a short notice question, there should be enough indication that we have every reason to have our fullest confidence in the Premier. There is one point which my sister from Ambala raised. She enquired from my learned friend Sir Chhotu Ram, "You always advocate friendship and goodwill for the kisans, then why do you stop friends of the kisans coming to this province?" I submit to my sister through you that if she were in full possession of the facts leading to this situation and if she had realised that certain aspects of the kisan movement tend to undermine or kill the geese that lay the golden eggs, she will feel different. Some people try to serve their cause but those who know wider, realise that they are going in the wrong direction or are misguided. Let me make it clear

[Mir Maqbool Mahmood.]

that more than anybody else, more than any one in the province, we want peace and if there is no peace, people in the rural areas will suffer and I know that the wives, daughters and children of our friends, who are supporters of the movement, will suffer and will be in a panicky condition in rural areas. Any movement which tends to create lawlessness in the province is worst designed against the interests of zamindars and no economic uplift of zamindars is possible. Therefore, all friends of zamindars have thought it their duty to see that lawlessness or even incitement to lawlessness is not allowed to come into this province and if for prevention of lawlessness one has to wait till there are actual outbursts, I am sure that will be a philosophy which will not appeal to this side of the House. With these words I beg to oppose the adjournment motion. (*Voices*: Question be now put.)

**Dr. Saif-ud-Din Kitchlew** (Amritsar City, Muhammadan, Urban): All sorts of things have been introduced in speeches which have already been made in this House. The motion for discussion before this House is pure and simple—nothing of terrorism, nothing of individual action. The question before the House is that Professor Ranga, a very respectable citizen, very well known for his ideas, views and activities all over the country—all over India—was called by certain fellow citizens of ours in this province to come and preside over their meeting. The organisation was brought about by certain employees of banks and insurance companies in this province. They requested this gentleman to come and assist them and they wanted to lay their grievances before him. That was the thing which was really going to happen. The employees of banks and insurance companies in this province would have laid their grievances before the public through Professor Ranga. Was there anything revolutionary in that movement? Were they preparing bombshells to throw in this House or outside this House?

**Premier**: We never stopped him from attending that meeting.

**Dr. Saif-ud-Din Kitchlew**: Professor Ranga wanted to come. At first he was not allowed to come. Then he was told that he could come and address the meeting provided he did not enter into politics and did not say anything which would go against the interest of the public and peace and tranquillity of this province. (*Lala Duni Chand*: Of Unionist Party.) May be of the Unionist party as my honourable friend Lala Duni Chand suggests.

**Premier**: We said that he may attend the conference and go away without addressing any other meeting.

**Dr. Saif-ud-Din Kitchlew**: You said, "Talk to no other person, don't open your mouth anywhere else." What is all this? Is it not a humiliating thing for a gentleman of this country? Professor Ranga was perfectly right in saying 'No' to it. (*Hear, hear.*) What right have you, what right has this Government to talk to a gentleman like this? I am really surprised at all that kind of bunkum that has been introduced. I am not afraid of revolution. None is afraid of revolution on this side of the House.

**Premier**: Violent revolution.

**Dr. Saif-ud-Din Kitchlew :** My honourable friend on the other side should have patience to listen to me. You ought to be thankful and grateful to the creed of the Congress in this country that non-violent revolution is being preached. It is not from your side, it is not from the Government side that non-violence is preached in this country. You do not understand the theory of non-violence. You have never understood it.

**Minister for Development :** It does not seem to have been practised very much.

**Dr Saif-ud-Din Kitchlew :** What I want to know as a citizen of the province and what every member of the House should like to know is this—is Mr. Ranga a red hot revolutionary or has he committed any act of violence anywhere in the country? Was he ever tried or given notice by Government that his speeches or activities were of a revolutionary type that you did not like? Nothing has been said about it. (*Revenue Minister :* You were not present before.) One of my honourable friends says I was not present before. Certainly I was present and I heard the speech of Mir Maqbool Mahmood and Raja Ghazanfar Ali. (*Revenue Minister :* You were not present when the Premier made his speech.) Are you afraid of disclosing the real reasons on the floor of the House for this bar against Mr. Ranga? How are we to know them? We have a legitimate right to say that you have nothing in your possession: it is only camouflage? We are told by the Premier that so far as Mr. Ranga was concerned it was no fault of his. Then why do you stop Mr. Ranga from coming here? This is a position which I would like to understand. I can understand this much that if this country wants to get freedom I feel personally that it will have to adopt certain revolutionary methods. As I have already stated you ought to be grateful to the Congress people. Professor Ranga is a member of the All-India Congress Committee and you should not forget that he is a member of the Central Legislative Assembly. He wants to come over here and you want to stop his activities by some indirect methods by offering certain conditions which no respectable man would ever accept. May I tell you what the world will think about you? The Professor is not a terrorist but the people who want to gag him are really terrorists in action. It is you who by your acts of terrorism want to strike terror in the minds of the people who desire to open their minds in the matter of their grievances. I do not want to take more time of the House but the matter is certainly of an important nature. I do think my friends opposite would realise that it is no use adopting the methods of the old bureaucracy who really wanted by hook or crook to cow down the citizens of this province. It has been said with a proud boast by the bureaucracy that so far as this province is concerned it is safe for imperialism, is safe for the British Government and is safe even for the war that is coming—with men, money and everything, and for that reason you do not like even an innocent and simple man like Mr. Ranga to come and address a meeting of the employees of banks and insurance companies. I think the Government by taking this action have done a very unwise thing and I hope in future they will be very careful and will not repeat this mistake.

**Lieutenant Bhai Fatehjang Singh** (South-East, Sikh, Rural) : Sir, my honourable friend who has just spoken before me has very clearly elucidated the issue before the House as he has said it is very simple, but

[Lt. Bhai Fatehjang Singh.]

repeated remarks have been made to the effect that the peace of the province referred to by the Honourable the Premier is the peace and tranquillity of the "Unionist Party." I would feel inclined here to remind the honourable members of this House as to the principle adopted and methods used in framing the constitution. It is based on majority party being in power. Now, what is the majority party? I may say that the majority party constitutes majority of elected members of this House and thus represents the majority of inhabitants of this province. Therefore, the peace and tranquillity of the majority inhabitants of the province is the peace and tranquillity of the constitution, if I may be permitted to say that. If I embark on comparisons they will be odious, but let me assure the honourable members that the programme of this Government is not on the same lines as that of the Government outside this province. If a reference is made to newspapers of the past six months you will see that it has been repeatedly given out that the programme of the United Provinces Government is to consolidate its party. Well, that is not the case here. In this province it is based on majority representation of the people and represents the majority of the people of the province as a whole. People of the provinces differ and the voters in this province are different from the voters outside. Whenever I had the occasion to be amongst people of other provinces and asked them, "what are you going to do for the minorities," their answer has always been that they must take into consideration the interests of the masses. Masses in this province differ in their habits and in their ways and means for earning their livelihood from those of other provinces. What is considered good for the people there has not been considered good for the masses here. What things are appreciated outside, cannot be appreciated by the masses here. My honourable lady member from Ambala has said that everyone must have liberty of action and liberty of movement. But I must say that she will not agree with me if I say that there must be some exception and that some restriction should be imposed on that liberty. She will not agree with me if I say that every thief and every dacoit should have liberty, because his ambition would develop in such a way that he would only be satisfied if he has that liberty to commit dacoity; otherwise not.

The whole incident is unfortunate that Professor Ranga in this particular case came in the category of such exception. This constitution has given every member of this House an unlimited scope to justify his talent and this is what, I think, we are trying to do. As a matter of fact the responsibility of Government rests on us and there is a vast majority behind all elected members, which have trust in us and have sent us here as members. When this majority trusts us and have faith in us, it is not for us to weaken that faith and strength, which is to achieve good things in the province.

My honourable friend advocates non-violent revolution. I would like to know how many people understand non-violence outside this House and outside in rural areas, even where there are prominent workers. They do not know the difference between violence and non-violence. Certainly, I am afraid of results of such revolution and I assure you that everyone in his heart of hearts is afraid. (A voice: No.) It is quite a different matter to say that you are not afraid of it. Non-violence amounts

to something which is essential to the people. It may start with non-violence, but it will end with violence. History will tell you everything. Revolution starts with non-violence and ends with violence. Therefore it is very difficult for me to agree with my honourable friends opposite and with their wisdom in this respect. But I can assure you that it will not be beneficial to the province. As a matter of fact the question of violence does not arise from this particular issue. It arises from judging the responsibility of a man and from judging the mistakes and character of a man in the province. As I have said there is a strong backing behind and therefore, I appeal to the House to take a broad view of the whole thing before giving its support. With these words I oppose the motion before the House.

**Dr. Gopi Chand Bhargava** (Lahore City, General, Urban): Sir, we have heard here in defence of the Government speeches which are in a way more royal than the King himself and more threatening and terrifying as well as of a more violent nature. The matter is quite simple. Professor Ranga is the President of the All-India Kisan Committee and is a prominent member of the All-India Congress Committee, the creed of which is the attainment of complete independence by legitimate and peaceful means. He was coming here to preside over a meeting and the Honourable Premier was pleased to say that he had no objection to his entry into the Punjab to preside over that meeting. He remarked that he found later on that rabid communism was preached in that meeting as well. This action took place after he had passed his orders banning the entry. He has probably mentioned it to justify his orders. Though, he has said, that it was not in public interest to disclose the reasons which led him to take that action: yet in his speech he gave us a bit of his mind when he said that there was a violent mass movement afoot in this province and Professor Ranga was called upon to advise them how to lead that movement and he, not in the public interest, but in the interest of Professor Ranga himself, stopped him from coming here, so that he may not fall in the snares of that movement. I have not been able to understand that reasoning. He says that he really acted in the interest of Professor Ranga, so that he might not fall in the snares of mass violent movement. I am one of those who have the privilege of being co-workers of many of those people who are working in the Congress for complete independence in this province as well as in other provinces (*Hear, hear from the Opposition benches*) and as a co-worker I claim to know more than anybody else sitting opposite or a reporter of the Criminal Investigation Department of the Government itself. I can speak with authority and say that there is not a single person in this House or outside, who is working with the Congress under the All-India Congress Committee, but is in favour of violent mass action. Our creed is non-violence. Our creed is to get complete independence by legitimate and peaceful means and as long as we believe in it by way of expediency or by faith, we are not going to advocate violence in this province or anywhere else. Mr. Ranga himself addressed six meetings in Jullundur district and more at other places and said that he was not in favour of violence. I had the privilege of meeting him, and discussing with him, when he came to the Punjab, about the kisan movement. I always heard him say that the movement was a non-violent movement. Why should the Honourable Premier have thought that Professor Ranga would have been led away

[Dr. Gopi Chand Bhargava.]

by those people who wanted to hold those meetings and to take his advice? He is a responsible man. He is not an ordinary man. He is the President of the All-India Congress Committee elected by the congress members. Had not the Government a soft corner in its heart and had not stopped him from coming here, it would have been in the interests of the peace of the province and Mr. Ranga would have asked those people, if they had been in favour of violence, to abstain from violence and adopt non-violent methods. I can say that all the Congress people want real peace and tranquillity established in the province, not that lasting peace which the Government want the people to have. We are in favour of peace and tranquillity in the province. We want to attain complete independence by peaceful methods. But we are not in favour of that peace which the Government wants in this province or elsewhere where the legitimate rights of people are curbed by Government action. I submit that the Government should feel thankful to the Congress that there is a peaceful atmosphere in this province as well as in the country in spite of indignities and the zoolium of the Government. It is the Congress that is responsible for the prevalence of a peaceful and tranquil atmosphere in the country and yet we are accused of taking part in violent mass action. We do not believe in it and we are therefore not going to take part in it. It is therefore quite wrong on the part of the Government to have stopped Mr. Ranga from coming here. I assert that it was really in the interest of the Unionist Party that he was stopped and not in the interest of the public. I am grateful to my honourable friend who has just spoken when he said that Government means the Government of the majority and therefore if the Premier has taken any action it was in the interest of the majority party and he was justified in taking that action. As far as the Unionist Party is concerned he may be justified in his action, but we are here in the interest of the public at large. We are here in the interest of the people as a whole when we come here to represent their views. Therefore if anything is done by the Premier in the interest of his party, I say that his action cannot be justified on the plea of public interest. We know that prominent members of the Unionist Party go about and preach violent socialism and communism. They go about and preach class war and this they do at the expense of public money. Yet when a person wants to come here only to counteract that class war, Government takes action to prevent his coming and yet claims that its action is justified. With these words I support the adjournment motion.

**An Honourable Member :** The question may now be put.

**Deputy Speaker :** The question is—

*That the question be now put.*

*The motion was carried.*

**Sardar Sohan Singh Josh (Punjabi) :** I rise to offer a word of personal explanation. The Honourable Premier has repeatedly alluded to me in his remarks 'enquire from him'. I want to explain that I have no acknowledge of the matter in question.

**Deputy Speaker :** That is no ground for explanation.



**Sardar Sampuran Singh :** On a point of order, Sir, if a gentleman wants to explain himself he has got the right to do so under our rules of procedure. Certainly you should give him that right and not deny it to him.

**Deputy Speaker :** There is no point of order involved. The honourable member has no right to offer personal explanation, because there was nothing which could give him an opportunity to offer a personal explanation.

**Sardar Sampuran Singh :** It is for the honourable member to say what he has got to say by way of personal explanation.

**Lala Duni Chand :** The Minister referred to the honourable member and so the honourable member has got a right to offer his explanation.

**Dr. Gopi Chand Bhargava :** May I invite your attention to one fact. Sardar Sampuran Singh has not yet explained his point of order. I would therefore request you to please allow him to explain his point of order. After he has explained his point of order you may give whatever you consider to be the proper ruling on the point.

**Deputy Speaker :** I have grasped the point of order raised by the honourable member.

**Sardar Sampuran Singh :** You cannot read what is in my mind.

**Sardar Hari Singh :** I do not propose to exercise my right of reply as the time at our disposal is very short.

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

**Mr. Speaker :** The question is—

That the Assembly do now adjourn.

*The Assembly divided : Ayes 22 ; Noes 61.*

#### AYES.

Ajit Singh, Sardar.  
Bhagat Ram Choda, Lala.  
Bhagat Ram Sharma, Pandit.  
Chanan Singh, Sardar.  
Duni Chand, Lala.  
Duni Chand, Mrs.  
Gopi Chand Bhargava, Dr.  
Hari Lal, Munshi.  
Hari Singh, Sardar.  
Harjab Singh, Sardar.  
Kabul Singh, Master.

Kapoor Singh, Sardar.  
Kartar Singh, Sardar.  
Kishan Singh, Sardar.  
Lal Singh, Sardar.  
Muhammad Hassan, Chaudhri.  
Partab Singh, Sardar.  
Raghubir Kaur, Shrimati.  
Rur Singh, Sardar.  
Sampuran Singh, Sardar.  
Shri Ram Sharma, Pandit.  
Sohan Singh Josh, Sardar.

#### NOES.

Abdul Haye, The Honourable Mian.  
Abdul Rahim, Chaudhri (Gurdaspur).  
Afzaalali Hasnie, Sayed.  
Ahmad Yar Khan Danlatana,  
Khan Bahadur Mian.  
Akbar Ali, Pir.

Ali Akbar, Chaudhri.  
Allah Bakhsh Khan, Khan Bahadur Nawab Malik.  
Amjad Ali Shah, Sayed.  
Anant Ram, Chaudhri.  
Dasaundha Singh, Sardar.  
Faiz Muhammad, Shaikh.

Faqir Hussain Khan, Chaudhri.  
 Farman Ali Khan, Subedar-Major Raja.  
 Fateh Jang Singh, 2nd-Lieut. Bhai.  
 Fateh Khan, Raja.  
 Fateh Sher Khan, Malik.  
 Fazal Din, Khan Sahib Chaudhri.  
 Fazal Karim Bakhsh, Mian.  
 Few, Mr. E.  
 Ghazanfar Ali Khan, Raja.  
 Gopal Das, Rai Sahib Lala.  
 Gopal Singh (American), Sardar.  
 Gurbachan Singh, Sardar Sahib Sardar.  
 Hari Chand, Rai.  
 Het Ram, Rai Sahib Chaudhri.  
 Jagjit Singh Bedi, Tikka.  
 Jahangir Khan, Chaudhri.  
 Khizar Hayat Khan Tiwana, The Honourable Nawabzada Major.  
 Kishan Das, Seth.  
 Manohar Lal, The Honourable Mr.  
 Maqbool Mahmood, Mir.  
 Muhammad Akram Khan, Khan Bahadur Raja.  
 Muhammad Azam Khan, Sardar.  
 Muhammad Faiyaz Ali Khan, Nawabzada.  
 Muhammad Hassan, Khan Bahadur Makhdum Sayed.  
 Muhammad Hayat Khan Noon, Nawab Malik Sir.  
 Muhammad Nurullah, Mian.

Muhammad Saadat Ali Khan, Khan Sahib Khan.  
 Muhammad Yusaf Khan, Khan.  
 Muzaffar Ali Khan Qizilbash, Sardar.  
 Muzaffar Khan, Khan Bahadur Captain Malik.  
 Muzaffar Khan, Khan Bahadur Nawab.  
 Narendra Nath, Diwan Bahadur Raja.  
 Nasir-ud-Din, Chaudhri.  
 Pir Muhammad, Khan Sahib Chaudhri.  
 Ram Sarup, Chaudhri.  
 Riasat Ali, Khan Bahadur Chaudhri.  
 Ripudaman Singh, Thakur.  
 Roberts, Professor W.  
 Sahib Dad Khan, Khan Sahib Chaudhri.  
 Shahadat Khan, Khan Sahib Rai.  
 Shah Nawaz, Mrs. J. A.  
 Shah Nawaz Khan, Nawab Khan.  
 Sham Lal, Rai Bahadur Chaudhri.  
 Sikander Hyat-Khan, The Honourable Major Sir.  
 Sita Ram, Lala.  
 Sumer Singh, Chaudhri.  
 Sundar Singh Majithia, The Honourable Dr. Sir.  
 Suraj Mal, Chaudhri.  
 Tikka Ram, Chaudhri.  
 Ujjal Singh, Sardar Sahib Sardar.

*The Assembly then adjourned till 2 P. M.*

*The Assembly re-assembled at 2 P. M. Mr. Speaker in the chair.*

### STARRED QUESTIONS AND ANSWERS.

DEPUTY COMMISSIONER, SHEIKHUPURA'S ORDERS SUSPENDING  
 AUCTIONS HELD UNDER MANAGEMENT OF MUNICIPAL  
 COMMITTEE, SHEIKHUPURA.

**\*1753. Sardar Hari Singh :** Will the Honourable Minister for Public Works be pleased to state—

(a) whether it is a fact that recently the Deputy Commissioner, Sheikhupura, issued orders suspending notices of auctions of lorry-stand, agricultural land and other auctions held under the management of the Municipal Committee, Sheikhupura ;

- (b) whether it is a fact that the President of the Municipal Committee has questioned the authority of the Deputy Commissioner to issue such orders and whether the Government has intervened in the matter ; if so, with what result ?

**The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana :** (a) Yes.

(b) Yes. The orders of the Deputy Commissioner were confirmed by the Commissioner and Government did not take any further action.

**Sardar Hari Singh :** Will the Honourable Minister please state whether in view of the continuous legal and constitutional tussle going on between the district authorities and the municipal committee, Government does not think it necessary to make inquiries in the matter and set things right ?

**Minister :** I am not aware of any tussle. But I think that on general grounds it is desirable that nothing should be allowed to prejudice the interests of the new committee between the interval of the holding of general elections and the new committee coming into office.

#### TERMS OF APPOINTMENT AND DUTIES OF PARLIAMENTARY SECRETARIES.

**\*1754. Lala Deshbandhu Gupta :** Will the Honourable Premier be pleased to state—

- (a) the terms of appointment and duties of the Parliamentary Secretaries ;
- (b) whether it is open to a Parliamentary Secretary to carry on his business or profession along-side or not ;
- (c) whether it is a fact that one of the Parliamentary Secretaries has been carrying on his legal profession even after his appointment as secretary and is still doing so ;
- (d) if the answer to (c) be in the affirmative, whether this was done with the permission of the Government ;
- (e) if the answer to part (d) be in the negative, what action Government propose to take in the matter ?

**The Honourable Major Sir Sikander Hyat-Khan :** (a) The attention of the honourable member is invited to the reply given to the starred question No. 1578.<sup>1</sup>

(b) If the honourable member means by ' business or profession ' any whole-time work or service, the answer is in the negative ; but a Parliamentary Secretary is not precluded from undertaking work which does not interfere with his duties and obligations as a Parliamentary Secretary (e.g., looking after his property) with the permission of the Minister and only during the time when he is not required to perform his duties as a Parliamentary Secretary subject to the following recognised principles :—

- (i) that he must not place himself in a position of conflict between his personal interests and his public duties ;
- (ii) that he should not use his official position for his own pecuniary gain ;

[Premier.]

(iii) that he should not undertake any work which interferes with his liability to be called at any time to perform duties—in or outside Lahore—connected with his appointment as a Parliamentary Secretary ;

(iv) that any time devoted to such work not connected with his official duties as a Parliamentary Secretary must be so spent with the express sanction of the Minister concerned subject to the exigencies of public work.

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

**Sardar Hari Singh :** May I ask whether according to the position as stated, a Parliamentary Secretary can carry on his legal duties ?

**Premier :** My honourable friend can derive his own conclusions. The answer is quite clear and unequivocal.

**Sardar Hari Singh :** I want a definite statement from the Honourable Premier.

**Mr. Speaker :** The Premier has stated the duties of Parliamentary Secretaries.

**Sardar Hari Singh :** An allegation has been made that a Parliamentary Secretary is carrying on his legal duties. According to the ruling of the chair the other day . . . .

**Premier :** My answer to part (b) says : If the honourable member means by ' business or profession ' any whole-time work or service, the answer is in the negative.

**Sardar Hari Singh :** I want to know the ruling on this point. You were pleased to give a ruling that a Parliamentary Secretary is not a private member, he is an official member and he cannot put questions or move a resolution on the floor of the House as a private member.

**Mir Maqbool Mahmood :** On the days allotted for private business.

**Sardar Hari Singh :** A Parliamentary Secretary, according to the ruling of the Chair, cannot move a bill or resolution or ask a question as a private member. He is working in the House as an Under Secretary as understood in the House of Commons, or as an Under Minister. His position is official on the floor of the House. It ought to be official outside too. The Parliamentary Secretary receives files from district magistrates and other officials and . . . . . (A voice : Is it a speech or a question ?) I am raising a point of order, whether a Parliamentary Secretary can carry on the legal profession according to the procedure of this House.

**Mr. Speaker :** If the honourable member wants to satisfy himself, he may read the answer given by the Premier, and then, if necessary, give notice of a fresh question.

**Sardar Hari Singh :** The answer is evasive.

**Premier :** I take strong objection to that remark. The answer is not evasive. It is quite clear and I have tried to be as clear as possible. I have said that if the honourable member means by ' business or profession ' any whole-time work or service, the answer is in the negative. It is quite clear.

**Sardar Hari Singh :** Can a Parliamentary Secretary appear in cases as a pleader ?

**Premier :** I should like to have notice of that question. I have not that information, but I have made it quite clear what he can do and what he cannot do. You can derive your own conclusions.

**Sardar Kapoor Singh :** Has any Parliamentary Secretary appeared in cases ?

**Malik Barkat Ali :** With regard to part (c) of the question will the Honourable Premier please say whether any Parliamentary Secretary has been appearing in court cases ?

**Premier :** No name has been given in the question and I cannot tell, just as you cannot tell whether any member of this House joined in the Olympic Games last time.

**Sardar Hari Singh :** The Premier has stated in answering this part of the question that (c) does not arise. Now does he say that he is not aware of it ?

**Mian Abdul Aziz :** Could he not enquire from the Parliamentary Secretaries whether they have been carrying on this business or not ?

**Premier :** Give notice and I shall enquire. Is the honourable member aware that any Parliamentary Secretary is carrying on that work ? If so, let him give me the name.

**Sardar Kapoor Singh :** Will the Honourable Premier please let me know the names of the Secretaries who are in the legal profession or who are advocates or pleaders ?

**\*1755-56. Cancelled.**

#### BUILDING OF DRAINS IN KUCHA PANDIT ATMA RAM, LUDHIANA.

**\*1757. Lala Deshbandhu Gupta :** With reference to the answer to part (d) of question No.<sup>1</sup> 155 put on 19th July, 1937, in the last session of the Punjab Legislative Assembly, will the Honourable Minister for Education be pleased to state whether the estimate referred to therein has since been sanctioned and the work of building drains taken in hand ; if so, when this work is likely to be completed ?

**Parliamentary Secretary (Mrs. J. A. Shah Nawaz) :** The estimate has been prepared and has been forwarded to the Municipal Committee, Ludhiana, for their approval. The work will be taken in hand as soon as the Municipal Committee approves of it being carried out.

#### DRAINAGE SCHEME FOR LUDHIANA.

**\*1758. Lala Deshbandhu Gupta :** With reference to the answer to question No.<sup>2</sup> 156 (c) put on the 19th July, 1937, in the last session of the Punjab Legislative Assembly, will the Honourable Minister for Education be pleased to state whether the saving of Rs. 21,834 has since been utilized ; if so, how ?

<sup>1</sup> Vol. I, page 1666.

<sup>2</sup> Vol. I, page 1667.

**Parliamentary Secretary (Mrs. J. A. Shah Nawaz) :** Estimates amounting to over a lakh of rupees are now under preparation by the Superintending Engineer, Public Health Circle, for the further extension of drainage in Ludhiana town. The savings of Rs. 21,884 will be utilised in connection with these works after the estimates have been completed and approved by the Municipal Committee.

**\*1759. Cancelled.**

#### WATCH ON THE MOVEMENTS OF HAKIM HAMIR SINGH.

**\*1760. Dr. Gopi Chand Bhargava :** Will the Honourable Premier be pleased to state whether it is a fact that a strict watch is continued to be kept on the movements of Hakim Hamir Singh of Bhiwani now residing in village Bhivoti, post office Sohana, district Gurgaon; if so, why?

**The Honourable Major Sir Sikander Hyat-Khan :** It is not in the public interest to give this information.

#### REPRESENTATION FROM AGRICULTURISTS OF PALWAL REGARDING REMISSION IN REVENUE AND TACCAVI.

**\*1761. Dr. Gopi Chand Bhargava :** Will the Honourable Minister for Revenue be pleased to state whether he received a representation from agriculturists of Palwal on 2nd October, 1987, requesting him to remit the revenue and *tagari* on *rabi* and *kharif* crops of 1987 as the crops were scanty; if so, the action taken thereon?

**The Honourable Dr. Sir Sundar Singh Majithia :** No representation appears to have been received on second October, 1987, but a statement showing the suspensions and remissions granted in the Palwal tahsil is laid on the table.

#### *Suspensions and remissions of land revenue and taccavi in the Palwal tahsil.*

LAND REVENUE.				Rs.
(a) Suspended in <i>rabi</i> , 1937	..	..	..	11,305.
(b) Suspended in <i>Kharif</i> , 1937	..	..	..	1,10,280.
(c) Remitted out of suspended revenue in <i>rabi</i> , 1937	..	..	..	1,66,031.
TACCAVI.				
(a) Suspended in <i>rabi</i> , 1937	..	..	..	25,748
(b) Suspended in <i>kharif</i> , 1937	..	..	..	24,595.
(c) Remitted in <i>kharif</i> , 1937	..	..	..	5,304.

#### JUDGMENT DELIVERED BY SESSIONS JUDGES, RAWALPINDI, IN APPEAL FILED BY ONE FEROZE KHAN.

**\*1762. Dr. Gopi Chand Bhargava :** Will the Honourable Premier be pleased to state whether his attention has been invited to the judgment delivered on or about 10th January, 1988, by the Sessions Judge, Rawalpindi, in appeal filed by Feroze Khan, Jamadar, Excise Department, against

the order passed by S. Gurdial Singh, Magistrate, 1st class, Rawalpindi, under section 61 (1) of Punjab Excise Act ; if so, what action he proposes to take in the matter ?

**The Honourable Major Sir Sikander Hyat-Khan :** Yes. The matter is under examination.

**\*1763-64.** *Cancelled.*

#### HUNGER-STRIKERS.

**\*1765. Dr. Gopi Chand Bhargava :** Will the Honourable Minister for Finance be pleased to state the present condition of health of all the hunger-strikers imprisoned in different Punjab jails ?

**The Honourable Mr. Manohar Lal :** The present general condition of all the hunger-strikers is satisfactory.

**\*1766.** *Cancelled.*

#### REPORT OF THEFT MADE BY LALA SARDARI LAL AT POLICE STATION, AKALGARH.

**\*1767. Dr. Gopi Chand Bhargava :** Will the Honourable Premier be pleased to state—

(a) whether a report of theft was got registered by Lala Sardar Lal, son of Lala Nihal Chand, of village Ram Nagar, in thana Akalgarh, district Gujranwala ; if so, whether any inquiry was made by police ;

(b) if the answer to (a) above be in the affirmative, the result of inquiry ?

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

(b) The case had to be filed as untraced.

#### ORDERS BY THE GOVERNMENT FOR RECOVERY OF ARREARS OF THE COST OF PUNITIVE POLICE POST.

**\*1768. Dr. Gopi Chand Bhargava :** Will the Honourable Premier be pleased to state whether recently orders for recovery of Rs. 135-6-5 as arrears of the cost of punitive police post from residents of village Sur Singh, tahsil Kasur, district Lahore, have been issued by the Government after having remitted them ; if so, why ?

**The Honourable Major Sir Sikander Hyat-Khan :** This has already been answered in my reply to question \*1250<sup>1</sup>, put by the honourable member in the last session.

REFUND OF MONEY REALIZED FROM VILLAGE HARDO SAHARI  
IN TAHSIL KASUR.

**\*1769. Dr. Gopi Chand Bhargava :** Will the Honourable Premier be pleased to state—

- (a) whether any initial charges to purchase horses were realised from residents of village Hardo Sahari, tahsil Kasur, district Lahore, in connexion with the punitive police post located there in 1922 ;
- (b) whether any horses were purchased with that money ; if not, whether the Government intends to refund it to the residents of village Hardo Sahari ;
- (c) whether the horses purchased later on were taken to headquarters ; if so, was the sale proceed remitted to the said village ?

**The Honourable Major Sir Sikander Hyat-Khan :** I regret that the answer to this question is not ready.

**\*1770. Cancelled.**

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GHULAM MOHY-UD-DIN, SUB-INSPECTOR OF POLICE.

**\*1771. Dr. Gopi Chand Bhargava :** Will the Honourable Premier be pleased to state whether in view of the findings of the trial magistrates in the cases against Ghulam Mohy-ud-Din, Sub-Inspector of Police, Sheikhpura, the Government took any action against him ; if so, what ; if not, why not ?

**The Honourable Major Sir Sikander Hyat-Khan :** If the honourable member wishes me to answer this, perhaps he will make it clear to what cases he is referring when he speaks of " the cases against Ghulam Mohy-ud-Din, Sub-Inspector." Before doing so I would ask him to see the reply given to question No. \*1072<sup>1</sup>, put by the honourable member for the Kangra and Northern Hoshiarpur (Sikh) Rural Constituency in the January session.

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REPORT OF THE PRESIDENT, MUNICIPAL COMMITTEE, SHEIKHUPURA, AGAINST CHAUDHRI IBRAHIM, MUNICIPAL COMMISSIONER.

**\*1772. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Public Works be pleased to state whether the President, Municipal Committee, Sheikhpura, reported against Chaudhri Ibrahim, a Municipal Commissioner, in July 1936, that as he had, despite the service of notices under the Municipal Act, declined to remove the encroachment effected by him he may be removed from membership under section 16 (1) (e) of the Punjab Municipal Act ; if so, the result of the inquiry, if any, held in the matter ; if not, reasons for the same ?

**The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana :** I regret the reply to this question is not yet ready.



## APPLICATION OF DR. CHAMAN LAL.

**\*1773. Dr. Gopi Chand Bhargava :** Will the Honourable Minister for Public Works be pleased to state whether it is a fact that Dr. Chaman Lal, who opposed Sheikh Karamat Ali in the recent municipal elections held in December, 1987, at Sheikhpura, submitted an application to the Minister for Public Works and the Commissioner, Lahore division, complaining against the interference and active support of the Superintendent, the head clerk and other clerks of the deputy commissioner's office and Sheikh Ghulam Mohy-ud-Din, station house officer, police station Sheikhpura, in favour of Sheikh Karamat Ali; if so, the action, if any, taken on the same?

**The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana :** I regret the reply to this question is not yet ready.

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PRESIDING AND POLLING OFFICERS IN CONNECTION WITH RECENT ELECTIONS, SHEIKHPURA MUNICIPALITY.

**\*1774. Dr. Gopi Chand Bhargava :** Will the Honourable Minister for Public Works be pleased to state whether it is a fact that the names of the presiding and polling officers in connexion with the recent elections of the municipal committee at Sheikhpura were kept secret till about five minutes before the polling began in spite of a letter number 859-1-M-37, dated 7th December, 1987, from Sardar Atma Singh, President, Municipal Committee, Sheikhpura, to the Deputy Commissioner, Sheikhpura, requesting him to disclose their identity?

**The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana :** Yes. There is nothing in the Municipal Election Rules requiring the previous publications of the names of polling and presiding officers.

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ACTION TAKEN ON THE TELEGRAM SENT TO THE COMMISSIONER, LAHORE DIVISION, BY CHAUDHRI MURAD KHAN.

**\*1775. Dr. Gopi Chand Bhargava :** Will the Honourable Minister for Public Works be pleased to state whether it is a fact that Chaudhri Murad Khan sent an express telegram on 12th December, 1987, to the Commissioner, Lahore division, to appoint judicial officers as presiding officers in the recent elections of the Sheikhpura Municipal Committee, if so, the action taken on the same?

**The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana :** As the telegram was received only one day before the elections, there was no time to obtain the concurrence of the Honourable Judges to the arrangements suggested in the telegram. Moreover the Commissioner saw no reason to alter the arrangements already made. Further it is difficult for Government to accept the principle that polling officers may be appointed to suit the convenience of individual candidates.

COMPLAINTS AGAINST POLLING AND PRESIDING OFFICERS OF MUNICIPAL ELECTIONS, SHEIKHUPURA.

**\*1776. Dr. Gopi Chand Bhargava :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that during the recent elections of Sheikhupura Municipal Committee, complaints against two of the polling officers were made about their marking the papers wrongly but the presiding officers took no notice ;
- (b) whether some cases of false personation were reported to the presiding officers and no action was taken against the persons concerned ;
- (c) if so, what action Government propose to take in the matter ?

**The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana :** (a) and (b) No.

(c) Does not arise.

ORDERS OF TRANSFER OF SHAIKH GHULAM MOHY-UD-DIN,  
SUB-INSPECTOR, POLICE.

**\*1777. Dr. Gopi Chand Bhargava :** Will the Honourable Premier be pleased to state whether it is a fact that orders for transfer of Shaikh Ghulam Mohy-ud-Din, the then Sub-Inspector, Police, Sheikhupura, were issued some time in last summer but were cancelled ; if so, reasons for the same ?

**The Honourable Major Sir Sikander Hyat-Khan :** The honourable member is asked to refer to the reply given in the last session to question No. \*1072,<sup>1</sup> put by the honourable member for the Kangra and Northern Hoshiarpur (Sikh) Rural Constituency.

MUNICIPAL ELECTIONS AT SHEIKHUPURA.

**\*1778. Dr. Gopi Chand Bhargava :** Will the Honourable Minister for Public Works be pleased to state whether it is a fact that only one polling station was arranged for the recording of 700 votes in the recent municipal elections at Sheikhupura in Ward No. 8 and many voters had to go away without recording their votes as no time was left for them to do so ?

**The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana :** It is true that one polling station was arranged for the recording of 670 votes but Government are not aware if any voters had to go away for want of time without recording their votes.

INSULT OFFERED TO LALA HEM RAJ, ADVOCATE, SIALKOT.

**\*1779. Dr. Gopi Chand Bhargava :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that Pir Mubarik Ali Shah, Magistrate, 1st class, at Sialkot, insulted Lala Hem Raj, Advocate, at Sialkot on 19th June, 1937 ;

- (b) whether this matter was reported to the Bar Association, Sialkot, by Lala Hem Raj ;
- (c) whether it is also a fact that the Bar Association at Sialkot after inquiring into the matter adopted a resolution of protest against the behaviour of the said magistrate on 26th August, 1937, and sent a copy of the same to the Government ; if so, the action that the Government proposes to take in the matter ?

**The Honourable Major Sir Sikander Hyat-Khan :** (a) Allegations were made by Lala Hem Raj, Advocate, to this effect ;

(b) Yes ;

(c) The reply to the first part of the question is in the affirmative. Government have enquired into the allegations made by Lala Hem Raj, Advocate, against Pir Mubarik Ali Shah, and consider that whatever took place between them was not meant to give offence. This was later explained by Pir Mubarik Ali Shah to Lala Hem Raj, Advocate. In these circumstances Government do not propose to take any action in the matter.

**Syed Mubarik Ali Shah :** May I know if it is a fact that this House was in session five months after the resolution referred to was sent to the Government and if it is not a fact that Dr. Satyapal's election has necessitated tabling of this question in order to harass the Government officials of the Sialkot district ?

**Premier :** I have got no information on the subject. But if the honourable member would give me notice I should be glad to ascertain it.

#### HOUSE SCAVENGING TAX IN LAHORE CANTONMENT.

**\*1780. Dr. Gopi Chand Bhargava :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that at Lahore Cantonment the Cantonment Board is realising House Scavenging Tax from occupiers of houses without undertaking the scavenging of their houses as provided in section 131 of the Cantonments, Act ;
- (b) whether it is also a fact that the Punjab Government Notification No. 32898, dated the 8th November, 1928, contemplates the realisation of this tax only from those occupiers in case of whose houses the said Board may have undertaken house-scavenging ;
- (c) whether it is also a fact that many of the occupiers of such houses have protested against this levy and realisation of House-Scavenging Tax and have demanded a refund of the tax already realised ;
- (d) whether it is a fact that coercive processes have been used by the Executive Officer of Lahore Cantonment Board for realising this tax ; if the answers to the above be in the affirmative, the action proposed to be taken in the matter ?

**The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana :** (a) and (c) No complaints of this kind have been received by the Punjab Government.

(b) Yes.

(d) The Executive Officer has power under section 92 of the Cantonments Act, 1924, to issue distress warrants. His exercise of the power is not a matter for the provincial Government, and I regret that I cannot answer questions on the subject.

#### ELECTIONS FOR CANTONMENT BOARD, AMBALA.

**\*1781. Dr. Gopi Chand Bhargava :** Will the Honourable Minister for Public Works be pleased to state the approximate date when elections for the Cantonment Board, Ambala Cantonment, may be expected to be held now that the Cantonments Amendment Act has been passed more than a year ago?

**The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana :** The attention of the honourable member is drawn to Punjab Government notification No. 212-H-382089, dated the 18th January, 1938, with which the programme for holding the elections in the Ambala Cantonment was published. According to this programme the elections will take place in April-May next.

#### SCAVENGING TAX ON CIVILIAN POPULATION, AMBALA CANTONMENT.

**\*1782. Dr. Gopi Chand Bhargava :** Will the Honourable Minister for Public Works be pleased to state—

(a) whether it is a fact that the Corporation Sole of Ambala Cantonment has recently proposed to increase the rate of scavenging tax on the civilian population of the Cantonment and proposed to decrease the same on those who reside in bungalows situated within the said Cantonment;

(b) whether it is also a fact that the public of Ambala Cantonment have recently protested against this proposal and requested the Government not to sanction the levy of this tax in the manner proposed; if so, the action taken or proposed to be taken in the matter?

**The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana :** (a) No such proposal has been received by Government.

(b) No such representation has been received.

**\*1783--1787. Cancelled.**

#### ADVERTISEMENT IN LOCAL PAPERS FOR THE POST OF SUPERINTENDENTS OF JAILS.

**\*1788. Diwan Chaman Lall :** Will the Honourable Finance Minister be pleased to state whether the attention of the Government has been drawn to an advertisement appearing in the local papers under the authority of the

Public Services Commission calling for applications for the post of Superintendents of Jails and emphasizing the fact that applications from retired European Army Officers would be preferred ; if so, the reasons which have led to the emphasizing of the fact mentioned above ?

**The Honourable Mr. Manohar Lal :** If the honourable member will refer to the terms of the advertisement he will see that it relates to a single appointment only. In accordance with a recommendation made by the old Standing Committee on Jails in December, 1934, three officers on the Special Urattached List of the Indian Army were recruited in 1935-36 as jail superintendents. One of these officers resigned last year, and Government decided to recruit another officer of the same type in his place. The advertisement referred to in the question was drafted and issued by the Public Service Commission, and the intention of the words to which the honourable member has drawn attention appears to have been to explain that officers of the Indian Army would be preferred over that of the British service. (If the honourable member will refer to the Paper of Information for Candidates which the Commission has prepared, and which is in more detail than the newspaper advertisement, he will see that the phrasing there is somewhat different).

**Sardar Hari Singh :** May I ask the Honourable Minister for Finance to state whether that is being done in pursuance of the Government's policy of rooting out unemployment from this province? Is it consistent with the policy of Indianisation of services?

**Minister :** An officer of the Indian Army cannot be excluded under any policy of Indianisation.

**Sardar Hari Singh :** May I ask the Honourable Minister for Finance to state whether an Indian officer of an Indian Army was not available?

**Minister :** An Indian officer is eligible. That is all I can say.

**Sardar Hari Singh :** Is it a fact that a Britisher will be preferred?

**Minister :** The Paper of Information which contains detailed information is different from the advertisement. No preference is intended. What we want is an Indian officer of a particular type.

**Pandit Shri Ram Sharma :** What is that particular type?

**\*1789. Cancelled.**

#### COMMUNICATION TO GOVERNMENT OF INDIA REGARDING THE INAUGURATION OF FEDERATION.

**\*1790. Lala Deshbandhu Gupta :** Will the Honourable Premier be pleased to state whether Government have so far addressed any communication to the Government of India embodying its views with regard to the Federation intended to be inaugurated in the country in the near future ; if so, whether he will be pleased to lay a copy of those views on the table of the House ?

**The Honourable Major Sir Sikander Hyat-Khan :** The present Government has not communicated to the Government of India any views on the subject of Federation.

**Sardar Hari Singh :** May I ask the Honourable Premier to state whether the Government has any views on the Federation ?

**Premier :** How does that arise out of the main question?

**Sardar Hari Singh :** The main question is on Federation and information is sought from the Government whether it has communicated its views to the Central Government. So my supplementary question arises out of that question. Has Government got any views on the question of Federation ?

**Premier :** As I understand the question, what I have been asked is to state whether we have been communicated with or have been asked to communicate any views to the Government of India? I say, No.

**Sardar Sohan Singh Josh :** Does the Honourable Premier intend to do so ?

**Sardar Hari Singh :** Has his attention been drawn to the press reports to the effect that eight provinces including the province of Sind have discussed this question and the governments of these provinces have communicated their views against Federation to the Central Government ?

**Premier :** I am not aware of what the other governments have done.

**Lala Duni Chand :** Is the Punjab Government in favour of establishment of Federal Government ?

**Premier :** I cannot speak for the Punjab Government as a whole, but so far as I am concerned, I think some sort of Federation is necessary.

**Sardar Hari Singh :** Does the Honourable Premier propose to place this question before the House ?

**Mr. Speaker :** That question does not arise.

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APPOINTMENT OF DR. ROSENBERG AS LECTURER OF PATHOLOGY  
IN THE MEDICAL SCHOOL FOR WOMEN, LUDHIANA.

**\*1791. Diwan Chaman Lall :** Will the Honourable Minister of Education be pleased to state whether it is a fact that the appointment of Dr. Rosenberg as Lecturer of Pathology in the Medical School for Women at Ludhiana made some time ago by Government on the recommendation of the Inspector-General of Hospitals and as Examiner by the State Medical Faculty was objected to by the Punjab Medical Council in exercise of its statutory authority as contrary to the provisions of the Punjab Act II of 1916 ; if so, the reasons for making this appointment in total disregard of the unanimous view held by the Punjab Medical Council ?

**Parliamentary Secretary (Mrs. J. A. Shah Nawaz) :** The appointment was not made by Government. It is true that the Punjab Medical Council objected to appointment of Dr. Rosenberg as Lecturer and Examiner on the ground that under sub-section (2) of section 4 of Punjab Act II of 1916 she was not eligible for the appointment. There appears to have been a misapprehension as the section cited does not relate to such appointments.

**\*1792. Cancelled**

POLITICAL PRISONERS ON HUNGER-STRIKE.

**\*1793. Sardar Hari Singh :** Will the Honourable Minister for Finance be pleased to state whether he has considered the question of issuing daily bulletins regarding the health of political prisoners on hunger-strike, and his decision in the matter ?

**The Honourable Mr. Manohar Lal :** Government do not consider it necessary to issue such bulletins.

**Sardar Hari Singh :** May I ask the Honourable Minister for Finance to state whether he intends to take or he has already taken any action to allay the anxiety in the minds of the public with regard to the condition of these political prisoners ?

**Minister :** I answered the question the other day that the condition of the prisoners is satisfactory and I think the information, as given by me, goes into the press.

**Sardar Hari Singh :** May I ask the Honourable Minister for Finance whether he wants to answer the question put by me or not?

**Minister :** I think that the information given to the public by answers to questions on the floor of this House is sufficient.

**Sardar Hari Singh :** If there are no questions on the subject, what does he propose to do?

**Minister :** The condition is continuing so satisfactory that there need be no anxiety.

**Sardar Hari Singh :** Has he issued instructions to the superintendents of jails instructing them that they should give full and speedy information to the relatives and friends of these prisoners if they ask for it?

**Minister :** I have issued no such instructions.

**Sardar Hari Singh :** Does he intend doing so?

**Minister :** I shall consider the matter.

**Lala Duni Chand :** Has the Honourable Minister been receiving medical report regarding the state of health of these prisoners and, if so, from which period to which period has he received the report?

**Minister :** I receive a daily medical report about the hunger-strikers.

**Pandit Shri Ram Sharma :** Which prisoner's state of health is least satisfactory?

**Minister :** The condition of all of them is satisfactory.

BILLS FOR DEFINING PRIVILEGES OF MEMBERS OF ASSEMBLY.

**\*1794. Sardar Hari Singh :** Will the Honourable Premier be pleased to state if the Government intends bringing in (a) a measure under section 71 (2) of the Act to define the privileges of members of the Assembly, and (b) a Bill to secure the purpose of section 71 (4) for the punishment, on conviction before a court, of persons who refuse to give evidence or produce documents before a Committee of the Assembly when duly required by the Chairman of a Committee so to do ; if the answer to the foregoing be in the affirmative, when ?

**The Honourable Major Sir Sikander Hyat-Khan :** The matter is receiving the attention of Government.

**Sardar Hari Singh :** When is a decision likely to be reached?

**Premier :** It will take some time.

**Sardar Hari Singh :** In due course ?

**Premier :** Yes, in due course and I shall have to consult my honourable friends opposite before I take action.

#### ELECTRICITY CHARGES.

**\*1795. Lala Duni Chand :** Will the Honourable Minister for Finance be pleased to state whether it has been decided or it is contemplated by the Government to charge as its due six pies per unit from the consumers of electric power supplied by the electric companies ; if so, whether the proposed increase in electricity charges will also apply to the consumers of electric power supplied by Hydro-Electric Mandi Scheme ?

**The Honourable Mr. Manohar Lal :** There is no such proposal before Government at present.

#### GOVERNMENT HIGH SCHOOL, NARAINGARH.

**\*1796. Sufi Abdul Hamid Khan :** Will the Honourable Minister for Education be pleased to state whether it is a fact that some of the boys reading in the Government High School, Naraingarh, in Ambala district, belonging to the notified agriculturists classes have recently been deprived of half-fee concession ; if so, the grounds justifying this action and whether Government propose to take any action in the matter ?

**Parliamentary Secretary (Mrs. J. A. Shah Nawaz) :** Yes, but according to the definition of the term "agriculturist" given in Article 123 of the Punjab Education Code only the following classes of persons can be treated as agriculturists for the purpose of fee concessions :—

- (a) Owners or tenants of land who in person, and not merely through tenants, agents or servants, engage in the work of cultivation.
- (b) Agricultural labourers.
- (c) Soldiers, and other employees of Government drawing a salary of not more than Rs. 25 per mensem, who actually belong to the cultivating classes and who, if living at their homes, would engage in person in the work of cultivation.

The fee concession has been withdrawn only from those who do not come within the scope of this definition.

**Lala Duni Chand :** Has Government got any scheme in hand with a view to ameliorate the condition of the scheduled castes?

**Parliamentary Secretary :** That does not arise out of the original question.



S. L. C. AND M. S. L. C. EXAMINATION.

**\*1797. Sheikh Karamat Ali:** Will the Honourable Minister for Education be pleased to state—

- (a) the date when and the reasons why the S. L. C. examination was started and how does it differ from the M. S. L. C. examination;
- (b) whether or not the standard of examining the candidates in both examinations is the same;
- (c) whether it is a fact that there are proportionately more failures in S. L. C. than in M. S. L. C. examination as judged in the light of university results and whether it is a fact that there is a remarkable decline in the entry to the S. L. C. examination since its introduction; if so, the reasons therefor;
- (d) whether it is also a fact that in the matter of employment in the various departments under the Punjab Government the candidates with school leaving certificates are not preferred in any way to the matriculates as was originally intended; if so, why?

**Parliamentary Secretary (Mrs. J. A. Shah Nawaz):** I regret that the answer to the question is not ready.

WATER-LOGGED AREAS IN TAHSIL NANKANA SAHIB.

**\*1798. Sheikh Karamat Ali:** Will the Honourable Minister for Revenue be pleased to state—

- (a) the total acreage of cultivable land that has so far become water-logged in the Nankana Sahib tahsil, district Sheikhupura;
- (b) the total revenue realized by the Government on the area referred to in (a) after it became water-logged and the reason, why;
- (c) whether the Government contemplates granting lands to those zamindars in the said tahsil whose lands have, by the process of water-logging, become useless for purposes of cultivation?

**The Honourable Dr. Sir Sundar Singh Majithia:** I regret the answer to the question is not yet ready.

PETITION OF ONE MUHAMMAD SHARIF OF VILLAGE MALKHANWALA, DISTRICT SIALKOT.

**\*1799. Chaudhri Muhammad Abdul Rahman Khan:** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that one Muhammad Sharif, son of Muhammad Din, of village Malkhanwala, district Sialkot, presented in person on 26th October, 1937, a petition to the Superintendent of Police, Sialkot, alleging that on 25th October, 1937, he had been way-laid, badly handled and robbed of currency notes worth Rs. 140, his *pagree* and *kullah*, by one Muhammad Shafi, a police constable at present employed as a vernacular

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typist in the office of the Superintendent of Police, Sialkot, and his 9 companions at Adamke tonga stand, and that he had reported the incident at Daska police station where the Muharrir refused to register the 1st information report; if so, the action taken in the matter;

- (b) whether the said Muhammad Sharif again on 27th October, 1937, submitted another petition regarding the same incident by registered post to the Superintendent of Police, Sialkot, praying that his report may be registered and investigated into; if so, action taken on the same;
- (c) whether he submitted on 28th October, 1937, another petition to the same effect by registered post to the Inspector-General of Police, Punjab, Deputy Inspector-General, Central Range, and Superintendent of Police, Sialkot;
- (d) whether it is also a fact that the said Muhammad Sharif personally interviewed the Deputy Inspector-General, Central Range, at Lahore, on 6th November, 1937, in the same connexion and that the latter promised that the matter would be investigated;
- (e) if answers to (a) and (b) be in the affirmative, the reasons why the Daska police refused to register the said complaint and make investigations and also the reasons why no action was taken by the Superintendent of Police, Sialkot, in getting the same registered and enquired into;
- (f) what further action is proposed to be taken in the matter?

**The Honourable Major Sir Sikander Hyat-Khan :** I regret that the answer to this question is not ready.

#### HINDU RAJPUT TAHSILDARS.

**\*1800. Rai Hari Chand :** Will the Honourable Minister for Revenue be pleased to state—

- (a) the number of Hindu tahsildars in the province;
- (b) the number of those among them who belong to the statutory agriculturist tribes;
- (c) the number of those among them who belong to the Rajput communities?

**The Honourable Dr. Sir Sundar Singh Majithia :** (a) 47.

(b) 16.

(c) 6.

#### MOTIONS FOR ADJOURNMENT.

##### COMMUNAL RIOT AT HISSAR.

**Pandit Shri Ram Sharma** (Southern Towns, General, Urban) : Sir, I beg leave to move for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the utter

failure of the Hissar police in saving the lives of three innocent persons, and many others from being severely wounded and looted in the communal riot on the 'Id day, 11th February, 1938, at Hissar town.

**Premier** (The Honourable Major Sir Sikandar Hyat-Khan): I was going to ask my honourable friend whether he really wanted this motion to be discussed on the floor of the House especially at a time when police investigation was going on regarding several cases of murder and other serious offences. I have got information, up-to-date information, and if the honourable member wants to discuss this motion I will have to disclose that information, however reluctantly I may have to do so. My point is that we want to request the honourable member not to press his motion because I think it may be even *sub judice*, as proceedings are going on against certain persons under section 107, and arrests have been made in connection with several murder cases and cases of rioting and dacoity. Therefore I think it would not be fair for us to discuss the matter at this moment. Later on when the cases have gone to the court and the investigation is complete, if the honourable member wants to take up this question during the budget session, he will have ample opportunity of doing so. At this moment it might prejudice the investigation of the cases. The information which I have got is not all official information. I have got information from other sources which I consider is as reliable as from official sources; and if that information is now let out, it might seriously affect the investigation of the cases. That is my fear. I would, therefore, request the honourable mover not to press his motion at this juncture.

**Pandit Shri Ram Sharma**: Sir, I have deliberately arisen to ask leave for moving this adjournment motion to-day because in my opinion, if it is taken up and discussed, it would have no prejudicial effect on the cases *sub judice*. The adjournment motion relates to the utter failure of the police in meeting the situation. It is not concerned with individuals or the extent to which an individual may be guilty of an offence or neglect of duty. At the same time we have no intention to give it a communal tinge. We think that wherever the police is guilty of dereliction of duty, it should not be shielded like this, as it is responsible for the peace of the country.

**Premier**: I am afraid the honourable member has not correctly followed me. I do not want to shield the police if they have committed any wrong. What I wanted to suggest to my honourable friend was that he would have ample opportunity of raising this question within the next few days when the police grant comes up before the House. He can then discuss this particular case of the Hissar police and the whole police force; and it will not bar my honourable friend to mention that case merely because he has given notice of an adjournment motion. I have got certain information on the subject to which my honourable friend refers which if it is divulged may seriously affect the investigation of the case. You are making charges against the police. I have got information here which if I divulge may affect the investigation. My honourable friend knows it perfectly well that premature divulgence or leakage of information sometimes does affect the cases. I think it will be most unfortunate if the cases at present under investigation are more or less prejudiced on account of leakage of the information which I have got. My honourable friend will have plenty of time to discuss the conduct of the police. Why discuss it now? My honourable friend says

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he does not want to bring in any communal question. I am afraid when such questions are discussed it is very difficult to keep out communal questions. I would not say bias but communal considerations do come in. After all the riot has taken place between two communities and even the opinions which we may express might unconsciously create bias in certain cases. Therefore I would request my honourable friend not to press his motion now; he should await the opportunity which he will get during the budget session and then bring forward any criticism against the conduct of the police.

**Pandit Shri Ram Sharma :** If the Honourable Premier can assure me that some cases are pending against the police or it is intended to institute some cases against them, I would be quite prepared to withdraw my adjournment motion. If no action is going to be taken against the police, I regret to say that I am not convinced by the reasons and arguments already advanced by the Honourable Premier.

**Premier :** I am afraid my honourable friend expects me to take action against the police merely because he has moved the adjournment motion. He is greatly mistaken. I am not going to take action against any officer unless and until I am convinced that they are guilty of misconduct. I can assure my honourable friend that if I find they have committed any excesses or are guilty of any impropriety or dereliction of duty, they will be punished (*Lala Duni Chand* : Are they ever guilty?) When the statement is placed on the table he will see whether any of them have been punished or not.

**Pandit Shri Ram Sharma :** Sir, under the circumstances, I wish to press for leave to move my adjournment motion.

**Premier :** Since my honourable friend is not prepared to accept my suggestion, I suggest that the question be put to the House.

**Mr. Speaker :** Pandit Shri Ram Sharma asks leave to move an adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the utter failure of the Hissar police in saving the lives of three innocent persons and many others from being severely wounded and looted in the communal riot on the 'Id day, 11th February, 1938, at Hissar town. Is there any objection to leave being granted?

**Premier :** I object.

**Mr. Speaker :** Those in favour of leave being granted may rise in their places.

*As the requisite number of members did not rise in their seats the leave was not granted.*

#### — TROUBLE AT KOT BHAI THAN SINGH.

**Sardar Partab Singh** (Amritsar South, Sikh, Rural): Sir, I beg to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the failure of the authorities concerned to keep peace and to prevent the unfortunate physical clash at Kot Bhai Than Singh on 21st February, 1938.

**Mr. Speaker :** Sardar Partab Singh asks leave to move an adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the failure of the authorities concerned to keep peace and to prevent the unfortunate physical clash at Kot Bhai Than Singh on 21st February, 1938. Is there any objection to the leave being granted?

**Premier :** I strongly object to the leave being granted. The honourable member is prejudging what has happened in Kot Bhai Than Singh.

**Mr. Speaker :** Those in favour of leave being granted may rise in their places.

*As the requisite number of members did not rise in their seats the leave was not granted.*

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#### MINISTERIAL CRISIS IN THE UNITED PROVINCES AND BIHAR DUE TO INTERVENTION OF GOVERNOR-GENERAL.

**Lala Duni Chand** (Ambala and Simla, General, Rural) : Sir, I beg to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the crisis that has arisen throughout India by reason of intervention of the Governor-General under section 126 (5), Government of India Act, in the matter of the constitutional right of the ministries in the two provinces of the United Provinces and Bihar to release political prisoners, and the consequent inroad upon the domain of responsible provincial ministries.

Sir, one thing that affects the whole of India including this province is the nature of the crisis by reason of the action of His Excellency the Governor-General. It does not matter whether there is no immediate demand by the Ministry of the Punjab for release of political prisoners, but it does affect the Punjab as much as it affects any other province. To-morrow the Honourable Premier may be in a generous mood to release all political prisoners and this question would arise whether the action taken by His Excellency the Governor-General under section 126 (5) of the Government of India Act stands in his way or not and whether he will be prepared to exercise his constitutional rights to release all political prisoners. It is a right that a Minister can exercise as a matter of law and it is not up to the Governor-General or the Governor to interfere in any way with his rights of carrying on the administration of the province. So, in this way this question affects the Punjab and in fact it affects the Punjab more than it affects any other province. In the two provinces there was only the question of release of a few political prisoners. In the United Provinces there was the question of release of 15 prisoners and in Bihar of 26 prisoners. In the Punjab we have got any number of political prisoners. We know that many of them are yet rotting in jails. For these reasons I see that the force of the crisis applies more to the Punjab than to any other province.

**Mr. Speaker :** I hold the motion to be out of order.

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#### SHAHIDGANJ MOSQUE.

**Begum Rashida Latif Baji** (Inner Lahore, Muslim Women, Urban) (*Urdu*) : 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,

[Begum Rashida Latif.]

namely, the growing unrest over the question of Shahidganj Mosque. On the one hand it is regarded by Sikhs as a monument of their martyrs and on the other it is claimed by Muslims to be a sacred place of worship. Besides, it is admitted by two courts at least, to be originally a wakf for the purpose of a mosque. If early attention is not paid to this urgent matter of public importance, it is feared that it may lead to violent riots between the two communities and may ruin the peace of the province.

**Mr. Speaker :** The motion is out of order as an adjournment motion.

**Begum Rashida Latif (Urdu):** May I know the rules under which my adjournment motion has been held to be out of order? So far as I have been able to understand the rules, it appears to be quite in order.

**Mr. Speaker :** Order, order. Will the honourable lady member please resume her seat? I have held her motion to be out of order.

**Begum Rashida Latif (Urdu) :** Sir, Rules 40 to 47 are relevant to the point under consideration. May I know under which rule you have turned down my motion? The present unrest in the province due to the Shahidganj agitation has assumed such proportions that there appears now a great danger to the public peace and tranquillity of the province. It is, therefore, absolutely essential that my adjournment motion should be discussed on the floor of this House. I respectfully submit that we should take time by the forelock to settle this question once for all, for it is feared that if this is not done to-day it is likely to entail great bloodshed to-morrow.

**Mr. Speaker :** Can the honourable lady member quote the rule under which I am bound to give reasons?

**Begum Rashida Latif (Urdu):** Mr. Speaker, my difficulty is this that you are speaking in a language of the West whereas I am speaking in language of the East. (*Laughter*). Under these circumstances, how can it be possible for me to follow your rulings?

**Mr. Speaker :** Will the honourable Raja Sahib please ask the lady member to quote the rule under which I am bound to give reasons?

**Lala Duni Chand :** On a point of order, Sir. Is it incumbent on the Chair to address in English even to an honourable member who is incapable of understanding the English language?

**Mr. Speaker :** Yes. So long as section 85 of the Government of India Act is on the Statute Book I have to follow it. I am a law-maker, not a law-breaker.

#### PRESENTATION OF SUPPLEMENTARY DEMANDS.

**Minister for Finance** (The Honourable Mr. Manohar Lal) : I beg to present Supplementary Estimates for the year 1937-38, third instalment. The demands made therein are made on the recommendation of the Governor.

#### RULES OF PROCEDURE.

##### Rule 83.

**Mr. Speaker :** Now the Assembly will resume discussion on rule 83.

**Premier :** I submit, Sir, that this rule also be postponed for discussion at a later stage. As in the case of a previous rule—rule 50—which was

postponed this rule also involves the question of language. It would be convenient to discuss the whole question together. That will save a good deal of the time of the House.

**Mr. Speaker :** I may point out that the question of language is not involved only in rules 50 and 83, but also in rules 94 (2) and 98 (3).

**Sardar Lal Singh :** Sir, rules 50 and 61 have been postponed because they clash with the provisions of the Government of India Act.

**Mr. Speaker :** Rule 61 relates to closure. It is only rule 50 that relates to language.

**Sardar Lal Singh :** That rule was postponed because we are not empowered to amend the Act whereas in the present case, I think, we are in a position to frame it in any way we like.

**Malik Barkat Ali :** In view of the discussions that have already taken place, let us settle the matter once for all and come to some decision.

**Premier :** As there would be other rules coming up which involve this question, I think it will be advisable to postpone this rule. It is possible, moreover, that we may come to some sort of understanding.

**Mian Abdul Aziz :** May I know how far the Government has proceeded in approaching the Government of India on this particular point, namely, the language of the Assembly?

**Mr. Speaker :** The question is whether the consideration of this rule should be postponed. (*Voices : Sense of the House may be taken.*)

(*After taking the sense of the House.*)

**Mr. Speaker :** As the House has agreed to postponement, the rule will be considered at a later stage.

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Rule 84.

**Mr. Speaker :** Question is—

That rule 84 be adopted.

*The motion was carried.*

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Rule 85.

**Sardar Hari Singh** (Kangra and Northern Hoshiarpur, Sikh, Rural) : I beg to move—

That in (a) of sub-rule (2), in line 3, between the words 'move' and 'as', the words 'with or without previous notice' be added.

The object of the amendment is to enable any honourable member of the House to make a motion that the Bill be referred to  
 3 P.M. a select committee or it be circulated for eliciting public opinion thereon on a certain date. The object of giving notice is to enable the mover of the Bill to have an opportunity that a certain amendment is coming up and that he should be prepared for it.

**Mr. Speaker :** Rule under consideration, amendment moved is—

That in (a) of sub-rule (2), in line 3, between the words 'move' and 'as', the words 'with or without previous notice' be added.

Why should not a similar amendment be made in (b) ?

**Sardar Hari Singh :** A similar amendment should be made in part (b) as well.

**Mr. Speaker :** Is this amendment necessary ?

**Sardar Hari Singh :** Under the rules we are required to give notice of amendments.

**Mr. Speaker :** A number of motions are such as can be moved without previous notice and the motion in question is one of those motions. The practice of this House is that if a member cares to give notice he may, but if he does not, even then as soon as the motion, that the Bill be taken into consideration or that it be referred to a select committee, is moved, he can move the amendment that instead of being taken into consideration, it may be referred to a select committee, or that instead of being referred to a select committee, it may be circulated for eliciting public opinion thereon. However, if the honourable member insists on his amendment being put to the House I shall gladly do so.

**Finance Minister :** It is meaningless.

**Sardar Hari Singh :** I want to know what the Finance Minister means by saying that it is meaningless. Does he mean that the position explained by the Chair is meaningless ?

**Mr. Speaker :** The question is—

That in (a) of sub-rule (2), in line 3, between the words 'move' and 'as', the words 'with or without previous notice' be added.

*The motion was lost.*

**Sardar Dasaundha Singh (Deputy Speaker) :** I beg to move—

That in sub-rule (3), line 9, for the words 'standing order,' the word 'rule' be substituted.

*The motion was carried.*

**Mr. Speaker :** The question is—

That rule 85 as amended be adopted.

*The motion was carried.*

#### Rule 86.

**Sardar Hari Singh (Kangra and Northern Hoshiarpur, Sikh, Rural) :** I beg to move—

That in sub-rule (1), line 6, for the word 'as', the word 'who' be substituted.

This is merely a verbal amendment. The rule reads—

The Minister to whose department a Bill relates, the member in charge of the Bill, the Advocate-General, and either the Deputy Speaker or a member of the panel of chairmen as may be nominated by the Speaker shall be members of every select committee.

The word 'as' qualifies the word 'member'. So, If you read in juxtaposition the word 'member' it does not sound all right. It would be better from the language point of view if it reads : "a member of the panel of chairmen who may be nominated by the Speaker."

**Mr. Speaker :** Rule under consideration, amendment moved—

That in sub-rule (1), line 6, for the word 'as', the word 'who' be substituted.

**Finance Minister (The Honourable Mr. Manohar Lal) :** I have not followed why 'as' should be dropped and 'who' substituted for it. I do not think there is anything wrong. The word 'as' sounds distinctly better



to my ears at any rate. There is no ambiguity. The word 'as' is perfectly legitimate.

**Mr. Speaker :** The question is—

That in sub-rule (1), line 6, for the word 'as', the word 'who' be substituted.

*The motion was lost.*

**Sardar Dasaundha Singh** (Deputy Speaker) : I beg to move—

That at the end of sub-rule (2), for the sign 'full-stop', the sign 'colon' be substituted.

*The motion was carried.*

**Mr. Speaker :** The question is—

That rule 86 as amended be adopted.

*The motion was carried.*

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*Rule 87.*

**Mr. Speaker :** The question is—

That rule 87 be adopted.

*The motion was carried.*

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*Rule 88.*

**Sardar Dasaundha Singh** (Deputy Speaker) : I beg to move—

That in line 2, for the word "the", the word "a" be substituted.

*The motion was carried.*

**Mr. Speaker :** The question is—

That rule 88 as amended be adopted.

*The motion was carried.*

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*Rule 89.*

**Mr. Speaker :** The question is—

That rule 89 be adopted.

*The motion was carried.*

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*Rule 90.*

*Consideration of this rule was postponed.*

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*Rule 91.*

**Sardar Dasaundha Singh** (Deputy Speaker) : I beg to move :

That in line 3, for the word "therein", the words "in the Bill" be substituted.

*The motion was carried.*

**Sardar Dasaundha Singh** (Deputy Speaker) : I beg to move—

That in line 7, for the words "shall not be," the words "be not" be substituted.

*The motion was carried.*

**Mr. Speaker :** The question is—

That rule 91 as amended be adopted.

*The motion was carried.*

*Rule 92.*

**Sardar Dasaundha Singh** (Deputy Speaker) : I beg to move—

That the paragraphs of sub-rule (5), misprinted on page 10 be numbered as sub-rules (6) and (7).

*The motion was carried.*

**Sardar Dasaundha Singh** (Deputy Speaker) : I beg to move—

That in sub-rules (6) and (7) of rule 92, line 1, for the words "such note" the word "minute" be substituted.

*The motion was carried.*

**Sardar Dasaundha Singh** (Deputy Speaker) : I beg to move—

That in sub-rule (7), lines 7-8, for the word "note" the word "minute" be substituted.

*The motion was carried.*

**Mr. Speaker** : The question is—

That rule 92, as amended, be adopted.

*The motion was carried.*

*Rule 93.*

**Khawaja Ghulam Samad** : I beg to move—

That in sub-rule (1), lines 1-2, between the words "committee" and "shall", the words "along with minute of dissent if any" be inserted.

**Mr. Speaker** : Rule under consideration, amendment moved—

That in sub-rule (1), lines 1-2, between the words "committee" and "shall", the words "along with minute of dissent if any" be inserted.

**Diwan Chaman Lall** : Ordinarily when a report of a select committee is presented, it is presented along with the minutes of dissent. The minutes of dissent are part and parcel of the report of the select committee.

**Mir Maqbool Mahmood** : I wish to make it clear. On reference to the draft rules he will find that in draft rule 94 the words that have been used are :—

Report of a select committee, together with the minutes of dissent, if any, and since in that rule the report of a select committee has been linked with the minutes of dissent, my honourable friend the mover of the amendment has, with a view to clarify the position, followed the same procedure.

**Mr. Speaker** : The question is—

That in sub-rule (1), lines 1-2, between the words "committee" and "shall", the words "along with minute of dissent if any" be inserted.

*The motion was carried.*

**Mr. Speaker** : The question is—

That rule 93 as amended be adopted.

*The motion was carried.*

*Rule 94.*

**Mir Maqbool Mahmood** : In order to be consistent with the amendment which has just been adopted we shall have to make it clear in this rule that after the word "report" the words "along with minute of dissent if any" be added.

**Mr. Speaker :** The amendment suggested is—

That in the last sentence of rule 94 (1) after the words "report with" and before the words "the amended bill shall be published in the Gazette" the words "the minute of dissent if any and" be added.

*The motion was carried.*

**Mr. Speaker :** May I put part (1) of rule 94 to the vote of the House and postpone part (2) ? (*Voices : Yes.*)

The question is—

That sub-rule (1) of rule 94 as amended be adopted.

*The motion was carried.*

**Mr. Speaker :** Sub-rule (2) of rule 94 is postponed.

#### *Rules 95—97.*

**Mr. Speaker :** The question is—

That rules 95 to 97 be adopted.

*The motion was carried.*

#### *Rule 98.*

**Sardar Dasaundha Singh** (Deputy Speaker) : I beg to move—

That in sub-rule (1), line 11, between the words 'the' and 'amendment', the words "new clause or the" be inserted.

*The motion was carried.*

**Sardar Dasaundha Singh** (Deputy Speaker) : I beg to move—

That in sub-rule (2), line 2, between the words 'every' and 'notice', the word 'such' be inserted; and that the words 'of a proposed amendment' be deleted.

*The motion was carried.*

**Mr. Speaker :** Amendments Nos. 3 and 4 relate to the question of language and, therefore, the consideration of sub-rule (3) is postponed.

The question is—

That sub-rules (1) and (2) of rule 98 as amended be adopted.

*The motion was carried.*

#### *Rules 99.*

**Mr. Speaker :** The question is—

That rule 99 be adopted.

*The motion was carried.*

#### *Rule 100.*

**Mr. Speaker :** In rule 100 the order of sub rules (iii) and (iv) ought to be changed. Sub-rule (iii) should become sub-rule (iv) and sub-rule (iv) sub-rule (iii). This is clearly a mistake. Is there any objection to the mistake being corrected? (*Honourable members : No.*)

The question is—

That rule 100 as amended be adopted.

*The motion was carried.*

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<sup>1</sup>By Pandit Shri Ram Sharma : That in sub-rule (3) line 4, for the word "Urdu", the words "Hindustani (i.e., Urdu and Hindi)" be substituted.

<sup>2</sup>By Sardar Hari Singh : That at the end of sub-rule (3), the words "or Punjabi" be added.

## Rule 101.

**Sardar Hari Singh** (Kangra and Northern Hoshiarpur, Sikh, Rural) .  
Sir, I beg to move—

- (i) That lines 1—5 be omitted ;
- (ii) That before line 6, the words “ on a member proposing a new clause on the consideration of a bill ” be inserted ;
- (iii) That in line 6, the word “ then ” be omitted.

I formally move these amendments, but they may be voted upon separately. Rule 101 is—

A member proposing a new clause on the consideration of a bill shall, in the first instance, ask for leave to move the clause, and if leave is given, may move it.

I want these lines to be deleted with a view to make it give some meaning. I hope my friends opposite will not repudiate the authority of May's Parliamentary Practice, Campion and the Standing Orders of the House of Commons when the interests and the rights of political minorities are concerned. I would invite the attention of my friends opposite to page 417 of May's Parliamentary Practice. It says—

A clause that is moved on the consideration of the bill as amended is read the first time without question put ; and before this stage, the member who proposes the clause may speak in support thereof. The question is then proposed from the chair, “ That the clause be read a second time.”

That means there is no stage like the stage proposed by my friend. First the member who proposes a new clause should first move a motion asking for the leave of the House and if leave is turned down, there is no consideration of the clause. Then it says—

“ That the clause be read a second time ” ; which is the proper time for opposing the clause and the member who has proposed it can address the House.

The second reading is out of consideration. I would further draw attention of honourable members to standing order No. 97 of the House of Commons, where the procedure is laid down like this—

On a clause being offered in the committee on the bill, or on the consideration of report of a bill Mr. Speaker or the chairman shall desire the member to bring up the same, whereupon it shall be read a first time without question put, but no clause shall be offered on consideration of report without notice.

So, that means there is no question of either rejecting or giving the leave. Our fear is that any new clause to Bills, which should be covered by this rule, will be turned down without assigning any reasons by the Government, as they have been doing in the case of Bills brought up by us before the House. So, this novel proposal made under the rules will affect adversely the rights and interests of the minorities. The first duty of the rules of procedure of any Parliament is to protect the rights of the minorities and in so far as the present rule adversely affects the rights and interests of minorities, it cannot be called a rule.

**Mr. Speaker :** Rule under consideration, amendment moved is—

- (i) That lines 1—5 be omitted.

(ii) That before line 6 the words " on a member proposing a new clause on the consideration of a bill " be inserted; and

(iii) That in line 6, the word " then " be omitted.

**Diwan Chaman Lall** (East-Punjab, Non-Union Labour): Sir, I hope that my honourable friends opposite are not going to oppose this amendment. The reason given by my honourable friend Sardar Hari Singh, is a very cogent one. There is certainly a new procedure adopted by this House in regard to Bills. The original procedure, as was suggested in the original clause, prepared by the learned Secretary of the Assembly, was not accepted by the committee and the committee was then called upon to find a new procedure, which is, I believe, also applicable to the central legislature, that is to say, introduction, consideration and passing of a Bill. Now, in this particular amendment the suggestion is being made that there should be no necessity for asking for leave of the House again for the purpose of a new clause to the Bill. I take it that this is the proposition. (*Sardar Hari Singh*: Yes.) I cannot understand why there should be any necessity and personally I see no reason for it. Suppose a series of amendments have been moved, and the position appears on the floor of the House to be such that the amendments moved to a particular clause go to the root matter of that particular clause, therefore, the clause has to be done away with and new clauses substituted for it. Why should leave of the House be required for that purpose? This addition of the new clause is really an amendment to the proposition before the House. There are two kinds of amendments. One is that you amend a particular clause or a portion of that clause and the other is that you bring in an amendment of the main proposition by means of a new clause. If it is not accepted, the House rejects it. Why this cumbersome procedure asking for leave of the House for the introduction of a new clause? I am going to appeal to the honourable the Deputy Speaker and my honourable friend Mir Maqbool Mahmood to see the justice of this demand because this demand is being made for no other reason than the convenience of the House.

If the convenience of the House can be better served by the acceptance of the amendment, I do hope that my honourable friends opposite will accept the amendment moved by my friend Sardar Hari Singh.

**Mir Maqbool Mahmood** (Parliamentary Secretary): Mr. Speaker, I am afraid that there appears to be some misunderstanding with regard to the purpose of this clause. My honourable friend will find that it does not refer to amended clauses or clauses which are put as amendments. It only relates to a new clause and that being the position, we have, with regard to this new clause, to stick to the same principle to which we have been sticking in regard to introduction of Bills. Now, with regard to the introduction of Bills, the position we have reached is this that leave to introduce a Bill is sought and asked. The procedure with regard to the introduction of legislation in the House of Commons and here is in certain respects different. It has been made clear more than once that there are dummy Bills, public Bills and private Bills and there are various stages of Bills, which are different from the procedure prescribed in our House. The House having accepted a particular procedure with regard to introduction of Bills, I submit that this rule falls as a necessary corollary from that. If my honourable friend, who has referred to the House of Commons procedure

[ Mir Maqbool Mahmood. ]

would look to clause 187 of the Manual of Procedure in the House of Commons, page 174, he will find that—

“ New clauses are considered after the clauses in the Bill as printed have been disposed of and before the consideration of the schedules, if any. The chairman calls on the member who has given notice of or expressed a desire to move a new clause, and, if that member moves, the clerk at the table reads the marginal note of the clause, and it is then taken to have been read the first time.

The question is then put, ‘ That the clause be read a second time.’ If this is agreed to amendments may be moved..... ”

We here have not accepted the first reading, second reading and third reading of the Bill. We have adopted a different procedure. Having adopted that different procedure, there is no reason why only the new clause should be flung at the last stage of the consideration of the Bill, when it has been gone through the House first at the introduction stage and then it has gone to the select committee for its consideration. I may make it quite clear to the mover of the amendment that there is no intention through this clause to stifle any rights of minorities. I am sure he will take this assurance as such. The position is that if a clause has not been considered all along and is certainly flung at the last stage of the Bill, then it is only fair that the old procedure must be adhered to, and it is only fair that we should follow the convention in the House that amendments to new clauses will be tabled at the select committee stage, and if thrown out there, then obviously they can be tagged on as amendments to the clauses. But if a new clause, not an amended clause, which has nothing to do with the clause as it stands, is not covered by specific provision of the Bill, then it has to go through various stages just like a Bill.

**Diwan Chaman Lall :** The honourable member must be aware that new clauses which are irrelevant would be ruled out of order by the Chair.

**Mir Maqbool Mahmood :** My honourable friend is as attentive as subtle. When we are dealing with a mess of this nature, let us not be carried away by the argument which does not arise. If we have any such clause the convention should be that it should ordinarily be pressed at the select committee stage and if it is not ordinarily pressed there, and if it is a new clause, then I would be quite willing to give an assurance from this side of the House with confession that we shall oppose any new clause that raises a new principle. In view of these arguments it is my duty to oppose the amendment.

**Lala Duni Chand** (Ambala and Simla, General, Rural) : Sir, I rise to support the amendment moved by my honourable friend, Sardar Hari Singh. It is a very necessary and wholesome amendment. Sardar Hari Singh in his opening speech had entertained some suspicion regarding the intention of the Government. This suspicion has been justified by what has been just now said by my honourable friend Mir Maqbool Mahmood. We know that members of the Opposition have to spend a good deal of time to draft Bills, but what is the fate of those Bills? Most of them or even I may say 99 per cent. of them are rejected by the Government with one stroke of the pen. Under the circumstances we cannot possibly rely upon the establishment of conventions. We know conventions are very difficult to establish and there is no guarantee that those conventions will always be honoured.

Sir, there are good many reasons in favour of this amendment. Sometimes a Bill in the course of its consideration may undergo such alterations that it becomes necessary to add to it a new clause. Sometimes defects of drafting may require the addition of a new clause. I know of two Acts that were found defective in regard not only to the substance but also in regard to language. The *ex-Chief Justice* of the Punjab High Court, Sir Shadi Lal had succeeded in demonstrating to the previous Government that the Punjab Pre-emption Act and the Punjab Alienation of Land Act were extremely defective and the Government had to admit his point of view that those Bills were drafted in a very clumsy manner. There is no guarantee that similar situations will not arise in future. The Government may have very capable men who can draft Bills very efficiently, but it is possible that some loop-holes may be left in those Bills. Our object in bringing forth this amendment is that whenever there is any necessity in order to improve a Bill or in order to give effect to a new thought that might occur to any member of this House while a particular Bill is being considered, the needful may be done. I fail to see what reasons there can be for rejecting this innocent amendment. After all, if a new clause is repugnant to and inconsistent with the object of the Bill it will be thrown out. If an innocent amendment like the present one is being resisted by the Government, our suspicions are more and more strengthened. It is our experience that there has been very little fair play in this House. If we are assured of fair play on most of the occasions, we will allow the Government to have their own way (*hear, hear*), but we know how we are treated. Recently a number of Bills of which notices were given by us were killed at the very outset except one. In order to improve the condition of the country and to do some service to it, the members on this side feel it necessary to bring forward some sort of legislation, but we find that there are no chances of any effect being given to such legislations. Under the circumstances if the Government members claim fair play, they should come forward and accept this amendment which is not in any way dangerous, but I hold that it is hoping against hope that the Government will accept it.

**Sardar Dasaundha Singh** (Deputy Speaker): Sir, the whole position has been made clear by my friend, Mir Maqbool Mahmood. The addition of a new clause is on the same footing in certain cases as the introduction of a new Bill. Therefore this condition is thought necessary to be added.

**Sardar Lal Singh** (Ludhiana Central, Sikh, Rural): Although much has been said on this amendment, I should like to add a few words. Mir Maqbool Mahmood during the course of his speech said that he did not understand how the interests of minorities would be affected if this amendment was not carried. The interests of the minorities will be affected in this way. If a clause that is proposed meets with the approval of the majority party then leave shall be given. But if it is moved by a member of the minority party—say, in matters relating to the interest of his party or his community in that Bill—it shall certainly be refused because it will be the number of votes that will settle the fate of his amendment. I submit that during the consideration of a Bill or an amendment or when a Bill is being piloted through, it may be necessary to add a new clause. Situation may arise when compromise may be effected at the last moment. To ban the door against a new clause which might do away with any controversial

[ S. Lal Singh. ]

factors on certain matters is, in my opinion, very prejudicial. At any rate I do not see any harm if a new clause might be introduced with the permission of the House at any stage. I, therefore, support this amendment.

**Mian Abdul Aziz** (Outer Lahore, Muhammadan, Urban): As far as

4 P.M.

I have been able to understand the amendment, the omission of these first five lines is not seriously contested by the ministerial benches. It is simply for the sake—I may be permitted to say so—of opposing a proposal which comes from the Opposition benches. Now the honourable member, Mir Maqbool Mahmood has stated that our practice in this House is not the same as that in the Parliament. There they have the first reading, second reading and the third reading; we have not got the same practice here. Supposing at the time of the introduction of a Bill there is nothing which an honourable member wishes to put forward as a new clause, but after it has passed through the select committee when it comes up to the whole House a necessity is felt that some new clause should be introduced. The Bill is already under consideration. I do not see any reason why leave to introduce a clause should be obtained from the House. As a matter of fact the Bill is there. A new clause has to be put by way of an amendment and I see no harm in putting it. I submit that the words as they are put in clause 101 are entirely unnecessary. The words are: A member proposing a new clause on the consideration of a Bill shall, in the first instance, ask for leave to move the clause, and if leave is given, may move it. As a matter of fact it is a part and parcel of that very Bill which is under consideration. Why should it not be allowed? Whatever amendment has been given by the member now, that the addition should be made on page 23, I think that should be considered to be sufficient. There is no necessity for the introduction of any new clause especially when it has come through the select committee and we do not know what changes the select committee might make and at that time it may be necessary that some change should be made and if there is a proposal to insert a new clause, I would say that there is no necessity for getting the permission of the House at that stage for any new clause. I would therefore add that up to this time as far as I have been able to understand there is no objection to this. It is admitted on the one hand that we are not following the Parliamentary practice. On the other hand it is said that there is a parliamentary practice to such and such an extent. Either be on one side or on the other. We are making our own rules. We have to consider our own points. We have to consider what we require and according to our own necessity we have to make these rules. I would therefore suggest that the first five lines should be entirely omitted and the amendment as proposed by Sardar Hari Singh should be adopted.

**Mr. Speaker:** It is for the House to decide whether the proposed amendment should be made or not; but as the matter is an important one, I would like to place before the house the Parliamentary practice, if the honourable members wish to know that practice (*Voices:* We do.) There the principal stages through which a Bill passes are—

(1) Introduction.

(2) Second Reading.



- (3) Committee Stage.
- (4) Report Stage and
- (5) Third Reading.

New clauses are moved either at committee stage or at report stage. At committee stage the text of a Bill is considered in the following order :—

- (1) Clauses.
- (2) New Clauses.
- (3) Schedules.
- (4) New Schedules.
- (5) Preamble.
- (6) Title.

But at report stage the order in which a Bill is considered is as follows :—

- (1) New Clauses.
- (2) Preamble.
- (3) Clauses of the Bill as reported by the committee.
- (4) New Schedule.
- (5) Schedule.
- (6) Title.

The procedure to offer a new clause at the committee stage is as follows :—

If a new clause be offered, the chairman desires the member to bring it up, and it is read the first time without question put. A question is then put for reading the clause a second time, and, if this is agreed to, the clause may be amended before the question is put for adding it to the Bill.

At report stage new clauses are first offered, priority being given to clauses moved by the member in charge of the Bill.

A clause that is moved on the consideration of the Bill as amended is read the first time without question put ; and before this stage, the member who proposes the clause may speak in support thereof. The question is then proposed from the chair, " That the clause be read a second time ; " which is the proper time for opposing the clause ; and the member who has proposed it can address the house. If this question be affirmed, amendments may then be proposed to the clause. The last question put by the Speaker is, " That the clause, or the clause as amended, be added to the Bill ; " and on this question a further debate may arise.

**Sardar Kapoor Singh :** Can a new clause be introduced in the select committee ?

**Mr. Speaker :** Of course.

**Sardar Kapoor Singh :** Suppose a Bill is to be considered immediately and is not referred to a select committee ?

**Mr. Speaker :** If it is considered to be an urgent measure and its consideration is moved, even then, its consideration would mean a consideration of its clauses and it would be open to members to move new clauses.

**Lala Bhim Sen Sachar :** It is that procedure regarding new clauses that Sardar Hari Singh is against. He says there is no necessity for asking fresh leave of the House.

**Mr. Speaker :** If the majority of the House wants to keep out a clause, it can do so at any stage.

**Diwan Chaman Lall** (East Punjab, Non-Union Labour) : The only difficulty which my honourable friend had in respect of this small matter is this. I hold in my hand one particular Bill. Suppose it is stated there that boys between the ages of 16 and 18 shall contribute one anna, I can move an amendment to it that boys between the ages of 12 and 14 should contribute half an anna. We understand the procedure of the House of Commons and the reason for asking for the leave of the House to move a new clause. But suppose there is an amendment such as I have suggested. That will be an amendment of the clause. We would have got over the same difficulty by merely amending certain clauses and adding the amendments. If it is your considered opinion—

**Mr. Speaker :** I have expressed no opinion of my own. I have simply placed before the House the parliamentary practice as to new clauses.

**Sardar Hari Singh :** I am very grateful for the interpretation given by you as regards the various stages through which a Bill has to pass. In the House of Commons the practice is that a member who wants leave has got the right to address the House. Under the rule, as proposed here, we do not get any right to address the House.

**Begum Rashida Latif Baji** (Urdu) : When the learned Advocate-General is present, we should invite his views on the matter without prolonging the discussion any further.

**Mr. Speaker :** I will consult the learned Advocate-General when I need his advice.

**Sardar Hari Singh :** I want to know whether this position is acceptable to him that when a member wants permission that a new clause be considered, that member shall have the right of addressing the House at that stage.

**Sardar Dasaundha Singh :** There will be no objection.

**Mr. Speaker :** What has the Honourable Premier to say ?

**Premier :** I would leave it entirely to the discretion of the Chair. If it is necessary to elucidate any point, he may be allowed to make a speech.

**Mr. Speaker :** The question is—

That lines 1—5 be omitted ;

(ii) That before line 6, the words "on a member proposing a new clause on the consideration of a Bill" be inserted ;

(iii) That in line 6, the words "then" be omitted.

*The motion was lost.*

**Mr. Speaker :** The question is—

That rule 101 be adopted.

*The motion was carried.*

*Rule 102.*

**Sardar Dasaundha Singh** (Deputy Speaker): I beg to move—

That in line 5, of sub-rule (2) for the words "member of Government" the word "Minister" be substituted.

*The motion was carried.*

**Mr. Speaker :** The question is—

That rule 102 as amended be adopted.

*The motion was carried.*

*Rules 103—105.*

**Mr. Speaker :** The question is—

That rules 103, 104 and 105 be adopted.

*The motion was carried.*

*New Rule.*

**Sardar Hari Singh** (Kangra and Northern Hoshiarpur, Sikh, Rural) :  
Sir, I move the following new rule after rule 105 :

As soon as possible after the Governor has promulgated an Ordinance under section 88 (1) of the Act, printed copies of such Ordinance shall be made available to the members of the Assembly. Within six weeks from the re-assembly of the House, any member may, after giving three clear days' notice to the Secretary, move a Resolution disapproving the Ordinance.

I want to make it clear that if the Government does not bring in a resolution disapproving the Ordinance, a private member may bring a resolution and he should have the right to do so. A provision should be made that if a private member brings in a resolution disapproving the Ordinance he should be given time and his resolution should be discussed and debated. It is possible Government may not bring in such a resolution it is not mandatory on Government that it should bring in such a resolution : so a private member must have an opportunity, if he wants, to bring in a resolution disapproving the Ordinance which should be discussed on the floor of the House.

**Mr. Speaker :** The new rule proposed to be moved after rule 105 is—

As soon as possible after the Governor has promulgated an Ordinance under section 88 (1) of the Act, printed copies of such Ordinance shall be made available to the members of the Assembly. Within six weeks from the re-assembly of the House, any member may, after giving three clear days' notice to the Secretary, move a Resolution disapproving the Ordinance.

**Sardar Dasaundha Singh** (Deputy Speaker) : This new rule is the same word for word as the interim rule 88. This belongs to the Governor's sphere and for this reason it is difficult for us to accept it. Most probably this will find a place in the Governor's rule. With these words I oppose it.

**Diwan Chaman Lall** (East Punjab, Non-Union Labour) : I did not quite catch what the honourable member wants in regard to this particular rule. Is he opposing it or suggesting that it is outside the purview of this House? What exactly does my honourable friend want? We have not a clear indication of the attitude of the Government in regard to this amendment.

**Premier :** What the honourable member wanted to convey was that these interim rules were made by the Governor. The Governor has also got to frame new rules, and his contention is that this would find a place in the Governor's rules, therefore this simply means duplication of work and unnecessary waste of the time of the House.

**Diwan Chaman Lall :** The Honourable Premier has made the position of my learned friend the Deputy Speaker definite. The object appears to be that since the Governor is going to promulgate his rules, therefore it is not necessary for us to have a rule like this. The simple answer to that is supposing the Governor does not promulgate this rule, then we can promulgate our own rule. Why not anticipate the position, because this is a rule which governs the business of the House. Once the Governor has promulgated an Ordinance under section 88 (1) all my honourable friend is asking is that we may get copies of the Ordinance circulated to each one of us. The Governor might issue an Ordinance at a time when the Assembly is not in session, because section 88 (1) says—

If at any time when the Legislature of a province is not in session the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such ordinances as the circumstances appear to him to require.

What difficulty can there be because the Governor shall be exercising his purely individual judgment? There is a proviso to it which says—

Provided that the Governor (a) shall exercise his individual judgment as respects the promulgation of any ordinance under this section, if a Bill containing the same provisions would under this Act have required his or the Governor-General's previous sanction to the introduction thereof into the Legislature; and

(b) shall not without instructions from the Governor-General, acting in his discretion, promulgate any such ordinance, if a Bill containing the same provisions would under this Act have required the Governor-General's previous sanction for the introduction thereof into the Legislature, or if he would have deemed it necessary to reserve a Bill containing the same provisions for the consideration of the Governor-General.

(2) 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 every such ordinance—

(a) shall be laid before the Provincial Legislature and shall cease to operate at the expiration of six weeks from the re-assembly of the Legislature or, if a resolution disapproving it is passed by the Legislative Assembly and agreed to by the Legislative Council, if any, upon the passing of the resolution or, as the case may be, on the resolution being agreed to by the Council;

It will be the duty of the Government to see that it is laid before the legislature. This amendment suggests that printed copies of the Ordinance shall be supplied to members even when the Assembly is not in session, that is, immediately after the Ordinance is promulgated.

The second part of the new clause is this :—

“Within six weeks from the re-assembly of the House, any member may, after giving three clear days' notice to the Secretary, move a resolution disapproving the Ordinance.”

Why can we not have the right to assert our disapproval of the ordinance? Issuing of an ordinance is purely within the competence of the Governor in his individual judgment and it is just like an Act passed by the legislature and any Act passed by the legislature may be disapproved of by the legislature. The point that has been worrying my learned friend is this that it is an extraordinary procedure and, therefore, it requires an extraordinary

procedure on our part also to deal with it. It can be done by means of passing an adjournment motion but my honourable friend does not like this. Here we would get a right to disapprove of the ordinance.

**Premier :** Nobody is opposing the wording of the new rule. When this thing is provided in Governor's rule, why are you duplicating it ?

**Diwan Chaman Lall :** If it does appear in the Governor's rules and the right is given to us to express our opinion regarding it, then I have not the slightest objection. I wanted to know whether it is going to appear in Governor's rule or not.

**Premier :** If you see the old rule, you will find that exactly the same thing has been copied here by my honourable friend Sardar Hari Singh. If it finds a place there, it would be an unnecessary burden on our present rule. Old rule 33 says :—

As soon as possible after the Governor has promulgated an ordinance under section 88 (1) of the Act, printed copies of such ordinance shall be made available to the members of the Assembly. Within six weeks from the re-assembly of the Assembly, any member may, after giving three clear days' notice to the Secretary, move a resolution disapproving the ordinance.

It is exactly identical.

**Sardar Hari Singh :** I only want to know whether there is any statutory power to prevent us from framing a rule ourselves ?

**Premier :** I am prepared to give an undertaking to my honourable friend that if it does not appear there, we will be willing to put it in. If the Governor decides to have a rule different from this, then our rule will be *ultra vires*.

**Sardar Hari Singh :** Why should the Governor have his own rule, why not the Assembly have one ?

**Premier :** I did not say that we are barred from having this rule. I said that it was unnecessary. If it does not appear in the Governor's rule, we will bring in a rule of this kind.

**Diwan Chaman Lall :** The only point, Mr. Speaker, that has been worrying my honourable friend is the second part of the new rule, that is, whether we are allowed to discuss or disapprove the ordinance, issued by the Governor by virtue of our right. Would we or would we not have a right of disapproving the ordinance ? If we have a right, the point is a simple one. What is worrying Sardar Hari Singh is this that if an ordinance is issued, then under this rule, shall we be able to discuss or disapprove of that ordinance ? Have we or have we not a right, irrespective of what the Governor has laid down, that we shall provide for a certain procedure if we desire to disapprove of the ordinance issued by the Governor ? I think that can legitimately go into our rules, or we should postpone it and consider it later.

**Premier :** If it does not appear in the Governor's rule, we are always prepared to put in a rule to that effect.

**Sardar Hari Singh :** The Assembly must have a right to criticise an ordinance when it re-assembles.

**Diwan Chaman Lall :** We might better postpone it for to-morrow.

**Mr. Speaker :** I have no objection if honourable members so wish.

**Premier :** I am prepared to accept this amendment, Sir, but I want to make one thing clear and that is that if the Governor frames a rule which does not tally with this rule then his rule will over-ride our rule.

**Mr. Speaker :** I may point out that the House has got jurisdiction to pass the proposed rule or any other rule in regard to which His Excellency is empowered by the Government of India Act (section 84 (1) Proviso) to make rules. But I may inform the House that wherever its rules shall be inconsistent with His Excellency's rules, the latter shall prevail, and that consequently it will be futile on the part of the House to frame rules inconsistent with the rules made by His Excellency. There can be no doubt that under section 84 this House has jurisdiction to make rules for regulating its procedure and the conduct of its business. But the section also lays down—

.....if and in so far as any rule so made by the Governor is inconsistent with any rule made by a Chamber, the rule made by the Governor shall prevail.

This provision of the section clearly contemplates the possibility of rules being made by the House as well as by the Governor on one and the same point; and further it clearly anticipates that some of these rules may be inconsistent.

There is another point to which I wish to invite the attention of the House. The proposed rule is—

As soon as possible after the Governor has promulgated an ordinance under section 88 (1) of the Act, printed copies of such ordinance shall be made available to the members of the Assembly.....

To whom is the House giving that order? Who will supply copies? If the Governor makes a rule to that effect, it will be the Government agency that will supply copies and unless the copies are there the second part of this rule cannot operate. You cannot order Government to supply copies to you. Your resolutions or decisions are orders for your subordinates or members of this House. But they are not orders for outsiders.

**Diwan Chaman Lall :** I submit, Mr. Speaker, that this difficulty can be solved by addition of the words 'by the Secretary of the Assembly' after the words 'members of the Assembly.'

**Mr. Speaker :** I have no objection, if honourable members so wish.

**Premier :** It is quite unnecessary to make that amendment. I do not think we should let that burden fall on the Secretariat of the Assembly. It is the duty of the Government to provide copies.

**Mr. Speaker :** Can this House give an order to the Government?

**Premier :** May I refer honourable members to a particular section of the Government of India Act? There has been some confusion with regard to the word 'Governor' as it is used in the Act. After further consideration, I have come to the conclusion that the word 'Governor' in section 88 (1) means 'Government.' It is only in the case of the proviso that his individual judgment becomes operative. Therefore I think that we would be perfectly within our rights to frame a rule of this nature. I would even go further and submit that it is the primary duty of this House to frame rules with regard to this particular matter.

**Diwan Chaman Lall :** The Honourable Premier has made the position quite clear. The operative part of section 88 (1) refers to the Governor as such and the word 'Governor' means 'Government' under the Act. It is only in certain classes of legislation that the proviso becomes operative and the individual judgment of the Governor prevails. Generally speaking the substantive portion of section 88 (1) relates to the action taken by the Government and not by the Governor in his individual judgment. Consequently, the amendment that the Secretary should circulate the copies does not really make any difference.

**Mr. Speaker :** It appears to be clear that individual judgment of the Governor will be exercised only with regard to matters enumerated in proviso (a) to section 88 (1) of the Act and not to the remaining part of that section. Therefore it is open to the House to adopt this new rule.

**Premier :** I do not think it is necessary to adopt the amendment also. Government has to use some agency to supply copies to members.

**Mr. Speaker :** I have no objection. The question is—

That the following be added as a new rule after rule 105 :—

As soon as possible after the Governor has promulgated an Ordinance under section 88 (1) of the Act, printed copies of such Ordinance shall be made available to the members of the Assembly. Within six weeks from the re-assembly of the House, any member may, after giving three clear days' notice to the Secretary, move a Resolution disapproving the Ordinance.

*The motion was carried.*

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*Rule 106.*

**Sardar Dasaundha Singh** (Deputy Speaker) : I beg to move—

That in sub-rule (1), in penultimate line, for the word 'any,' the word 'the' be substituted.

5 P.M.

*The motion was carried.*

**Mr. Speaker :** The question is—

That rule 106 as amended be adopted.

*The motion was carried.*

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*Rules 107—110.*

**Mr. Speaker :** The question is—

That rules 107 to 110 be adopted.

*The motion was carried.*

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*Rule 111.*

**Sardar Dasaundha Singh** (Deputy Speaker) : I beg to move—

That in proviso, line 2, for the words 'member of the Government,' the word 'Minister' be substituted.

*The motion was carried.*

**Mr. Speaker :** The question is—

That rule 111 as amended be adopted.

*The motion was carried.*

**Rule 112.**

**Sardar Hari Singh** (Kangra and Northern Hoshiarpur, Sikh, Rural) : I beg to move—

That in line 2, part (c) of the proviso, the word 'primarily' be deleted.

It is one of the conditions that a resolution shall not relate to any matter which is not primarily the concern of the provincial Government. I do not understand the logic of putting in the word 'primarily.' Anything which is the concern of the provincial Government is a fit subject for a resolution. Can my friends opposite make a distinction between two responsibilities of the provincial Government or separate the ministerial field into two parts in which they can say that this is the concern of the Ministry and in which they can say that this is primarily the concern of the Ministry. If this word 'primarily' is retained, then it may be possible to rule out certain resolutions which may be the concern of the people of the province, in which the people of the province may be interested but in which case the Government may turn round and say this is not the concern of Government, this is the concern of the central Government. Any subject, any matter which concerns the welfare and interest of the people of the province and in which the Government of the province has any concern whatsoever, that shall be a fit subject for a resolution. I move for the deletion of the word 'primarily.'

**Mr. Speaker** : Rule under consideration, amendment moved is—

That in line 2, part (c) of the proviso, the word 'primarily' be deleted.

**Sardar Dasaundha Singh** (Deputy Speaker) : The word 'primarily' is essential here in this clause. The clause reads thus :

It shall not relate to any matter which is not primarily the concern of the provincial Government.

The expression 'the concern of the provincial Government' is too wide. The use of the word 'primarily' confines the expression within reasonable limits. For example, if the Government has made over certain powers to some other statutory body, then the Government is not primarily responsible for the administration of that statutory body. (*A voice* : For instance ?) For instance, the municipal committee, the university or the district board. In a remote sense it may be said that because the provincial Government gives a certain grant to the university, therefore the provincial Government in a certain sense has some sort of concern with that statutory body, but it is not the concern of the provincial Government in the first instance. The word 'primarily' is used here in place of 'in the first instance,' and the latter part of the sub-rule means that it does not concern the provincial Government in the first instance. Therefore the use of the word 'primarily' is necessary here. With these words I oppose this amendment.

**Pandit Shri Ram Sharma** (Southern Towns, Central, Rural) (*Urdu*) : Sir, I support the amendment now before the House. In part (c) of the proviso of rule 112 it is laid down—

It shall not relate to any matter which is not primarily the concern of the provincial Government.

That is to say, resolutions can be moved only with regard to those matters which are primarily the concern of the provincial Government and in no case should they relate to those matters which are not primarily the concern of the provincial government. The word "primarily" is likely to create



a good deal of trouble. If it is kept intact and is not deleted, I am afraid many of our resolutions and proposals would be turned down on the ground that they relate to matters which are not primarily the concern of the provincial Government. The matter is quite obvious and simple. Every member of this House should have the right to move resolutions about matters which are the concern of the provincial Government. If any matter is not the concern of the provincial Government the question of moving a resolution with regard to it does not arise. I, therefore, submit that the insertion of the word "primarily" in a very clear proviso is nothing but the creation of an obstacle for ever. Further, this word "primarily" would be used very often. Whenever any resolution or motion is made, it would be generally overruled on the score that it relates to a matter which is not primarily the concern of the provincial Government. This would prove a great hindrance for us.

Again, the interim rules which are at present in force, are not very clear. The result is that when we put questions, we receive some such answers that they relate to matters which are not primarily the concern of the provincial Government. May I inquire from the honourable members opposite what the words "primarily the concern" mean? It has become a practice with the Government that they take shelter behind the phrase "primarily the concern" for things which are unpalatable to them.

I further submit that the Opposition party in this House is in a minority. But my friends over there without caring for the helpless position of the minority are daily creating obstacles in their way, which in my opinion is not only a constitutional oppression but is also a moral sin. From this I am forced to conclude that if it lay in their power they would even gag the Opposition. As a matter of fact they are doing this very thing by some means or other. They are always finding out ways and devising plans for keeping them silent. I appeal to all the members of the Unionist Party, whether they are members of the party from conviction or from policy, that they should not treat this important matter lightly, but should take into consideration the fact that if they adopt this amendment they would be making it easy for them to bring forward any matter before this House in the form of a resolution. I strongly emphasise that this matter lies within our reach and we can do it. If, however, this amendment is not adopted, I am afraid the passing of this proviso would create more hindrances. I, therefore, submit that the members should be allowed to move resolutions about matters which relate to their province and this word "primarily" should be deleted. We, on this side of the House would never have suggested the deletion of this word but for its implications which in our opinion would suggest to government that as far as possible they should oppose all proposals which are brought before the House in the form of resolutions by the members opposite.

Besides, I may point out that when a proposal or a suggestion is brought before the House, it is in the form of a specific recommendation. It is a sort of request to Government to do a particular thing. The Government may accede to it or may not. Nobody can force them to accept it. I, therefore, submit that Government is not justified in turning down our proposals on the ground that they are not primarily the concern of

[ Pandit Shri Ram Sharma. ]

the provincial Government. Besides, my submission is that sub-section (c) of the rule under consideration is not very clear. The presence of the word *primarily* makes it somewhat ambiguous. I, therefore, strongly urge upon the Government the desirability of accepting the amendment now before the House and return the gift "*primarily*" to the Treasury benches.

**Finance Minister :** We present it to you.

**Premier** (The Honourable Major Sir Sikander Hyat-Khan) : I think my honourable friends opposite are unnecessarily exercised over this question. This is merely repeating the previous rule and the word '*primarily*' is necessary to make clear the distinction between those subjects which directly concern the Government and those which do not concern the provincial Government. I may give one illustration which will make the position clear to my honourable friends opposite. We have to carry out several agency functions, functions as agents to the central Government. Some illustrations have been given by my honourable friend the Deputy Speaker with regard to local bodies, and I am giving another illustration. We have to act as agents to the central Government with regard to certain matters. Either voluntarily or otherwise we have agreed to undertake those obligations or duties or they are under the Act imposed upon us. It is to distinguish these from our own functions that the word '*primarily*' is put there. For instance, take the petroleum Act. We are merely agents there and we carry out the behests of the central Government and we have to follow the law in spirit and in letter. We have also to follow the instructions of the central Government with regard to the carrying out of these agency functions. Now, if the House is not satisfied with regard to the way in which that Act is operated in this province, according to my honourable friend he should have the right to discuss that question in this House. My submission is that it would not be fair to waste the time of this House in trying to discuss such questions, as this Government has no concern and it is the concern of the central Government. It is to get over such difficulties and to make the whole thing quite clear that no matter which is not within the purview of the provincial Government will be discussed here, that the word '*primarily*' has been put. There we have merely repeated the old rule. My honourable friend will, I am sure, understand the difficulty. If we remove that word, some member, some day, on the ground that it is the concern of the provincial Government, because as agents they work out certain Acts or do some agency service, may make us responsible for certain acts and we do not want to be in any way burdened with responsibility which is not *primarily* ours but that of the central Government. If they want to raise such points, they should be raised in the central Assembly and discussed there and not in the provincial Assembly. That is the point which my honourable friends must bear in mind. Otherwise also, if they go further down, they will find that the discretion to disallow a motion rests entirely with the Speaker ; it is not the Government that decides it, but it is the Speaker who decides whether a resolution conforms to the various conditions laid down in the rules. It is within the discretion of the Speaker to decide whether a subject *primarily* concerns the Punjab Government or not. If he decides that it is the concern of the Punjab

Government, you will be able to move that resolution and we will have to meet you as best as we could. But I am pointing out why the word 'primarily' is introduced there; it is to distinguish our responsibility as agents of the central Government from the responsibility which mainly concerns us. I hope I have made the position quite clear to my friends opposite.

**Sardar Kapoor Singh** (Ludhiana East, Sikh, Rural): I was thinking all along that the word 'primarily' is specially meant for such delegation of power which the central Government might pass on to the provincial Government. But the Deputy Speaker in his speech has stated that the provincial Government shall not be responsible even for those actions of the municipalities or district boards because in his opinion the provincial Government is not primarily responsible for the actions of the municipalities and district boards. If that is the interpretation put by the Honourable Premier then it would mean that district boards and municipalities would be able to do what they like. Every one of us knows what is going on in local boards in these days. Then it would be an encouragement to all those local bodies to do whatever they like. But at the same time it must be known that under the District Boards Act and the Municipal Act, the Local Government has got so many powers that every action of the municipality or district board can be mended or set aside by the local Government. In that case, when the Government can set aside any resolution, when it can set aside appointments of the secretary or the district engineer or such other big officials, why is not the Government primarily responsible for the action of the district boards and municipalities? It is from this point of view that this word 'primarily' should be deleted and it is from this point that I am going to support the amendment. In case that word is not deleted, it would mean that there would be much mismanagement in the local bodies, even more than what is obtained in these days.

**Lala Bhim Sen Sachar** (North-Western Towns, General, Urban): Sir, the amendment which has been moved by my honourable friend, Sardar Hari Singh, has not been moved lightly. The argument for moving this amendment is derived from the experience that some of us have had in connection with the interpretation of this rule as it stands even at present. There is no doubt the interpretation of the rule has to be given by you, as the Honourable Premier has stated. But then, when there are certain rules, the Honourable Speaker is absolutely helpless. He has to interpret the rules as they are, not as he would like those rules to be. You may be very anxious to accommodate us and give us the fullest latitude for ventilating the grievances of the people in the shape of resolutions or otherwise; but if a rule is there in very express language, you are helpless. If I am not mistaken, you were pleased to rule with respect to one of my resolutions which related to the affairs of a municipal committee that it was inadmissible on the ground that the committee being a second class municipal committee, its affairs were directly under the control of the commissioner and were not primarily the concern of the local Government, although the object of the resolution was to make certain recommendations for the consideration of the provincial Government. But you were not pleased to allow that resolution to be moved on that ground.

[ L. Bhim Sen Sachar. ]

A resolution should refer to a matter of general public interest and then the only question that can possibly arise is whether or not that is the concern of the provincial Government. Either a matter is the concern of a provincial Government or it is not. If it is the concern of the provincial Government, whether it is the act of the agent of the provincial Government or the provincial Government itself, the responsibility of the Government is equal in both the cases. We are not concerned with respect to the agency functions of the provincial Government. What the Honourable Premier has said is that they have to act as agents. It is ordinary commonsense that we cannot expect an agent to do what he is not authorised to do. When he would be dealing with a matter, even when that matter relates to the function of the provincial Government as the agent of the central Government, we will regard only as much of the matter as is the concern of the local Government. Therefore, the point is that anything that concerns the provincial Government must be considered to be a subject fit for the consideration by this House and, it is only proper that the Opposition should be given an opportunity of moving resolutions about all points of public interest. I would go so far as to say that this will also be the function of a provincial Government, if it thought that it was essential in the interest of the health of the province, to prescribe a certain standard of diet for the boarding houses of our students. If the provincial Government thought that such and such a thing should be there or should not be there because it is not interested in certain matters it will act only in respect of those matters for which it has authority ; and we will likewise be dealing with those matters only for which the provincial Government has authority. Therefore, my submission is that the word ' primarily ' has absolutely no meaning.

**Minister for Education :** Let it remain if it has no meaning.

**Lala Bhim Sen Sachar :** My submission is that this word " primarily " should be deleted and we should be free to move resolutions with respect to all those matters with which the provincial Government is concerned.

**Lala Duni Chand** (Ambala and Simla, General, Rural) : Of course it goes without saying that I support the amendment of Sardar Hari Singh. When the Government wants to put in the word " primarily " in this rule, it means that they want to abdicate some of the functions that they have to discharge. I hold that any Government worth the name is responsible to see that no wrong is done to the public or any section of the public or for the matter of that to any individual. By putting the word " primarily ", we have been told by the Deputy Speaker that what he means is that so far as certain functions are concerned, the Punjab Government would have no right to exercise any kind of control over those functions. When we entered this House we were under the mistaken belief that the age of bureaucracy is gone but all these months that we have been here we have realised that the bureaucracy is ruling as strongly as ever. We have been told that the functions of the Punjab Government in relation to municipal committees and district boards have been delegated to the commissioners. We also know how bureaucratic the commissioners are and how they refuse to listen to most of the important grievances of the people regarding district boards and municipalities. I should like that the Punjab Government should exercise better control over their

subordinate functionaries. I do not see any reason why they should not exercise control over the doings of all the subordinate authorities. The Honourable Premier has said that some of the agency functions have been entrusted to them. Even if you are discharging the agency functions, it is our duty to see that you are discharging agency functions properly. If you are discharging agency functions that is no reason why when you are going wrong as agents we should not tell you that you are going wrong. The Honourable Premier has got the knack of talking of most dangerous things in the sweetest words (*laughter*). I remember what he said while talking in a very sweet manner. "How do you suffer? We shall discharge duties as agents, you do not suffer in any way. It is some other Government that is responsible." But we realise how we suffer when these things come to our knowledge in daily experience. We have been receiving lot of rebuffs from the municipalities and district boards. I do not know if the Honourable Premier knows what has been happening in Sheikhupura Municipality during the last three years. If he or any other minister were to know honestly what has been happening in the Sheikhupura Municipality, he will find himself horrified.

**Mian Abdul Aziz :** But what is going on in Lahore Municipality in these days?

**Sardar Sampuran Singh :** Still worse. (*Interruption*).

**Lala Duni Chand :** In the Sheikhupura Municipality the president has been persecuted and prosecuted for years.

**Sheikh Karamat Ali :** On a point of order. How is it relevant? I would like to know from the honourable member what particular things happened in the Sheikhupura Municipality during the last three years which may be said to be horrifying (*Voices of Order, order from Opposition benches.*).

**Lala Duni Chand :** For the information of the honourable member, who has just now interrupted, I may point out that the relevancy is obvious. The Punjab Government wants to abdicate certain functions regarding second class municipalities to commissioners. We say. "Do you want that the Punjab Government should have full control over the doings of the municipalities?" Sheikhupura Municipality is a second class municipality. I was pointing out that great wrongs have been done in the municipalities. I was saying that the President of Sheikhupura Municipality who happens to be an unfortunate but a prominent Congressman—

**Mrs. J. A. Shah Nawaz :** May I know from you whether we are discussing rules and regulations or the question of municipalities?

**Khan Bahadur Mian Mushtaq Ahmed Gurmani :** Is the honourable member permitted to talk irrelevance?

**Lala Duni Chand :** I do not think the honourable member has any right to say whether I am talking relevant or irrelevant things; it is he who has got the right to talk anything relevant or irrelevant.

I say with a full sense of responsibility that I have got first hand information regarding the doings in connection with the Sheikhupura Municipality. I submit it is not at the hands of the higher authorities like the Premier that the people of this province are suffering. I can understand that

[ L. Duni Chand. ]

the Honourable Premier and other Ministers can take a fair view of things. The Punjab is suffering at the hands of the limbs of authority whom the Punjab Government is affording every possible shelter. If the treasury benches are going to insist on the retention of this word 'primarily', it should be made clear that this word will be applicable only to the relations between the Punjab Government and the central Government. If they can make that declaration then I shall request the honourable mover to withdraw his amendment; but if it is going to be used as a cloak for doing wrongs then we are going to insist on it.

**Sheikh Karamat Ali** (Nankana Sahib, Muhammadan, Rural): I rise to oppose the amendment. The instances cited by the honourable member opposite are definitely based on no information. He should know that the Sheikhupura Municipality has already suffered at the hands of the majority party. The honourable member has not enlightened the House with other instances which would have created a horror in the minds of honourable members here. I may point out one instance and it is this that the budget for the year 1937-38 did not come up before the municipality until November of that year. This of course was the concern of the president: it should have been before the committee in March. If the word 'primarily' is removed, then unnecessary matter is likely to be introduced in the House for discussion and it will not serve any useful purpose except that it would waste the time of the House. The word 'primarily' would give us an occasion to exercise our choice and would prevent members from unnecessarily coming forward to talk irrelevant things. The honourable member should have informed the House as to what were the matters which appeared to him as horrifying. But he has failed even to quote one single instance. The then president of the Sheikhupura municipal Committee was given unnecessary protection at the hands of the last ministry (*Voices*: No, no).

**Premier**: Sir, we have heard irrelevant talk from both sides; it is time we come back to the subject under discussion.

**Sheikh Karamat Ali**: I was going to say that there is a charge against the administration in connection with the president of the municipality.

**Mr. Speaker**: I request the honourable member not to discuss the Sheikhupura Municipality.

**Sheikh Karamat Ali**: I bow to the ruling of the Chair. I was only referring to it as my honourable friend mentioned this particular municipality.

**Mr. Speaker**: Can two wrongs make one right?

**Sheikh Karamat Ali**: I was just objecting to the amendment by saying that I was in favour of the word 'primarily' being retained as a choice or selection shall in that case be made before honourable members of the House come forward and digress into the discussion of irrelevant matter: probably the House has become fond of unnecessary platitudes. With these words I object to the amendment.

**Sardar Hari Singh**: The honourable member has used the words "House is fond of platitudes". He should withdraw these words.

**Mir Maqbool Mahmood** (Parliamentary Secretary): Sir, I am surprised at such an undemocratic amendment being moved by my honourable friend opposite and supported with such vehemence by my friends on the opposition benches. I am sure when they calmly analyse the purport of the rule as it stands and the word 'primarily' they will realise that all those who are interested in the development of democratic institutions and the respect of private right should support the retention of the word. I will give one illustration. Supposing the word 'primarily' is dropped and tomorrow somebody moves a resolution that in a private body in the Punjab there should be 50 per cent Muhammadans, 30 per cent Hindus and 20 per cent Sikhs—and in these days of keen unemployment in the province it may be demanded by a particular community—and if the word 'primarily' is not there it will not lie with the Speaker to stop this resolution on the floor of the House. (*Diwan Chaman Lall*: What percentage did you mention?) I only cited it as an illustration; it may be anything. If you remove the word 'primarily' such questions could be raised and with the ingenuity of both sides might bring the matter within the purview of the House. We have in the committee, of which my friends opposite was also a member, unanimously decided to bring in the word which tries to repeat the experience even of parliamentary practice. In Parliament also in connection with certain questions this point has been raised and the various rulings of the Speaker on the point, which have been summed up in this word 'primarily' show the practice of the House of Commons also. I would refer my friend to questions with regard to B. B. C., questions with regard to Postmaster-General's duties, with regard to some electric company and other matters of that nature. The first point is, if you leave the word 'primarily' you leave it very open and discuss through resolution the rights or the interference with private rights which is not the intention of the rule. The second point is with regard to local bodies. I am afraid there has been a certain amount of irrelevant talk. There is no one in this House who is willing to support any undertaking which takes away from the hands of the ministers any powers which have been given to them under the Act and which they will use in the best interests of the province. (*Interruption*). My honourable friend's interruption would not take away from me my contention. I would challenge my honourable friend now to show any instance where we have budged an inch where the rights of the Government of the day were concerned. Let us not forget that democracy implies attacks on all sides. We are exercising the responsibility delegated to us under the Act. You might remember that when a question was asked in Parliament of the Secretary of State with regard to certain particular matters, he got up and said that certain powers had been delegated to the provincial Government and that he did not propose to answer the question with regard to that matter. The whole of India enjoys that right position. I am not prepared to join issue with my honourable friend. I submit that with regard to local bodies, you will find that my honourable friend the Leader of the House has advocated that we are going to delegate all powers to local bodies. If you will examine his words, as I have said, what he said was that with regard to certain items of daily working of local bodies, we have given certain powers and functions to local bodies, and it is for this House to see that the powers given to local bodies are properly exercised and that there is no interference with them. But with regard to the policy of local bodies

[Mir Maqbool Mahmood.]

and with regard to certain powers given under the Act to the ministers in certain cases, I submit, that in regard to those matters they are primarily the concern of the Government and a resolution may be moved. But surely, my honourable friends opposite do not advocate that matters of daily work of these local bodies and private companies of that nature, which are not primarily the concern of the Government, are the matters about which the House should have a right to move resolutions and discuss them here. Therefore, I submit that when we look at this question from a detached point of view, we are all agreed that we want (1) that there shall be no idea of curtailment of powers of this House, (2) we should not bring in undue interference in the local bodies or private companies through this wide opening of a resolution, and (3) with regard to agency functions of the Government of India, certain functions have devolved on the Government under the Act. You cannot challenge why the Government is performing those functions. It is obviously within our rights—and it is primarily the concern of the Government—to see that those functions are properly exercised. I am sure that my honourable friend the Leader of the House will be the first to welcome a resolution, if a resolution is brought forward that certain agency functions are not being exercised with due regard to the rights of the province. But when anybody raises the question of collection of federal taxes or all-India taxes, which under the Act are imposed on them, then it is not primarily the concern of the Government. With these words I oppose the motion.

**Diwan Chaman Lall** (East Punjab, Non-Union Labour): Sir, my honourable friend Mir Maqbool Mahmood has in an able speech tried to meet the criticisms that have been raised on the floor of the House, on the proposition before the House. He has tried to show that the word "primarily" ought to be there and should not be deleted from rule 112. Now, my honourable friend said that he was not in favour of any delegation of authority to this House generally speaking but only in respect of those matters which would be primarily the concern of this House, and then, he went on to talk about the procedure in the House of Commons and threatened this House with rulings given on the floor of the House and which in his opinion would have made the position perfectly clear. If my honourable friend instead of merely using a rhetorical phrase, had actually taken the trouble of looking into the rulings given on the floor of the House or had given us the competent authorities which deal with this matter, he would have come to the conclusion that this matter is far from being free from doubt even in regard to the House of Commons. As a matter of fact, all constitutional authorities are definitely agreed that there is no hard and fast rule laid down regarding what is primarily the concern of the Government in matters in regard to which criticism is raised on the floor of this House. What may be primarily the concern of the Government in regard to one matter, may, in regard to a similar matter, not be primarily the concern of the Government. So, my learned friend cannot draw any conclusion from the rulings given on the floor of the House. The proposition is this. My learned friend said, suppose a proposition were raised that we should interfere in public companies and put down a particular quota, say 50 per cent Muslims and 50 per cent others—that is what I understood



my learned friend to say. Why not? If my honourable friend can obtain the sanction of the public for a definite quota in public services, why not in the public companies? Whether he will succeed in doing so or not is a different matter altogether, but the question is whether he can raise a question like this on the floor of this House. He says, 'You should not raise that question.' That is a different matter. But the point is, can you raise the question? (*Premier*: It is not within your power.) The Honourable Premier says, 'it is not within your power.' Again, I shall have to refer to the procedure in the House of Commons. There are independent boards, and yet Parliament has a right to interfere in those boards. There are private companies and Parliament has a right to interfere in those private companies. A question can be put in regard to those private companies. If my honourable friend is familiar with the procedure in the House of Commons with regard to the Public Accounts Committee, he ought to know that the Public Accounts Committee can call for papers, documents and accounts, they may be the accounts even of private companies, and the power of the Public Accounts Committee is absolutely unlimited.

**Premier**: Look to the House of Commons and see what the procedure there is.

**Diwan Chaman Lall**: Now another argument. Because my honourable friend Mir Maqbool Mahmood raised a particular point which did not suit the Government therefore, the Honourable Premier raises another point and he says "there is no second chamber here."

**Premier**: No. What I wanted to convey was that we cannot alter the Companies Act. It is a central subject and we have no power to move a resolution regarding that. Therefore, we cannot bring in a resolution relating to a matter which is not primarily the concern of the Government.

**Diwan Chaman Lall**: The point is this that 'it is not my concern at all.' We are not discussing now 'what is not my concern.' What we are discussing is this, whether the matter is a matter which is the primary concern or secondary concern, big concern or small concern. When my honourable friend goes into the realm of subjects which are not at all my concern, I am at one with him. If I am prevented under this Act from dealing with a particular matter, where is the dispute between my honourable friend and myself? If he is only concerned with those matters, with which under the Government of India Act I cannot deal, he has got my sympathy. I regret that I cannot deal with those matters. This is the type of provincial autonomy we have been given. How does that matter arise in reference to the amendment placed by my honourable friend on the agenda paper, namely, deletion of the word 'primarily'? That stipulates that there must be some concern. It does not stipulate that there is no concern at all. I am not trying to oust the authority of Federal Government which is only the concern of the Central Government. The Honourable Premier interrupted me. He said that this is the primary concern of the Central Government. Part (2) of the list that is the concurrent list—lays down that factories is one of the subjects regarding which we can legislate. Fifty per cent representation that my honourable friend wanted as far as companies are concerned we can legislate for.

**Premier :** Factory legislation is quite distinct from what my honourable friend is referring to.

**Diwan Chaman Lall :** The Indian Factories Act regulates the business of factories and anything that pertains to factories.

**Premier :** That is not going to meet his argument.

**Diwan Chaman Lall :** Obviously, it is not going to meet his argument because his argument is a little bit beside the mark. He is arguing about subjects which we cannot deal with. But there is another category which we can deal with—the whole body of them if this amendment is carried, which would mean that a body of, say, X types of subjects can be dealt with here in this legislature. But if this amendment is not passed the types of subjects about which we can have our say will be X—Y, that is to say a limited number of subjects will go out of our control and we shall not be able to deal with them. My honourable friend says that a certain number of subjects ought to go out of our control with regard to which we should not be allowed to say anything on the floor of this House.

Now, Mr. Speaker, I would like to point out to my honourable friends over there as to what is the procedure in the House of Commons as far as their Public Accounts Committee is concerned. The Public Accounts Committee can do almost everything. For instance 'it can send for persons, papers and records'. Such is the wide power of that committee. Even if my honourable friend has nothing to do with the Government, yet the Public Accounts Committee can summon him and he can be punished for disregarding the orders of that committee. It is wholly independent of the Government and can investigate any matter whatsoever. Not only matters which are in reference to the financial, administrative or executive authority of the Government, but any matter even outside the purview of the executive, administrative or financial authority of the Government can be dealt with by the Public Accounts committee. (*A voice :* Even the action of a constable in Hyde-Park ?) Yes, even the attitude of a constable in Hyde-Park can be dealt with by the committee. But what do we find here ? A Public Accounts Committee has been appointed, but it never meets ! I ask what justification is there for preventing this House from bringing in matters which are within its competence ? It means whenever a matter is brought forward which might cause inconvenience to the Government, my honourable friend will get up and say that it cannot be discussed as it is not primarily the concern of this Government.

**Premier :** Then it will be for the Speaker to decide.

**Diwan Chaman Lall :** It is utterly impossible for the Speaker to decide whether or not a certain matter is primarily the concern of the provincial Government. Is he to hold a general enquiry ?

**Minister for Finance :** He has been doing so for the last 15 years.

**Diwan Chaman Lall :** In the face of what has really been revealed from the attitude of the honourable members opposite, it will be impossible for the Speaker to decide a question of this nature now. How hot and bothered my honourable friend got about the subject of the Sheikhpura Municipality ! In the same breath he wanted to give us an assurance that there is a general grievance amongst the public and to get the wrong set right on the floor of the House.

**Premier :** A grievance should certainly be ventilated provided you have the power to redress that grievance.

**Diwan Chaman Lall :** Is there any particular grievance regarding which the authority of the Government extends either financially or administratively or in any executive manner which cannot be redressed by this House? That is not the proposition. The proposition is this: 'That your authority may extend, nevertheless it may not extend primarily and because *primarily* it does not extend, you should not deal with it'. I cannot understand the proposition in any other way.

**Premier :** I should like to make the position clear. For instance, take the case of excise duty on matches. Supposing that the central Government raises the excise duty from one pie to two pies or whatever it might be per gross. Naturally there will be a general outcry against it. Now I cannot redress that grievance, it is the central Government which have the power to do so. I can only write to them that there is agitation in the province and it is for them to take any action.

**Diwan Chaman Lall :** There is a tremendous confusion regarding this matter and I think in the interests of the procedure of this House we should make the whole position clear. Draft rule 112 proposes :—

Subject to the restrictions contained in the Act and the rules, any member may move a resolution relating to a matter of *general public interest*—

Now, if the levy of excise duty is a central subject, I am automatically debarred from raising it on the floor of this House.

**Premier :** Exactly, but why do you worry about the word 'primarily'?

**Diwan Chaman Lall :** The reason why I am worrying about that word is this. I want to make this particular point clear. Draft rule 112 goes on like this—

Subject to the restrictions contained in the Act and the rules, any member may move a resolution relating to a matter of *general public interest* :

Provided that no resolution shall be admissible which does not comply with the following conditions, namely :—

- (a) it shall be clearly and precisely expressed, and shall raise substantially one main definite issue ;
- (b) it shall not relate to any matter which is not *primarily* the concern of the *provincial Government*.

My friend says, why do I object to sub-section (c) ? I object to it for very good reasons—not the reasons which were given by my honourable friend Mir Maqbool Mahmood, nor the reasons which were given by the Premier. Both of those reasons, I submit, have nothing whatever to do with the subject which is under discussion. Those reasons would relate and can only relate to matters which are debarred from any discussion, namely matters covered by the Government of India Act, matters which may be the concern of the Federal Government. I agree that as far as those matters are concerned, we are out of court. Nothing can be discussed which is not particularly defined under the Government of India Act as our own particular or concurrent concern.

But then there is another body of subjects which we discuss and my honourable friends say that only out of those subjects you shall discuss

[Diwan Chaman Lall.]

by way of resolutions which are the primary concern of the Government. Take the example of the university. The manner in which the university conducts its business, the matters which come up before the university, the grievances of the public *qua* the university, the matters in reference to the curricula of the university—all these subjects are of very great importance to the people of this province and certainly to the representatives of the people sitting here in this Assembly and yet it may be said and it has been probably said that any resolution relating to the university shall not be raised on the floor of the House. Why?—Because it is not the primary concern of the Government. Is that correct? It has been stated, I believe, that this matter could be avoided on the ground that it is not the primary concern of Government. Take the district boards, the corruption that may exist in certain district boards, the lack of amenities provided by the district boards, the lack of interest shown by the members of the district boards or the policy of oppression indulged in by the district boards. Will my honourable friend get up and say, you cannot be allowed to raise discussion on these subjects on a resolution because it is not the primary concern of Government? If it is so, what are the subjects that my honourable friend is afraid of in regard to this particular matter? What are the subjects, I would like to know? If there are none of any importance—and no example has been given to me excepting the examples which are always covered by the provisions of the Government of India Act and with which we are not concerned—why is my friend objecting to this? After all, Mr. Speaker, in order to make provincial autonomy a reality it is most essential that the entire body of administration in this province and everything that goes to build up the Punjabi should be open for discussion on the floor of this House and suggestions invited from every member in every sphere of life. Why should honourable members merely desire that resolutions should be placed on the floor of this House which concern only the primary duty of the Government? Why not the secondary duty also? Whenever there is any administrative financial or executive authority exercised by the Government even in the smallest particular, the Government ought to welcome a discussion on the floor of the House regarding those matters. (*A voice* : There will be no difficulty). If there is no difficulty, I am quite ready to sit down and wait for a reply from my honourable friend to explain to the me any particular subject which would be covered by this particular rule, that is rule 112 (c). Let us take an instance. There are certain boards which have been created in England but it is difficult to find where parliamentary authority stops and where the authority of the Public Accounts Committee begins, where the authority of a minister stops and where the authority of Government begins. It is very difficult to find that. And if honourable members are familiar with the subject, they would know the sort of difficulties in which the House of Commons has got itself involved because of this differentiating anomaly. It is no good copying the supreme authority's mistakes. To copy all that is good is a good thing. Why copy the mistakes which have involved them in a long discussion? And they do not know—perhaps Mir Maqbool Mahmood knows better than the members of Parliament themselves or any constitutional lawyer on the point—nobody knows exactly the bounds of delimitation or the exact borders and

the exact frontiers of the differentiation between those subjects which can be discussed on the floor of the House and which cannot. Nobody knows. It is a matter purely empirical. It is a matter of experience and experiment. Why indulge in that experiment, and why not frankly admit that where there is any authority exercised by Government directly or indirectly in any sphere of life, then a resolution is capable of being moved on the floor of the House in order to discuss a particular authority? If my honourable friends had given me an example, which would have fitted in on all fours with sub-clause (c) of rule 112 and which would have shown to me that there is a subject which is not the primary concern of the Government and which therefore the Government does not desire should be discussed by way of a resolution, I should have been in a better position to deal with the objections raised by my honourable friends. Take another case. The question of excise duty on matches is not a subject which is the primary concern of the Government and therefore should not be discussed, because it is a central subject. But certainly a grievance may arise that the cost of living in the Punjab is very high including the heavy cost of matches due to excise. Are we not capable of moving a resolution to that effect? (*A voice*: We are). If we are, why have this sub-clause (c)? I cannot understand if there is any subject at all which can come within the purview of the sub-clause where once it is admitted that the authority, executive or financial, of the Punjab Government is in existence. I do not know what the past practice has been in regard to the matter which I referred to, namely the university. My honourable friend who represents the Punjab University might enlighten us. But so far as I know a resolution was sought to be brought before this House not long ago and, Mr. Speaker, you will bear me out that there are similar matters in regard to which Government have denied their primary concern and which we have been unable to discuss on the floor of this House. I do submit that they should not be enabled to escape their responsibility in the slightest particular. We should have welcomed every opportunity had we been the Government to see that our work and our authority and our right to interfere in the daily life of the people was subject to discussion on the floor of this House and subject to the control of the people of this province. We should never have burked any sort of responsibility and we should have welcomed any sort of discussion, and I hope my friend over there (Mr. Maqbool Mahmood) will agree to the proposition that whatever may be the nature of the authority, that should be a fit subject for a resolution, and that there should be no restriction in regard to the primary or secondary concern of the Government. Everything that concerns the interests of the people of the province, subject to the Government of India Act should be the concern of the Government of the day, and we should be able to move a resolution in regard to that matter.

(*Voices*: The question be now put).

**Mr. Speaker**: The question is—

That the question be now put.

*The motion was carried.*

**Mr. Speaker :** The question is—

That in line 2, part (c) of proviso, the word "primarily" be deleted.

*The Assembly divided : Ayes 29 ; Noes 70.*

**AYES.**

Ajit Singh, Sardar.  
Bhagat Ram Choda, Lala.  
Bhagat Ram Sharma, Pandit.  
Bhim Sen Sachar, Lala.  
Chaman Lall, Diwan.  
Duni Chand, Lala.  
Duni Chand, Mrs.  
Ghulam Hussain, Khawaja.  
Gokul Chand Narang, Dr. Sir.  
Gopi Chand Bhargava, Dr.  
Hari Lal, Munshi.  
Hari Singh, Sardar.  
Harjab Singh, Sardar.  
Kabul Singh, Master.  
Kapoor Singh, Sardar.

Kartar Singh, Sardar.  
Kishan Singh, Sardar.  
Lal Singh, Sardar.  
Muhammad Abdul Rahman Khan,  
Chaudhri.  
Muhammad Hasan, Chaudhri.  
Partab Singh, Sardar.  
Prem Singh, Mahant.  
Raghubir Kaur, Shrimati.  
Rur Singh, Sardar.  
Sampuran Singh, Sardar.  
Sant Ram Seth, Dr.  
Shri Ram Sharma, Pandit.  
Sohan Singh Josh, Sardar.  
Sudarshan, Lala.

**NOES.**

Abdul Haye, The Honourable Mian.  
Abdul Rahim, Chaudhri (Gurdaspur).  
Abdul Rahim, Chaudhri (Gurgaon).  
Afzaalali Hasnie, Sayed.  
Ahmad Yar Khan Daulatana, Khan Bahadur Mian.  
Ahmad Yar Khan, Chaudhri.  
Akbar Ali, Pir.  
Ali Akbar, Chaudhri.  
Amjad Ali Shah, Sayed.  
Balwant Singh, Sardar.  
Binda Saran, Rai Bahadur.  
Chhotu Ram, The Honourable Chaudhri Sir.  
Dasaundha Singh, Sardar.  
Faiz Muhammad, Shaikh.  
Faqir Hussain Khan, Chaudhri.  
Farman Ali Khan, Subedar-Major Raja.  
Fateh Muhammad, Mian.  
Fazl Ali, Khan Bahadur Nawab Chaudhri.  
Fateh Jang Singh, 2nd Lieut. Bhai.  
Fazal Din, Khan Sahib Chaudhri.  
Fazal Karim Bakhsh, Mian.  
Ghazanfar Ali Khan, Raja.  
Ghulam Mohy-ud-Din, Maulvi.  
Ghulam Rasul, Chaudhri.

Ghulam Samad, Khawaja.  
Gopal Das, Rai Sahib Lala.  
Gopal Singh (American), Sardar.  
Gurbachan Singh, Sardar Sahib Sardar.  
Habib Ullah Khan, Malik.  
Hans Raj, Bhagat.  
Indar Singh, Sardar.  
Jagjit Singh Man, Sardar.  
Karamat Ali, Shaikh.  
Khizar Hayat Khan Tiwana, The Honourable Nawabzada Major  
Kishan Das, Seth.  
Manohar Lal, The Honourable Mr.  
Maqbool Mahmood, Mir.  
Mubarik Ali Shah, Sayed.  
Muhammad Azam Khan, Sardar.  
Muhammad Faiyaz Ali Khan, Nawabzada.  
Muhammad Hussain, Chaudhri.  
Muhammad Nurullah, Mian.  
Muhammad Saadat Ali Khan, Khan Sahib Khan.  
Muhammad Sarfraz Khan, Chaudhri.  
Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.  
Muhammad Wilayat Hussain Jeelani, Makhdumzada Haji Sayed.

Muhammad Yasin Khan, Chaudhri.  
Mukand Lal Puri, Rai Bahadur Mr.  
Mushtaq Ahmad Gurmani, Khan  
Bahadur Mian.  
Muzaffar Khan, Khan Bahadur Cap-  
tain Malik.  
Muzaffar Khan, Khan Bahadur  
Nawab.  
Narendra Nath, Diwan Bahadur  
Raja.  
Nasir-ud-Din Shah, Pir.  
Naunihal Singh Mann, Lieutenant  
Sardar.  
Nawazish Ali Shah, Sayed.  
Pir Muhammad, Khan Sahib Chau-  
dhri.

Ram Sarup, Chaudhri.  
Ranpat, Chaudhri.  
Ripudaman Singh, Thakur.  
Roberts, Professor W.  
Shah Nawaz, Mrs. J. A.  
Shah Nawaz Khan, Nawab Khan.  
Sham Lal, Rai Bahadur Chaudhri.  
Sikander Hyat-Khan, The Honour-  
able Major Sir.  
Sita Ram, Lala.  
Sumer Singh, Chaudhri.  
Sundar Singh, Majithia, The Honour-  
able Dr. Sir.  
Tara Singh, Sardar.  
Tikka Ram, Chaudhri.  
Ujjal Singh, Sardar Sahib Sardar.

**Lala Sita Ram** (Trade Union Labour): I beg to move—

That at the end of part (c) the following proviso be added :—

“Unless it directly and substantially concerns and affects the interests of any constituency constituted under the Act.”

I have a mind to put my difficulties before the House and explain the aim and object underlying my amendment. My constituency, the North-Western Railway Union was constituted under the Government of India Act. All the voters of my constituency are members of the North-Western Railway Union and are employees of the North-Western Railway with the exception of a very few who can be counted on my fingers' ends. If this amendment is not accepted, I will be prevented from asking any question regarding the difficulties and grievances of my constituents and thus will not be able to do justice to them. I have no hesitation in admitting that 'Railways' is a central subject and that no legislation can be enacted in this House on that subject; but I see no objection why resolutions which are only recommendations to Government to invite the attention of the central Government to the reasonable grievances of the employees of railways should not be allowed to be moved. Even if this much is not allowed. I will not be allowed to put the legitimate and important matters concerning my constituents before this House and my presence here as their representative will be absolutely useless. In view of these considerations-I propose the amendment for the acceptance of the House.

**Mr. Speaker:** Rule under consideration, amendment moved is—

That at the end of part (c), the following proviso be added :—

“Unless it directly and substantially concerns and affects the interest of any constituency constituted under the Act.”

**Diwan Chaman Lall** (East Punjab, Non-Union Labour): I am very glad to lend my support to my honourable friend in the amendment he has moved not for the reasons which my honourable friend has advanced. The reason my friend has advanced is this that he represents the North-Western Railway Union constituency and he would be debarred from ventilating the grievances of that constituency. As far as I can notice, my honourable friend has been a member for a year of this august chamber and not by word of

[Diwan Chaman Lall.]

mouth or otherwise has he ever ventilated the grievances of that constituency which he represents nor can I take it that he is likely to do so. Nevertheless if he wants it for the purpose of ventilating the grievances of the constituency he shall have my blessings and the blessings of the Opposition in regard to this particular matter. I commend this amendment to my honourable friends opposite since it is one of their members who has moved it.

**Mr. Speaker :** The question is—

That at the end of part (c), the following proviso be added :—

Unless it directly and substantially concerns and affects the interest of any constituency constituted under the Act.

*The Assembly divided : Ayes 29 ; Noes 55.*

#### AYES.

Ajit Singh, Sardar.  
Bhagat Ram Choda, Lala.  
Bhagat Ram Sharma, Pandit.  
Bhim Sen Sachar, Lala.  
Chaman Lall, Diwan.  
Duni Chand, Lala.  
Duni Chand, Mrs.  
Gokul Chand Narang, Dr. Sir.  
Gopi Chand Bhargava, Dr.  
Hari Lal, Munshi.  
Hari Singh, Sardar.  
Harjab Singh, Sardar.  
Kabul Singh, Master.  
Kapoor Singh, Sardar.  
Kartar Singh, Sardar.

Kishan Singh, Sardar.  
Lal Singh, Sardar.  
Muhammad Abdul Rahman Khan, Chaudhri.  
Muhammad Hassan, Chaudhri.  
Partab Singh, Sardar.  
Prem Singh, Mahant.  
Raghubir Kaur, Shrimati.  
Rur Singh, Sardar.  
Sampuran Singh, Sardar.  
Sant Ram, Seth Dr.  
Shri Ram Sharma, Pandit.  
Sita Ram, Lala.  
Sohan Singh Josh, Sardar.  
Sudarshan, Lala.

#### NOES.

Abdul Rahim, Chaudhri (Gurdaspur).  
Abdul Rahim, Chaudhri (Gurgaon).  
Afzaalali Hasnie, Sayed.  
Ahmad Yar Khan Daulatana, Khan Bahadur Mian.  
Ahmad Yar Khan, Chaudhri.  
Balwant Singh, Sardar.  
Chhotu Ram, The Honourable Chaudhri Sir.  
Dasaundha Singh, Sardar.  
Faiz Muhammad, Shaikh.  
Faqir Hussain Khan, Chaudhri.  
Farman Ali Khan, Subedar-Major Raja.  
Fateh Jang Singh, 2nd-Lieut. Bhai.

Fateh Muhammad, Mian.  
Fazl Ali, Khan Bahadur Nawab Chaudhri.  
Fazal Din, Khan Sahib Chaudhri.  
Fazal Karim Bakhsh, Mian.  
Ghazanfar Ali Khan, Raja.  
Ghulam Mohy-ud-Din, Maulvi.  
Gopal Das, Rai Sahib Lala.  
Gopal Singh (American), Sardar.  
Habib Ullah Khan, Malik.  
Hans Raj, Bhagat.  
Indar Singh, Sardar.  
Jagjit Singh Man, Sardar.  
Jogindar Singh Man, Sardar.  
Karamat Ali, Shaikh.  
Khizar Hayat Khan Tiwana, The Honourable Nawabzada Major.  
Kishan Das, Seth.



Manohar Lal, The Honourable Mr.  
 Maqbool Mahmood, Mir.  
 Mubarik Ali Shah, Sayed.  
 Muhammad Akram Khan, Khan  
 Bahadur Raja.  
 Muhammad Azam Khan, Sardar.  
 Muhammad Faiyaz Ali Khan,  
 Nawabzada.  
 Muhammad Nurullah, Mian.  
 Muhammad Saadat Ali Khan, Khan  
 Sahib Khan.  
 Muhammad Sarfraz Khan, Chau-  
 dhri.  
 Muhammad Shafi Ali Khan, Khan  
 Sahib Chaudhri.  
 Muhammad Yasin Khan, Chaudhri.  
 Mushtaq Ahmad Gurmani, Khan  
 Bahadur Mian.  
 Muzaffar Khan, Khan Bahadur  
 Captain Malik.

Muzaffar Khan, Khan Bahadur  
 Nawab.  
 Nasir-ud-Din Shah, Pir.  
 Naunihal Singh Mann, Lieutenant  
 Sardar.  
 Nawazish Ali Shah, Sayed.  
 Pir Muhammad, Khan Sahib Chau-  
 dhri.  
 Ranpat, Chaudhri.  
 Ripudaman Singh, Thakur.  
 Roberts, Professor W.  
 Shah Nawaz, Mrs. J. A.  
 Sham Lal, Rai Bahadur Chaudhri.  
 Sikander Hyat-Khan, The Honour-  
 able Major Sir.  
 Sundar Singh Majithia, The Honour-  
 able Dr. Sir.  
 Tara Singh, Sardar.  
 Tikka Ram, Chaudhri.

**Mr. Speaker :** The question is—

That rule 112 be adopted.

*The motion was carried.*

*The Assembly then adjourned till 2.30 P.M., on Friday, 25th February, 1938.*

1917

1. The first of the three main branches of the  
theology of the church is the doctrine of God.

2. The second of the three main branches of the

theology of the church is the doctrine of man.

3. The third of the three main branches of the



1917

1. The first of the three main branches of the  
theology of the church is the doctrine of God.

# PUNJAB LEGISLATIVE ASSEMBLY.

2ND SESSION OF THE 1ST PUNJAB LEGISLATIVE ASSEMBLY.

*Friday, 25th February, 1938.*

*The Assembly met at the Council Chamber at 2-30 P.M. of the clock. Mr. Speaker in the chair.*

## STARRED QUESTIONS AND ANSWERS.

### HINDU RAJPUT DEPUTY SUPERINTENDENTS OF POLICE.

**\*1801. Rai Hari Chand :** Will the Honourable Premier be pleased to state—

- (a) whether there is any Hindu Rajput holding the post of Deputy Superintendent of Police ;
- (b) If the answer to (a) be in the negative, whether Government propose to take action in the matter ?

**The Honourable Major Sir Sikander Hyat-Khan :** Figures regarding the communal proportions in the services are given in the Consolidated Statement which is supplied annually to all members of the House. Government cannot undertake to allocate shares to particular tribes and castes, or to collect information regarding their representation.

### HINDU RAJPUT EXCISE INSPECTORS.

**\*1802. Rai Hari Chand :** Will the Honourable Minister for Revenue be pleased to state—

- (a) the number of excise inspectors in the province ;
- (b) the number of those among them who belong to the statutory agriculturist tribes ;
- (c) the number of those among them who belong to the Rajput communities ?

**The Honourable Dr. Sir Sundar Singh Majithia :** (a) 85.

(b) 2.

(c) None.

### HINDU RAJPUT NAIB-TAHSILDARS.

**\*1803. Rai Hari Chand :** Will the Honourable Minister for Revenue be pleased to state—

- (a) the number of Hindu naib-tahsildars in the Jullundur division ;

[ Rai Hari Chand. ]

(b) the number of those among them who belong to the Rajput community ?

**The Honourable Dr. Sir Sundar Singh Majithia :** (a) 8.

(b) 3.

#### HUNGER STRIKERS IN LAHORE, MONTGOMERY AND MULTAN JAILS.

**\*1804. Sardar Partab Singh :** Will the Honourable Minister of Finance be pleased to state—

(a) whether the hunger-strikers in Lahore, Montgomery and Multan jails are still on hunger-strike ;

(b) if so, the weight of each hunger-striker before the strike and at present ;

(c) their present state of health ;

(d) whether the Government has made any attempt to dissuade these hunger-strikers from continuing their hunger-strike since 29th January, 1938 ;

(e) whether any of these prisoners has interviewed any of his relatives after commencing the hunger-strike ?

**The Honourable Mr. Manohar Lal :** (a) Yes.

(b) A statement is laid on the table.

(c) Satisfactory.

(d) At Lahore Dr. Gopi Chand saw the prisoners several times ; once Mr. M. L. Saksena, M. L. A. (Central) and Dr. Gopi Chand saw the prisoners together, and again Dr. Gopi Chand and Lala Sham Lal, M. L. A. (Central) visited the prisoners. All appeals to the prisoners by leaders have been made available to them immediately as they issued and all these many interviews by gentlemen who were likely to be able to help were given without the usual restrictions and almost without limit of time.

Dr. Gopi Chand and Lala Sham Lal, M.L.A. (Central) are to-day visiting the hunger-strikers at Montgomery and Multan.

(e) Jehangiri Lal's brother and mother were allowed to interview him on the 10th of February, 1938.

**Sardar Partab Singh :** In view of abandonment of hunger-strike by the prisoners, will the Government be prepared to consider the question of their release?

**Minister :** This question was entirely restricted to certain action during the hunger-strike. This other question does not arise.

*Weight of Hunger Strikers.*

Name of the prisoner.	Weight on the first day of hunger-strike.	Present weight.
	Lbs.	
Jehangiri Lal .. .. .	112	Their present weight cannot be given as they refuse to permit weighment.
Gulab Singh .. .. .	143	
Udham Singh .. .. .	137	
Dhanwantri .. .. .	140	
Rup Chand .. .. .	109	
Hazara Singh .. .. .	110	
Bachint Singh .. .. .	129	
Sunder Singh .. .. .	122	
Prem Perakash .. .. .	119	
Khushi Ram .. .. .	137	
Sher Jang .. .. .	139	Lbs. 110½ 117 97½ 95 131 110½ 95 122 114 114 126
Munshi Ram .. .. .	121	
Hans Raj .. .. .	126	
Tara Singh .. .. .	105	
Hazara Singh .. .. .	102	
Nathu Ram .. .. .	142	
Kundan Lal .. .. .	121	
Inder Paul .. .. .	106	
Gurmakh Singh .. .. .	134	
Sursain Singh .. .. .	122	
Bhola Singh, son of Waryam Singh .. .. .	123	
Bhola Singh, son of Kirpa Singh .. .. .	135	

MUSLIM AGRICULTURISTS AMONG OVERSEERS AND SUB-OVERSEERS  
OF THE BUILDINGS AND ROADS BRANCH OF PUBLIC  
WORKS DEPARTMENT.

\*1905. **Makhdumzada Haji Sayad Muhammad Reza Shah Jeelani** : Will the Honourable Minister of Public Works be pleased to state—

- (a) the percentage of Muslim agriculturists among overseers and sub-overseers in the Buildings and Roads Branch of the Public Works Department ;

[ **Makhdumzada Haji Sayad Muhammad Raza Shah Jeelani.** ]

- (b) whether it is a fact that the number of Muslim agriculturists in the said branch is extremely meagre ; if so, what steps the Government intends to take to give them adequate representation in the said Branch ?

**The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana :** (a) The honourable member is referred to the consolidated statement showing the proportionate representation of various communities serving in the various departments of Government as it stood on the 1st of January, 1937.

(b) The answer is in the negative and no special steps are necessary for the adequate representation of Muslim agriculturists in this branch.

PUNJAB UNIVERSITY COURSES FOR EXAMINATIONS IN ORIENTAL  
LANGUAGES.

**\*1806. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Education be pleased to state :—

- (a) whether it is a fact that the Punjab University authorities have been receiving during the last five or six years several complaints and representations from the Arya Pratinidhi Sabha, Punjab, Lahore, that certain books prescribed by the University for examinations in Sanskrit and Hindi contained indecent passages calculated to affect most adversely the morals of the young students appearing for these examinations ;
- (b) what action has since been taken by the Punjab University on these representations ;
- (c) if no action has so far been taken by the Punjab University, the action Government propose to take in the matter ?

**The Honourable Mian Abdul Haya :** No Public complaints were received regarding the presence of indecent passages in the text books prescribed for study, till last year. The complaints received related mainly to text books in classical and vernacular languages, some of which had been prescribed for many years. After examination by competent persons, such of the passages as required deletion were omitted in accordance with the decision of the Senate, and the attention of the boards of studies concerned was drawn to this.

**Pandit Shri Ram Sharma (Urdu) :** Will the Honourable Minister please say whether the prescribing of Text-Books is the concern of the University or of the Government ?

**Minister :** In this case, University.

**Diwan Chaman Lall :** As the University is subsidized by the Government, is it not the responsibility of the Government?

**Minister :** It is, and that is why I have answered the question.

INITIAL CHARGES REALIZED FROM VILLAGE HARDO SAHARI FOR  
PUNITIVE POLICE.

**\*1807. Dr. Gopi Chand Bhargava :** Will the Honourable Premier be pleased to state—

- (a) whether Government realized Rs. 2,346 per year as initial charges in 1st year and 2nd year from residents of village Hardo Sahari, tahsil Kasur, district Lahore, to purchase horses for punitive police posted there on 1st February, 1922 ; if so, whether any horses were purchased ;
- (b) whether any compensation was given to the residents when the said horses were removed to headquarters ; if not, reasons for the same ;
- (c) whether it is a fact that in a similar case that is, that of village Makhi Khurd a refund was granted in 1937, and, if so whether the Government propose to return the above money, to the residents of the village Hardo Sahari ;
- (d) whether it is a fact that the sum of Rs. 5,048-14-0 realized as initial charges has not been included in the amount said to have been realized from village Hardo Sahari in reply to my unstarred question<sup>1</sup> No. 30 ?

**The Honourable Major Sir Sikander Hyat-Khan :** I regret that the answer to this question is not ready.

AMAR CHAND, CONVICT.

**\*1808. Dr. Gopi Chand Bhargava :** Will the Honourable Finance Minister be pleased to state whether one Amar Chand who was convicted in connection with a speech made by him during anti-abattoir agitation is still in jail ?

**The Honourable Mr. Manohar Lal :** Amar Chand is in jail as he has not furnished the security demanded from him. He was bound over for delivering certain speeches two of which were in connection with the abattoir.

REPRESENTATION OF SCHEDULED CASTES ON MUNICIPAL COMMITTEE, AMRITSAR.

**\*1809. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Public Works be pleased to state whether he has received a representation from some of the members of scheduled castes of Amritsar for a representation on Municipal Committee, Amritsar ; if so, the action taken or intended to be taken on the same ?

**The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana :** Yes. The representation will be duly considered at the time of making nominations on the Municipal Committee of Amritsar.

STRICTURES AGAINST POLICE IN THE CASE *CROWN versus JAN MUHAMMAD*.

**\*1810. Pandit Muni Lal Kalia :** Will the Honourable Premier be pleased to state whether the attention of the Government has been drawn to the strictures passed against the police by Mr. Bhide, District and Sessions Judge, at Ferozepore in his judgment in a murder case *Crown versus Jan Muhammad* and others, delivered on 15th December last; if so, whether an inquiry has been ordered in the matter and, if so, the result thereof in case the inquiry has been completed?

**The Honourable Major Sir Sikander Hyat-Khan :** Yes. The matter is under inquiry.

**Sardar Kapoor Singh :** At what stage is the enquiry now?

**Premier :** I am afraid I cannot tell you at what stage it is, but the matter is under enquiry.

**Sardar Hari Singh :** May I ask the Honourable Premier to state if he himself has seen the judgment of the sessions judge?

**Premier :** I saw the file of the case and then ordered an enquiry.

**Sardar Hari Singh :** Why is an enquiry needed after the judicial pronouncement to the effect that the case had been fabricated by the police officer?

**Premier :** That has not been established.

**Diwan Chaman Lall :** Is the Honourable Premier not questioning the validity of the judgment of the sessions judge?

**Premier :** Certain strictures were made by the sessions judge against the police and we wanted to find out the responsibility of the officer concerned, hence we had to hold an enquiry.

**Khawaja Ghulam Hussain :** Who is holding the enquiry?

**Premier :** A first class magistrate.

**Sardar Hari Singh :** Am I to understand that the validity of the strictures as passed by the sessions judge has been taken as granted by the Government?

**Premier :** The enquiry would not have been held if the strictures had been taken as granted.

**Sardar Hari Singh :** Am I to understand that the Government will punish the officer concerned?

**Premier :** Not necessarily.

HINDU RAJPUT SUB-INSPECTORS AND ASSISTANT SUB-INSPECTORS OF POLICE.

**\*1811. Rai Hari Chand :** Will the Honourable Premier be pleased to state—

- (a) whether any Hindu Rajput has been appointed as assistant sub-inspector or sub-inspector of police from the Hoshiarpur district since 1931 ;
- (b) if the answer to (a) be in the negative, what action Government propose to take in the matter ?



**The Honourable Major Sir Sikander Hyat-Khan :** Figures regarding the communal proportions in the services are given in the Consolidated Statement which is supplied annually to all members of the House. Government cannot undertake to allocate shares to particular tribes and castes, or to collect information regarding their representation.

DISTRICT BOARD ROADS IN HOSHIARPUR DISTRICT.

**\*1812. Rai Hari Chand :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that the District Board, Hoshiarpur, has failed to maintain the roads under its control in a proper condition ;
- (b) if the answer to (a) be in the affirmative, what action Government propose to take in the matter ?

**The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana :** (a) No. The pucca roads formerly maintained by the District Board of Hoshiarpur have, since the 1st November, 1937, been transferred to the Public Works Department. As regards the kaaba roads, the soil and the physical conditions of the district, coupled with innumerable Chos (hill-streams) make it well nigh impossible for the board to maintain such roads in a very satisfactory condition, despite their best efforts.\*

- (b) Does not arise.

BRIDGE OVER SWAN IN HOSHIARPUR DISTRICT.

**\*1813. Rai Hari Chand :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether there is a regular lorry service running between Hoshiarpur district headquarters and the Una tahsil headquarters ;
- (b) whether this traffic is generally obstructed by regular floods in the Swan river to the great inconvenience of the public and incalculable loss in trades and business ;
- (c) whether there is a proposal to construct a bridge over the Swan ?

**The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana :** (a) and (b) Yes.

(c) The attention of the honourable member is drawn to the reply to part (d) of question<sup>1</sup> No. \*6085 by Mr. Nanak Chand, Pandit.

DISPENSARIES IN CERTAIN ZAILS IN HOSHIARPUR DISTRICT.

**\*1814. Rai Hari Chand :** Will the Honourable Minister of Education be pleased to state—

- (a) whether it is a fact that most of the villages of Bhulan zail lying between the Santokhgarh and Nurpur dispensaries on the Una-Nurpur road in the Hoshiarpur district are not within a radius of five miles from any of these two dispensaries ;

[Rai Hari Chand.]

(b) whether it is a fact that all villages of zails Kumrat, Churran, Pandohge and Khad in tahsil Una, district Hoshiarpur, are not within a radius of five miles from any Government dispensary and that the approach to any dispensary from any of the said villages is obstructed by the river Swan and various ravines ;

(c) if the answer to (a) and (b) above be in the affirmative, the action the Government intend to take in the matter ?

**The Honourable Mian Abdul Haya :** (a) and (b) Yes.

(c) The District Board, Hoshiarpur, is responsible for providing medical relief in rural areas. It, however, seems doubtful if the board can provide necessary funds to open new dispensaries in that area as the board has already completed its quota of rural dispensaries.

**Sardar Hari Singh :** Will the Honourable Minister please state whether it is a fact that the honourable member who has put the question is a Vice-Chairman of the District Board, Hoshiarpur, and that he himself is responsible for any evils or virtues of the district board ?

**Minister :** Then he has responsibility in the matter

#### . BUILDING OF NEW HOUSES ON THE CANAL BANK, LAHORE.

**\*1815. Chaudhri Kartar Singh :** Will the Honourable Minister of Public Works be pleased to state—

(a) whether there is any proposal by the Lahore Improvement Trust to construct a 60 feet wide road along the left bank of the canal passing through Lahore Municipal limits ;

(b) If so, when will this road be ready and who will pay for the land required for this purpose ;

(c) the proposed minimum dimensions of the sites for the houses to be built on the area commanded by the above mentioned roads ?

**The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana :** (a) Yes.

(b) and (c) The matter is yet under consideration.

#### POLITICAL PRISONERS.

**\*1816. Chaudhri Kartar Singh :** Will the Honourable Minister of Finance be pleased to state how many of the political prisoners recently repatriated from Andamans have been allowed the usual remission of one-third of their sentence which is ordinarily remitted in the case of convicts who are transported to Andaman Isles ?

**The Honourable Mr. Manohar Lal :** None. These prisoners were sent to the Andamans not as ordinary volunteer transportation prisoners but in pursuance of special orders passed by the Governor-General in Council under section 29 (1) of the Prisoners Act, 1900. To such prisoners the special one-third remission system does not apply. They are credited with the ordinary remissions allowed to prisoners in Indian jails.

**Pandit Shri Ram Sharma:** What are the reasons for not allowing the political prisoners the same concession which is allowed to other prisoners?

**Minister :** Everybody gets the remission which is allowed under the existing rules. No discrimination of any kind is made.

**Pandit Shri Ram Sharma:** Is it a fact or not that political prisoners are kept in jail for over 20 years, whereas dacoits and other similar prisoners are imprisoned for only 14 years?

**Minister :** As I have already stated, no discrimination whatsoever is made between one class of prisoners and another.

**Pandit Shri Ram Sharma :** Is it or is it not a fact that political prisoners are kept in jail for 18 or 19 or 20 years, whereas other prisoners, even dacoits and murderers are released after 13 or 14 years? If so, why?

**Minister :** I am not aware of any such fact, but if the honourable member would draw my attention to any particular case, I shall have it examined.

**Pandit Shri Ram Sharma:** Is it a fact that Master Raja Ram was kept in jail for 19 years?

**Minister :** I am not familiar with the case.

**Pandit Shri Ram Sharma :** The Honourable Minister asked me to mention a particular case and I have done it.

#### INTRODUCTION OF PROHIBITION IN THE PROVINCE.

**\*1817. Sardar Hari Singh :** Will the Honourable Minister of Revenue be pleased to state whether the Government has considered the question of introducing prohibition in some parts of the province ; if the answer to the previous part be in the affirmative, with what result ?

**The Honourable Dr. Sir Sundar Singh Majithia :** The honourable member is referred to the answer given to question No. 1655<sup>1</sup> (starred).

**Pandit Shri Ram Sharma :** Will the Honourable Minister please say what would be the estimated cost if prohibition is introduced ?

**Minister :** Does that question arise at all?

**Pandit Shri Ram Sharma :** Yes.

**Minister :** No, it does not.

**Pandit Shri Ram Sharma:** What would be the estimated loss on the side of morality? (*Laughter*).

**Minister :** My honourable friend can assess that himself.

**Pandit Shri Ram Sharma :** I am not a member of the Government.

#### BAN ON GOVERNMENT SERVANTS IN MEDICAL DEPARTMENT.

**\*1818. Sardar Hari Singh :** Will the Honourable Minister for Education be pleased to state—

(a) whether it is a fact that the Punjab Government have not withdrawn the ban on the Government servants in the medical

[S. Hari Singh.]

department to join the Indian Medical Association while they are allowed to join the British Medical Association ;

(b) reasons for the continuance of this anomalous position ?

**The Honourable Mian Abdul Haye :** (a) and (b) It has been decided to remove the ban.

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BABA KARAM SINGH.

**\*1819. Sardar Hari Singh :** Will the Honourable Premier be pleased to state whether it is a fact that Baba Karam Singh, a state prisoner, confined in the Lahore Central Jail, was after his release, a few months ago, externed from the British Punjab ; if so, the grounds for that action against him ?

**The Honourable Major Sir Sikander Hyat-Khan :** *First part.*—Yes.

*Second part.*—On the ground that he was acting or was about to act in a manner prejudicial to the public safety and peace. I might add for the information of the honourable member that he is not a resident of the Punjab.

**Sardar Hari Singh :** May I ask the Honourable the Premier whether the grounds on which Baba Karam Singh was made a State prisoner have disappeared?

**Premier :** As a matter of fact when a State prisoner is released, he is released after a careful consideration of his case. As I promised in this House, his case was considered and he was released.

**Sardar Hari Singh :** I asked whether the grounds on which he was arrested have disappeared.

**Premier :** I am afraid I cannot answer that question off-hand. I will have to go into the case again.

**Sardar Hari Singh :** If he was released, naturally it was considered that it would not be against the interests of the public to release him.

**Premier :** He may not be harmful so far as his release is concerned, but he might be harmful otherwise.

**Sardar Hari Singh :** What arrangements were made for the maintenance of the man outside the Punjab?

**Premier :** I merely asked him to go to his home.

**Sardar Hari Singh :** Where is his home?

**Premier :** Kapurthala.

**Sardar Hari Singh :** Is it a fact that this man was a State prisoner for seven years?

**Premier :** He may have been.

**Sardar Hari Singh :** If he was a resident of Kapurthala, why was he put in a Punjab jail?

**Premier :** My honourable friend knows that before the new Constitution came into force, State prisoners were more or less restricted by the Government of India. It is only after the 1st April, 1937 that we have got the control of State prisoners.

**Sardar Partab Singh :** It is stated in the answer that Sardar Karam Singh was about to act in a manner prejudicial to the public safety and peace. As soon as he was released he was given notice of externment. How did Government come to know that he was going to act in a prejudicial manner?

**Premier :** I am afraid I cannot divulge to the honourable member the secrets of how Government comes to know and how Government is going to act.

**Sardar Hasi Singh :** What action was taken to probe his ideas before he was released?

**Premier :** There is no question of probing, but I came to the conclusion that it would be desirable to request him to go to his home, and stay there.

**Pandit Shri Ram Sharma :** Was the externment order served on him in view of his previous behaviour in the jail?

**Premier :** No.

**Sardar Partab Singh :** Had Government received any intimation that Baba Karam Singh was going to pursue his activities after he was released from jail?

**Premier :** I am afraid the honourable member is now asking me something about which I should like to have notice, but there are occasions when associates and friends may be responsible for the troubles of their friends.

#### LOCATION OF THE ADDITIONAL POLICE POST AT SAHUNGRA.

**\*1820. Chaudhri Kartar Singh :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that an additional police post was located at Sahungra, tahsil Garhshankar, district Hoshiarpur ;
- (b) whether it is a fact that the police officers in charge of the post extorted a sum of Rs. 802 from the villagers and also beat the people ;
- (c) whether it is a fact that the matter was enquired into by two honourable members of the Assembly and the result of their enquiry was communicated to the Premier ;
- (d) whether the Government propose to take any action in the matter ; if so, what ?

**The Honourable Major Sir Sikander Hyat-Khan :** (a) No, but for some weeks from the middle of August last a party of police was located in the village in connection with measures for the arrest of a notorious proclaimed offender.

(b) Government are awaiting a reply to a letter which has been addressed to the deputy commissioner, but so far as can be judged at present the

[ Premier. ]

real issue is merely as to the amount due for certain supplies purchased by the police party.

(c) I understand that on the 12th November three members of the House visited the village and recorded statements by some of the residents which they subsequently handed over to the deputy commissioner.

(d) Payment for the goods supplied to the police has long since been tendered, and Government understand that the villagers have lately agreed to accept the amount as settled by the deputy commissioner ; but as indicated above they are awaiting a final report from the latter, and until that is received they are not in a position to decide what further action, if any, is necessary.

**Sardar Hari Singh :** May I ask the Honourable Premier whether it is a fact that the honourable members of this House personally saw him at Lahore and laid all the facts before him and asked him to institute an enquiry, independent and impartial?

**Premier :** Yes, after that visit by the honourable members including the honourable member, Sardar Hari Singh, I went to Hoshiarpur and we are now making enquiries.

**Sardar Hari Singh :** What points are yet under enquiry when it is stated that the police did not extort any money from the people of the village?

**Premier :** The information which we have at present indicates that the dispute was with regard to the question of money paid for provisions which the police took from the villagers. That money has been paid. Now we have to decide whether it is merely a question of dispute over the price of those articles or whether there was any extortion ; if we come to the conclusion that there was extortion then we will have to take very serious action against the people concerned. That portion of the enquiry is not yet complete.

**Sardar Hari Singh :** May I enquire which officers have supplied the information on which the reply is based?

**Premier :** Deputy Commissioner.

**Sardar Hari Singh :** Did he make personal enquiries by going to the village?

**Premier :** I cannot give the details ; but that is my information.

**Sardar Hari Singh :** Does the Honourable Premier consider that his reply is consistent with his repeated declarations to the effect that if specific instances of misconduct are brought to his notice he will make enquiries?

**Premier :** The matter is now being enquired into.

**Sardar Hari Singh :** He has already absolved the police from all blame.

**Premier :** Where does the honourable member get that information from?

**Sardar Hari Singh :** The Honourable Premier has stated that there has been no extortion.

**Premier :** I have said nothing of the kind. What I said is this ; so far as can be judged at present the real issue is merely as to the amount due for certain supplies purchased by the police party and then in reply to part (d) of the question I said, " but as indicated above they are awaiting a final report from the latter and until that is received they are not in a position to decide what further action, if any, is necessary."

**Sardar Hari Singh :** Why is the Premier prejudging the issue before the report is ready?

**Premier :** I am not prejudging.

**Diwan Chaman Lall :** May I ask whether, when he states that the real issue relates to the amount, the other real issue, namely, the extortion, is not being lost sight of, and whether he has that particular issue as the real issue in view in making the enquiry?

**Premier :** Exactly. First we had a reply, and I was not satisfied with that reply. Then I addressed the deputy commissioner to make further enquiries and come to a definite conclusion with regard to that particular point and unless I see his reply I cannot possibly take any further action.

**Sardar Sohan Singh Josh :** Who has been appointed to make that enquiry?

\*1821. *Vide the proceedings of 1st March, 1938.*

#### PUBLICITY OF NOTIFICATIONS.

\*1822. **Rai Bahadur Binda Saran :** Will the Honourable Minister of Public Works be pleased to state—

(a) whether the notices issued by the Administrator, Lahore Municipality, regarding building schemes, etc., were given the required publicity ;

(b) what steps the Administrator, Lahore Municipality, intends to take to give proper publicity to such notifications in future ?

**The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana :** (a) Yes.

(b) Does not arise.

**Rai Bahadur Binda Saran :** Have the notices ever appeared in any of the local newspapers?

**Minister :** They were posted in the committee office and copies were sent to the commissioner and deputy commissioner and copies were supplied to five newspapers.

**Pandit Shri Ram Sharma :** What are those newspapers?

**Minister :** The five best newspapers in the locality.

**Lala Bhim Sen Sachar :** Will he kindly name the papers to which these advertisements were sent?

**Minister :** I cannot say off-hand. If the honourable member gives me notice I shall supply the information.

**Mian Abdul Aziz :** May I know whether those notices were affixed in the locality?

**Minister :** All that the rules require is being complied with.

**Mian Abdul Aziz :** I say that the rules are not being complied with. I want to know whether those notices are pasted at localities, etc.

**Minister :** My information is that they are.

**Mian Abdul Aziz :** Will he kindly enquire further whether they are being pasted?

**Minister :** How am I to presume that they are not being pasted?

**Mian Abdul Aziz :** I emphatically say so ; will Honourable Minister kindly make the enquiry?

**Minister :** I can only assert the contrary.

**Lala Bhim Sen Sachar :** Are these newspapers paid for these notices?

**Minister :** We supply them the copies.

#### ENTERTAINMENT OF BUILDING PLANS BY THE LAHORE IMPROVEMENT TRUST.

**\*1823. Rai Bahadur Binda Saran :** Will the Honourable Minister of Public Works be pleased to state whether it is a fact that the Lahore Improvement Trust do not entertain building plans so long as the costs of levelling, paving and metalling of roads and drainage are not deposited by the owner ; if so, reasons why such costs are not borne by the Municipality ?

**The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana :** The entertainment of building plans does not fall within the province of the Lahore Improvement Trust ; it is the function of the municipality to which the former acts as an adviser in drawing up schemes under section 192 of the Punjab Municipal Act.

The municipal administration is empowered under section 171 of the Municipal Act to require that such works should be carried out at the expense of the owners. Since the owners of property make large profits out of selling undeveloped land as building sites it is considered reasonable that they should pay for the cost of increasing the value of their property by providing such necessities and conveniences.

#### SIZE OF PLOTS OF LAND FOR BUILDING PURPOSES.

**\*1824. Rai Bahadur Binda Saran :** Will the Honourable Minister of Public Works be pleased to state whether the answer to question No. 1828<sup>1</sup> regarding size of plots of land for building purposes, asked in the last session is now ready ; if so, will he kindly supply the required information?

**The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana :** I regret a reply to the question is still not ready.



**UNEMPLOYMENT AMONG THE LABOURING CLASSES ON ACCOUNT OF PRESCRIPTION OF LARGE AREA FOR BUILDINGS BY THE LAHORE IMPROVEMENT TRUST.**

**\*1825. Rai Bahadur Binda Saran :** Will the Honourable Minister of Public Works be pleased to state whether he is aware of the public grievance that the prescription of very large areas for building purposes by the Lahore Improvement Trust has created a slump in the building trade, and caused unemployment among the labouring classes ; if so, the action taken or proposed to be taken by the Government in the matter?

**The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana :** No. Five hundred and seventy-seven building applications were sanctioned in Lahore Municipality between the 1st April and 31st December 1937, and every effort is now being made to expedite the disposal of other applications.

**Mian Abdul Aziz :** May I know how many applications were rejected ?

**Minister :** 577 were accepted and only 558 were rejected.

**Mian Abdul Aziz :** The word *only* is significant.

**Diwan Chaman Lall :** Does the honourable member consider that number to be a very small number ?

**Minister :** Yes, it is not a big figure considering the fact that many of these applications come up again. Rejection means that they do not comply with particular byelaws at the time and they come up again and again.

**Begum Rashida Latif Baji :** May I know what the Honourable Member thinks about labourers ?

**Minister :** That does not arise.

**Begum Rashida Latif Baji :** Does the Honourable Minister know that the labourers are dying of starvation in the city ?

**Minister :** This question refers to building plans and not to unemployment in the city of Lahore.

**Begum Rashida Latif Baji :** How does the Honourable Minister presume that there is no unemployment ?

**Minister :** Every effort is being made to expedite the disposal of the applications and it is expected that they will create a lot of employment.

**Mian Abdul Aziz :** May I know how many out of the rejected applications have come up again ?

**Minister :** If the honourable member gives me notice, I can supply the information.

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**SCHEMES PREPARED BY THE LAHORE IMPROVEMENT TRUST FOR BUILDINGS, ETC.**

**\*1826. Rai Bahadur Binda Saran :** Will the Honourable Minister of Public Works be pleased to state whether the Government are aware of the fact that the land required for streets, recreation grounds, etc., under schemes prepared by the Lahore Improvement Trust, amounts to 30 to 40 per cent. of the land of the owners of plots and whether they are also aware

[ R. B. Binda Saran. ]

of the fact that this is in contravention of section 192 (1) (c) of the Municipal Act ; if so, the action they intend to take in the matter?

**The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana :** It is true that in some of the schemes prepared by the Lahore Improvement Trust the land required for streets, recreation grounds, etc., amounts to as much as about 40 per cent. of the area included in a scheme, but this is not in contravention of section 192 (1) (c) of the Punjab Municipal Act, 1911, which only deals with the amount of land in an unbuilt area which has to be transferred to a municipal committee for public purposes. The rule that the amount of land so transferred to the committee shall not exceed 20 per cent. altogether and 10 per cent. of any one owner without payment is strictly observed. In the circumstances, Government do not intend to take any action in the matter.

#### TOWN PLANNING SCHEMES OF THE LAHORE IMPROVEMENT TRUST.

**\*1827. Rai Bahadur Binda Saran :** Will the Honourable Minister of Public Works be pleased to state whether it is a fact that the Administrator of Lahore Municipality has renamed the building schemes as Town Planning Schemes and has declared certain areas as unbuilt areas though they are in reality built areas ; if so, the action the Government intends to take in the matter?

**The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana :** It is a fact that certain schemes under section 192, Municipal Act, had originally been dealt with as building schemes but were afterwards found to be town-planning schemes for unbuilt areas. The Government has confirmed a number of orders of the Administrator declaring certain areas to be unbuilt areas after satisfying itself that the orders were justified.

#### BUILDING LINES OF BUNGALOWS IN CIVIL STATION FIXED BY THE ADMINISTRATOR, LAHORE MUNICIPALITY.

**\*1828. Rai Bahadur Binda Saran :** Will the Honourable Minister of Public Works be pleased to state whether it is a fact that the Administrator of Lahore Municipality has fixed the building lines of bungalows in civil station at 100 to 125 feet from the boundary lines of the various roads instead of a set back of 35 to 50 feet hitherto prescribed ; if so, the reasons for the same and the action the Government intends to take in the matter?

**The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana :** I regret a reply to this question is not yet ready.

#### INQUIRIES REGARDING CANVASSING IN FAVOUR OF CONGRESS CANDIDATES DURING LAST ASSEMBLY ELECTIONS.

**\*1829. Sardar Hari Singh :** Will the Honourable Premier be pleased to state—

(a) whether it is a fact that after the last general elections to the Punjab Assembly, inquiries were instituted through police

and otherwise to ascertain as to which persons had canvassed in favour of candidates of the Congress and allied bodies ;

(b) if the answer to (a) be in the affirmative, the object of the inquiry ?

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

(b) Does not arise.

**Sardar Hari Singh :** May I ask the Honourable Premier to refresh his memory and state whether it is a fact that enquiries were made to know which of the Government servants voted for the Congress ?

**Premier :** Nobody is authorised to ask which side a voter has voted ; it is barred under the rules.

**Sardar Hari Singh :** Am I to understand that the Government made no enquiries as to the side on which Government servants voted ?

**Premier :** Government made no enquiries.

**Sardar Hari Singh :** Is he aware of the statement in the Press that the Home Secretary to the Government of India replying to a question in the central legislature stated that 85 per cent. of the Government servants had voted in favour of the Congress candidates ? May I ask him to state whether that information was supplied by the Punjab Government ?

**Premier :** Not to my knowledge.

**Pandit Shri Ram Sharma :** Is it a fact that before the elections began enquiries were instituted through police officers as to the persons who were expected to help or vote for the Congress candidates ?

**Premier :** No.

**Pandit Shri Ram Sharma :** Is it a fact that the police made such enquiries as they made from me ?

**Premier :** I received complaints that a certain police officer was helping the Congress members, but I did not put any credence in it or pay any heed to these complaints.

**Pandit Shri Ram Sharma :** Is it a fact that Government did not really start any investigation ?

**Premier :** The Government did not.

**Lala Duni Chand :** Has there been any enquiry in any case in which officials or semi-officials were alleged to have worked against any Congress candidates ?

**Premier :** They did not.

**Lala Duni Chand :** Is it not a fact that such things did happen ?

**Sardar Sohan Singh Josh :** Is it a fact that complaints were received in which it was alleged that presiding officers worked against the Congress candidates ?

**Premier :** I have already stated that I did receive certain complaints that certain officers had been helping Congress candidates, but I did not pay any heed to these complaints, because I do not think that officials in their official capacity can help anybody.

**Lala Duni Chand :** Has it not come to the notice of the Government that in many cases Government servants worked against the Congress candidates ?

**Premier :** No.

**Sardar Sohan Singh Josh :** Against how many presiding officers such complaints were received ?

**Premier :** I cannot give information off-hand.

**Sardar Hari Singh :** May I ask the Honourable Premier one final question ? Will he kindly state whether he is aware that he himself as Government servant voted against the Congress candidates ?

**Premier :** I am not a Government servant and I never have been. Even as Revenue Member, there was a special provision in the Government of India Act allowing me as Revenue Member to stand and canvass for any candidate I liked, like any Minister in England.

**Sardar Hari Singh :** Under what section of the Act ?

**Mian Abdul Aziz :** Were any complaints received that officers helped the Congress candidates ?

**Premier :** I did receive complaints that certain polling and presiding officers had not played the game. But it did not come from the Congress nor from any other body, but these complaints came from the candidates themselves who, as my honourable friend is aware, are in the habit of preferring such complaints after the elections and against successful candidates when they have been ousted. Government therefore could not take any action without any specific instances.

**Lala Duni Chand :** Is it not true that some of the Government members were instrumental in putting up candidates in the last elections ?

**Premier :** If the honourable member is referring to me, I was a member of the Government and I did put more than 112 candidates in the field and luckily most of them won.

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COMMUNICATIONS *re* FEDERATION EXCHANGED BETWEEN CENTRAL  
GOVERNMENT AND PUNJAB GOVERNMENT.

**\*1830. Sardar Hari Singh :** Will the Honourable Premier be pleased to state whether any communications on the subject of Federation have been exchanged between the Central Government and the Punjab Government ; if so, the nature of the said communications ?

**The Honourable Major Sir Sikander Hyat-Khan :** The attention of the honourable member is invited to the answer given to starred question No. 1790<sup>1</sup>.

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EXCHANGE OF COMMUNICATIONS BETWEEN LORD LOTHIAN AND  
THE PUNJAB GOVERNMENT, *re* FEDERATION.

**\*1831. Sardar Hari Singh :** Will the Honourable Premier be pleased to state whether there has been an exchange of communications between

Lord Lothian and the Punjab Government or any of its Ministers on the subject of Federation ; if so, the nature of those communications?

**The Honourable Major Sir Sikander Hyat-Khan :** The present Government has not exchanged any communications with Lord Lothian on the subject of Federation. But there was an informal talk with him in my personal capacity on the subject.

**Sardar Hari Singh :** May I ask what views were expressed ?

**Premier :** I am afraid this is a very unfair question to ask, but as I have already indicated, my personal views are that this country needs some sort of federation at the centre.

**Sardar Hari Singh :** Was there any talk about the present form of federation under the Act ?

**Premier :** I am afraid I cannot answer that question.

#### EXPENDITURE INCURRED ON VICEREGAL DARBAR.

**\*1832. Sardar Hari Singh :** Will the Honourable Premier be pleased to state when the final reply to my starred question No. 873 asked on the meeting held on 13th January, 1938, during the last session of the Assembly, may be expected?

**The Honourable Major Sir Sikander Hyat-Khan :** The answer to starred question 873 (a copy of which is laid on the table) has been forwarded to the Secretary of the Punjab Legislative Assembly for communication to the honourable member.

**\*873. Sardar Hari Singh :** Will the Honourable Premier please state the total expenditure incurred by (a) the Punjab Government and (b) by the Lahore Municipality in connexion with the Viceregal Darbar and the attendant functions recently held at Lahore ?

*The Honourable Major Sir Sikander Hyat-Khan :* (a) Rs. 9,431.

(b) Rs. 4,298-13-0.

#### THE FUNCTIONS AND CONSTITUTION OF THE LAHORE TOWN IMPROVEMENT TRUST.

**\*1833. Sardar Hari Singh :** Will the Honourable Minister of Public Works be pleased to state—

- (a) the functions and constitution of the Lahore Town Improvement Trust ;
- (b) the number of meetings so far held by the Trust and the number of members present at those meetings and business transacted thereat ;
- (c) the yearly expenditure on the establishment of the Trust and its total yearly income ;
- (d) the means adopted by the Government to supervise the business of the Trust?

**The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana :** A statement giving the required information is laid on the table.

—  
*Statement.*

(a) The honourable member is referred to Chapter II of the Punjab Town Improvement Act, 1922.

(b) There have been 34 meetings and the attendance of members has varied from 3 to 7.

The business transacted at these meetings falls under the following heads :—

- (i) A general town plan of Lahore has been prepared giving outlines for future development.
- (ii) A financial statement has been prepared giving a forecast of the expenditure involved and of the manner in which that expenditure will be incurred and of the probable profits which will be brought in by the whole transaction.
- (iii) The Trust acting as the agency for the preparation of building and town-planning schemes under the Municipal Act has finally approved 62 such schemes so far and about a dozen have been referred back to the town planner for modifications.
- (iv) The Trust has also transacted much miscellaneous business connected with establishment, examination of building applications on behalf of the Municipality of Lahore, supplying of information to the public about minimum areas, setbacks, etc., and other kindred matters.
- (c) The expenditure on the establishment of the Trust and its total income for the financial year 1936-37 were Rs. 39,218-7-0 and Rs. 57,172, respectively.
- (d) All the proceedings of the Trust are submitted to Government which exercises supervision through the Commissioner of Lahore.

**Sardar Hari Singh :** May I ask the Honourable Minister to state whether it is a fact that there was a meeting at the Y. M. C. A. a few days ago and strong views were expressed on this matter ?

**Minister :** A statement is laid on the table. If after reading the statement the honourable member has any questions to ask, I shall be glad to answer.

**Sardar Hari Singh :** I have seen the statement and on the basis of that statement I want this further information.

**Minister :** It is clear and unambiguous.

**Sardar Hari Singh :** I beg to submit that I have seen the statement laid on the table and the information supplied therein and on the basis of that information I have asked him this question but he is refusing to answer.

**Minister :** No. I am answering.

**Mian Abdul Aziz :** May I request the Honourable Minister to tell me what is the reply given to part (d) because in the previous question there was no reply to this part, as far as my memory goes.

**Minister :** I have already laid a statement on the table and if you read you will find the reply.

**Sardar Hari Singh :** May I ask the Honourable Minister to state just one point, whether he is aware of the fact that there is a great *raula gaula* agitation against the Town Improvement Trust ?

**Minister :** I am not aware of *raula gaula* of any sort.

**Mian Abdul Aziz :** Is Government not aware of any dissatisfaction and *raula gaula* in Lahore. ?

**Minister :** I am not aware of any *raula gaula*.

**SUB-INSPECTOR OF POLICE, TAORU (DISTRICT GURGAON).**

**\*1834. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

- (a) the number of complaints of corruption made in October last that were received by the district authorities against the sub-inspector, police, Taoru, district Gurgaon ;
- (b) whether it is a fact that the Deputy Commissioner of the district remarked on one of the complaints that it should be judicially dealt with ;
- (c) whether any departmental action was also taken in the matter ;
- (d) whether the transfer of the said sub-inspector from Taoru was demanded by the complainants ; if so, with what result ;
- (e) the result of departmental and judicial inquiry, if any made against the sub-inspector and the action the Government proposes to take in the matter as a result of that inquiry ?

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

(b) So far as complaints preferred in October are concerned, the answer is in the negative. In the preceding August, however, the district magistrate had received a judicial complaint of extortion against the sub-inspector, which he transferred to the ilaqa magistrate for disposal.

(c) No.

(d) Application was made to the additional district magistrate in September, by the complainant in the case mentioned in (b) above, for the transfer of the sub-inspector. The application was rejected.

(e) In the case referred to in the reply to part (b) the sub-inspector was discharged, no *prima facie* case being established.

**Pandit Shri Ram Sharma (Urdu) :** Will the Honourable Premier be pleased to state whether the Deputy Superintendent of Police, Gurgaon, visited Taoru for instituting departmental inquiry into the matter ?

**Premier :** I cannot say off-hand. If the honourable member will give me notice, I will be glad to reply.

**Pandit Shri Ram Sharma :** My question is whether any departmental enquiry was made against the said sub-inspector of police.

**Premier :** No, because a judicial enquiry has been held. The case has gone to court and, therefore, you cannot take departmental action.

**Pandit Shri Ram Sharma :** Was any departmental enquiry also made before making the judicial enquiry ?

**Premier :** I cannot give a reply off-hand.

**Pandit Shri Ram Sharma :** Sir, no answer has been given to my supplementary question.

**Premier :** The case has been decided by a judicial court and there was no use of holding a departmental enquiry when a court of law had decided that there was no *prima facie* case.

**Pandit Shri Ram Sharma :** I ask whether any departmental enquiry was held into the matter before instituting judicial enquiry against the said sub-inspector of police.

**Premier :** I have said 'No.'. It is a very clear reply.

JUDGMENT PASSED BY SESSIONS JUDGE, FEROZEPORE, IN REGARD TO MURDER OF TWO ZAMINDARS.

**\*1835. Sardar Hari Singh :** Will the Honourable Premier be pleased to state—

- (a) whether his attention has been drawn to the recent judgment of the Sessions Judge, Ferozepore, in a case under section 302/149, Indian Penal Code, in regard to the murders of two zamindars in which eleven persons were committed to stand their trial ;
- (b) the action taken or proposed to be taken by the Government in view of the severe strictures passed by the court against the investigating officers?

**The Honourable Major Sir Sikander Hyat-Khan :** This has been answered in my reply to question No. 1810<sup>1</sup> (starred), put by the honourable member for the Ludhiana and Ferozepore (General) Rural Constituency.

MOTION FOR ADJOURNMENT.

ADVERTISEMENT FOR SUPERINTENDENT OF JAILS.

**Diwan Chaman Lall :** 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 disclosure made in the reply given by the Honourable Finance Minister on the 24th instant in reference to the question put by me in respect of the advertisement appearing in the press calling for applications for the post of a Superintendent of Jails and stating that a British retired military officer would be preferred, and the consequent failure to order the modification of the terms of the advertisement.

**Mir Maqbool Mahmood :** I beg to object to the admissibility of that adjournment motion. I am not at this stage entering into the merits of the question. So far as the Indianisation of services is concerned, there cannot be any two opinions and it is agreed that if any non-Indian is to be preferred there must be very strong reasons for which it must be justified. My only objection is to the question being taken up in the form of an adjournment motion. My reasons are that in the first place the matter is not recent nor urgent. You will find that the advertisement itself appeared on the 17th of December and on the 6th of January when the notice of this motion was given in the last session, the motion was not moved. Thereafter no attempt was made to put a short notice question or even an ordinary question to bring the matter before the House. In view of these considerations what my honourable friends' motion in substance means is that an adjournment motion of which he gave notice in the last session on 6th January



shall be discussed in this session. The matter is neither urgent nor recent and the discussion of the question can be taken up conveniently on the demand for grant for jails when the matter comes up before the House. That would be a fit and more appropriate occasion when we could all consider the merits of the case.

**Diwan Chaman Lall:** It is perfectly correct that notice was given of an adjournment motion regarding the advertisement which was published in the papers and issued by the Punjab and North-West Frontier Provinces Public Service Commission which is a body constituted by this Government and which stated in the advertisement that for this particular post a British retired military officer would be preferred. But this adjournment motion does not relate to that. It relates to the failure, arising out of the reply of the Honourable Minister, to order the alteration of that particular advertisement. It arises out of the answer given yesterday by my honourable friend. If you will be pleased to look at the answer, you will find that the answer gives cause for an adjournment motion. What is the answer that my honourable friend gave? My question was in reference to the advertisement put in the press under the authority of the Public Service Commission actually debarring by virtue of that statement Indians from this particular post and stating "that applications from retired European Army Officers would be preferred" and my honourable friend says that "If the Honourable Member will refer to the terms of the advertisement he will see that it relates to a single appointment only." I do not deny that. Further on he says, "In accordance with a recommendation made by the old Standing Committee on Jails in December, 1934, three officers on the Special Unattached List of the Indian Army were recruited in 1935-36 as jail superintendents. One of these officers resigned last year, and Government decided to recruit another officer of the same type in his place." One who resigned is apparently a European officer. If he is not a European officer then in his place a European officer is being brought in. Further on the reply is as follows :—

"The advertisement referred to in the question was drafted and issued by the Public Service Commission, and the intention of the words to which the Honourable Member has drawn attention appears to have been to explain that officers of the Indian Army would be preferred over that of the British service."

Nothing of the kind, Mr. Speaker. I say it is a deliberate misrepresentation or else what shall I call it? It says that European officers of the Indian Army would be preferred over that of the British service. The reply further on is as follows :—

"If the honourable member will refer to the Paper of Information which the Commission has prepared and which is in more detail than the newspaper advertisement, he will see that the phrasing there is somewhat different."

They try to take shelter under this particular information that is contained in the Paper of Information. Let me draw your attention to this most amazing statement made by my honourable friend. First of all I will take the advertisement which is as follows :—

"Secretary, Punjab and North-West Frontier Provinces Joint Public Services Commission, Lahore, invites applications before the 28th February, 1938 on prescribed form obtainable from him accompanied by a treasury receipt or a money order receipt for Rs. 5 from Army officers having not less than 10 years' service, (European officers of Indian Army preferred. Age limit 30—40 years) for the post of a Jail Superintendent in the Punjab Jail Department. Pay Rs. 700—30—1,000 per mensem. Government servants eligible if permitted by their departments."

[Diwan Chaman Lal.]

There is no question of Indian Army or British Army. It is "European officers of the Indian Army preferred." The Army in India is known as Indian Army and my honourable friend should be aware of the fact that when a Major signs his name, he attaches the words 'I. A.' to his signature such as "Major Cruikshanks, I. A." It means that he is a British Army Officer but serving in the Indian Army. Next, this is an extract from the information for candidates :—

*"Qualifications.*—Candidates must have at least ten years' service in the commissioned ranks of the Army; have experience of different classes of Indians and not of one community only and should be tactful and a good disciplinarian.

The Government of the Punjab reserve the right to appoint a European officer of the Indian Army if such officer is on the list of candidates most suitable for appointment submitted by the committee."

Where is the alteration in the information which my honourable friend gives? He says the terms are different. Where and how are they different? The terms are exactly on a par with the advertisement, namely, preferring a retired British military officer for a post which would very well have been filled by a countryman of ours. I submit that this matter is of great public importance because the entire question of Indianisation arises from the policy of my honourable friend and the reply given does not meet the point raised (*Finance Minister*: Please read the supplementary questions). I will read the supplementary questions :—

*Sardar Hari Singh*: May I ask the Honourable Minister for Finance to state whether that is being done in pursuance of the Government's policy of rooting out unemployment from this province? Is it consistent with the policy of Indianisation of services?

*Minister*: An officer of the Indian Army cannot be excluded under any policy of Indianisation.

A most extraordinary proposition—an officer of the Indian Army. The question is whether he is an Indian or a British officer.

*Sardar Hari Singh*: May I ask the Honourable Minister for Finance to state whether an Indian officer of the Indian Army was not available?

*Minister*: An Indian Officer is eligible. That is all I can say.

You state in the advertisement British officer preferred, and all the consolation you offer is that an Indian officer is eligible. My honourable friend has a hopeless case, so hopeless that he ends by saying 'that is all I can say'.

*Sardar Hari Singh*: Is it a fact that a Britisher will be preferred?

*Minister*: The Paper of Information which contains detailed information is different from the advertisement. *No preference is intended.* What we want is an Indian officer of a particular type.

An incredible statement, a statement not borne out by the facts of the case, an utterly misleading statement made by the Minister. I submit that the adjournment motion arises out of this very reply itself that the paper of information which contains detailed information is different from the advertisement. I have read before you both the documents. You can see that there is no difference at all in regard to the advertisement and the paper of information. I am amazed that the Minister should have made a statement like this and I submit that on that sentence alone the adjournment motion would arise. He says 'what we want is an Indian officer of a particular type' leaving the House under a misapprehension on the point: namely

that my honourable friend wanted an Indian and not a European although the documents speak differently. I do submit that it is only on the reply given and the attitude of the honourable member disclosed in regard to this particular question that an adjournment motion can arise. It could not have arisen except on the reply which the Minister has given. The matter is urgent, it is of public importance and is of recent occurrence as the reply was given yesterday. It complies with all the conditions for an adjournment motion to be taken up.

**Premier** (The Honourable Major Sir Sikander Hyat-Khan): Sir, may I add one word to what Mir Maqbool Mahmood has said. So far as urgency of the matter is concerned he has placed his views before the House which I endorse. If my honourable friend wants to move a motion of censure against the Ministry—he cannot censure one Minister—he should move a substantive motion to that effect and not raise the question in a motion like this. This matter can be discussed at any time during the budget session when the demands for grants come up. If he wants to censure the Ministry he must bring in a substantive motion to that effect.

**Lala Bhim Sen Sachar**: May I enquire if the Honourable Premier could give an assurance to the House that no appointment will be made till after the discussion of the matter has taken place during the budget session?

**Premier**: No, Sir, I will not give any such undertaking.

**Mr. Speaker**: What is proposed to be discussed by the adjournment motion is not the appointment of a European in preference to an Indian but the answer given by the Finance Minister. As regards the preference of a European to an Indian, the honourable member himself has admitted that notice of an adjournment motion on this subject was given by him on the 6th of January but that it was not moved though the Assembly kept sitting up to 28th January, 1938. Therefore, so far as the question of urgency is concerned I think the motion cannot be allowed.

As to leave being given for discussing the Finance Minister's answer, if the answer is unsatisfactory and if the honourable member wishes to criticise or censure the Minister he may move a substantive motion for that purpose. In my opinion this adjournment motion is not in order.

## RULES OF PROCEDURE.

### Rule 113.

**Pandit Shri Ram Sharma** (Southern Towns, General, Urban) (Urdu): Sir, I beg to move—

That at the end of sub-rule (2) the following be added:—

‘But a resolution concerning any extra-judicial happening or extra-judicial conduct of a judge in court shall not be disallowed on the ground of being *sub-judice*.’

Sir, this relates to sub-rule (2) of rule 113 which is as follows:—

‘The Speaker may disallow any resolution on the ground that it relates to a matter which is under adjudication by a court of law having jurisdiction in any part of British India.’

[Pandit Shri Ram Sharma.]

As a considerable misunderstanding is likely to crop up with regard to this rule and all matters that are in any way connected with a court of law are usually taken to be *sub-judice*, I would submit that this rule should be made clear and definite. The amendment moved by me seeks to ensure the right of the members to move resolutions regarding the extra-judicial proceedings of a court.

**Mr. Speaker :** I am doubtful about the amendment being in order.

**Pandit Shri Ram Sharma :** Sir, you know that irregularities are being committed in the judicial proceedings and that is why I have brought forward this amendment. As a matter of fact, the thing that has confused us, is the restriction placed upon us in regard to questions and resolutions on the ground that the subject matter of those questions and resolutions is *sub-judice*. I may remind the House of the fact that this rule should be passed with my proviso as a matter of course, because in my view it is a very important one. As this rule has been creating misunderstanding, I feel it necessary that this proviso should be added at the end of sub-rule (2) in order to make it more clear and definite and enable us to move resolutions relating to any extra-judicial conduct or attitude of a judge in connection with a matter under adjudication or otherwise.

Sir, there happen certain things in courts, which, I think it would not be unwise on my part to disclose before this House. Courts in some cases do not fulfil the requirements of the law. I will make my point clear by quoting an instance from the Rohtak district where a special judge ordered that no accused should come into court with shoes on. Supposing we refer to this thing in a question or a resolution and if you according to the rule, as it stands, disallow the said question or the resolution on the ground that the subject matter is *sub-judice*, it will not be reasonable. In this connection, I want to submit that all matters concerning courts and cases under adjudication should not be considered *sub-judice*. It should be made clear in sub-rule (2) as to which matters would not be deemed *sub-judice*. Therefore, my submission is that this rule should be made quite clear and this can only be done by adding this proviso at the end of sub-rule (2).

The matter has been fully clarified in this wholesome amendment, which, I think, will be equally useful to both the parties of this House. I, therefore hope that this amendment will not be opposed at all.

**Mr. Speaker :** Rule under consideration, amendment moved is—

That at the end of sub-rule (2), the following be added :—

‘But a resolution concerning any extra-judicial happening or extra-judicial conduct of a judge in court shall not be disallowed on the ground of being *sub-judice*.’

**Sardar Dasaundha Singh (Deputy Speaker) :** Sir, sub-rule (2) of rule 118 is being enacted in the interest of the litigating parties. If a resolution concerning a matter, which is under adjudication in a court of law, is allowed to be discussed here in any form whatsoever then the parties to that case are bound to be prejudiced. It is for this reason that even though a matter be extra-judicial, its discussion is not allowed at times when it affects the actual matter that is *sub-judice*. If extra-judicial matter is allowed to be discussed in the House, then an evil effect may be produced. The word used in the clause is ‘may’. The Speaker may disallow any resolution.

The Speaker is to exercise his discretion in the matter. If there is any matter which is extra-judicial, and its discussion is bound to affect the decision of the case and is to prejudice either party to that litigation, then alone the Speaker will use his discretion in the matter of allowing the discussion of extra-judicial matter; otherwise not. With these words I oppose the amendment.

**Lala Duni Chand** (Ambala and Simla, General, Rural): Sir, as a similar amendment stands in my name, I rise to support the amendment moved by my honourable friend, Pandit Shri Ram Sharma. It is rightly recognised—I think you will admit—that when once protection is afforded to a magistrate and a judicial officer in discharging his duties, at the same time I do want that the public should also be afforded protection against extra-judicial doings of judges and magistrates. In the course of the deliberations of the committee, it was conceded that in so far as the extra-judicial conduct or extra-judicial happenings in courts are concerned, the rule does not provide any bar. But now the honourable Deputy Speaker made it clear in his speech that sometimes the extra-judicial conduct may be, what he thinks, a judicial conduct. Our object is simply to make it clear that in so far as extra-judicial happenings in courts or extra-judicial conduct of a judge or a magistrate, is concerned, a provision should be made that it will not be covered by the rule. Our apprehensions are that many a sin of omission and commission of judicial officers will be covered by this rule, if the matter is not made clear. A very large number of people come in contact and will be coming in contact with courts and sometimes they may have legitimate grievances against what happens in courts or against extra-judicial conduct of judges. By accepting this amendment we shall be laying down a very wholesome rule in the interest and the protection of a large number of litigants. Instances are not wanting when all sorts of allegations are made against judges and instances are not wanting when counter-allegations are made by judicial officers. I, therefore, think that it is in the interest of both litigants and judges that the matter should be made clear. As I have said, in the course of the committee deliberations the soundness of this amendment was admitted. I hope those who are on the side of Government will accept this amendment which is a perfectly wholesome one.

**Mian Abdul Aziz** (Outer Lahore, Muhammadan, Urban): Sir, in supporting this amendment I would like to draw your attention to a few points, which I shall make. As a matter of fact very good protection is afforded to courts. They can haul up any litigant or others for contempt of court. While a magistrate or a judge or a presiding officer does enjoy those powers, there is nothing for the public or for poor litigants or for anybody else, for their protection, if he goes beyond those powers.

You will kindly see that if protection is afforded to judges, surely it cannot be disputed that a counter-protection should be afforded to the public and the litigants also. And it is for this purpose that this rule is sought to be added and this amendment placed before this House. You know that some magistrates suffer from what I may call judicial distempers. For such distempers there should be some protection, because that sort of thing does hurt the feelings of others. I would, therefore, strongly submit that the rule proposed should be accepted. If you give protection to the

[Mian Abdul Aziz.]

judges, similar protection should also be given to the litigants, etc. There is no remedy for it unless these judicial distempers of the judges are allowed to be discussed on the floor of this House.

**Mir Maqbool Mahmood** (Parliamentary Secretary): I am surprised at the speech just made by two learned lawyers who are honourable members of this House. With their experience and knowledge of law, I hope they will forgive me if I say that their statements have surprised me. I invite their attention to the wording of the amendment. The rule definitely states that the Speaker may disallow any resolution on the ground that it relates to a matter which is under adjudication by a court of law having jurisdiction in any part of India. My honourable friends stated that if in a court a judge loses his temper, we must have the right of moving resolutions on that point. There is nothing in the rule which debars the members from discussing the conduct of a judge in a court unless there has been litigation with regard to that particular conduct. If there has been no case with regard to the distemper of the judge, I am sure the lawyer members of the House will appreciate that the rule as it stands does not bar any question being asked in the House. As a matter of fact let me invite the attention of the House to the fact that even yesterday in this House questions were asked with regard to the conduct of a particular judge or a magistrate in Sialkot towards a member of my profession who appeared before him and that was a technical case of distemper. A question was asked about that, allowed and answered. Surely there is no bar even about a question of extra-judicial conduct of a judge. But if the conduct of a judge or his distemper or his misbehaviour in itself has been made the subject of another litigation by a person who has been affected, surely that matter is not intended by my friends to be made a subject of a resolution in this House. If there is a bar to a particular conduct being brought under judicial notice, obviously that matter cannot be under adjudication of law and is not covered by this rule. In view of this submission, my friends would not press this amendment which has been moved from a misunderstanding.

**Diwan Chaman Lall** (East Punjab, Non-Union Labour): This particular amendment which has been moved in reality shows the suspicion that is in the mind of the Opposition regarding action taken by Treasury benches or likely to be taken by Treasury benches. My honourable friend sitting behind, Lala Duni Chand, says, it is a well founded apprehension and I agree with him that it is a well founded apprehension, and that apprehension, Mr. Speaker, is fortified by the statement made by the Deputy Speaker. It is certain that the Unionist Party speaks with two voices, sometime with many voices but on this occasion it has spoken with two voices—the voice of the Deputy Speaker on the one side and the voice of the Parliamentary Secretary on the other, and both of them not knowing exactly where they stand. One of them says that an extra-judicial matter relating to a judge may affect a case, therefore you cannot possibly discuss an extra-judicial matter. My honourable friends must know that if it is an extra-judicial matter, then it is certainly not *sub-judice*—a perfectly correct statement of fact. If it is extra-judicial, it is not judicial. What is *sub-judice*? A matter under discussion or under consideration of a law court, and extra-judicial, that does not come within the competence or the arena of the law

courts. That is a self-contradictory proposition. If it is not *sub-judice*, it can be discussed. Does my honourable friend over there mean that the two parts of this amendment are covered by the existing rule? The honourable member who moved this amendment (Pandit Shri Ram Sharma) wants that we should be permitted to move resolutions (1) regarding any matter which happens to be of an extra-judicial character and (2) regarding the extra-judicial conduct of a judge in court.

**Mir Maqbool Mahmood :** Just a word of personal explanation. What I submitted was that if ordinarily the extra-judicial conduct of a judge is not a matter which is *sub-judice*, if a case has not been launched in court by the party aggrieved in regard to the matter—

**Diwan Chaman Lall :** Who denies it? Then it is not extra-judicial. The very fact that it is under adjudication of a law court subsequently takes it out of the purview of *sub-judice*. The position is perfectly simple. It is not *sub-judice* as long as it is extra-judicial, but can we or can we not discuss the extra-judicial conduct of a judge in court? If it is *sub-judice* then we cannot discuss it.

Then there is one other matter. Section 86 of the Government of India Act has to be considered in this connection. Section 86 (1) reads—

No discussion shall take place in a Provincial Legislature with respect to the conduct of any judge of the Federal Court or of a High Court in the discharge of his duties.

This is a very important position. What is the effect of this amendment on section 86 (1)? The section is perfectly clear and I wish my friend the Deputy Speaker had referred to these matters. I wish the Parliamentary Secretary had referred to it and explained the section for the benefit, and the delectation, of the House because he knows it just as well as I do.

Now suppose a judge is sitting in court and there is a certain conduct of his while he is sitting in the court, is that to be considered in the course of the discharge of his duty or not if it is not relevant to the actual matter which the court is deciding at the time? Now what is my honourable friend's reply to that? Is it extra-judicial or is it not? My honourable friend over here would say it is extra-judicial. The position is this. Would that be or would that not be in the discharge of his duties? And if my honourable friend's amendment is moved and passed, would the conduct of a judge in that particular be capable of being discussed on the floor of the House or not? It is a matter of very great importance to those who in a country like ours would like the judiciary to be absolutely independent, and it is a case of that nature, I dare say, that my honourable friend has in mind when moving this amendment. The judiciary in this province is generally independent. Unfortunately there being no distinction between the executive and judicial the matter is of some importance to us. Suppose now when a judge is trying a case—I hope it will never happen—in which my honourable friend Mir Maqbool Mahmood is hauled up under section 124-A (*interruption*)—He is not likely, I know. But suppose in a fit of exuberance he makes a speech—(*Interruption*)—he would certainly welcome it—it is no stigma to any man to be charged under section 124-A,—but suppose he is, then what would happen? Suppose the judge turns round and passes a remark about the beautiful tie that he is wearing or passes an adverse remark, which I hope he would not—I do not think the judge

[Diwan Chaman Lall.]

would be capable of doing that about my honourable friend Mir Maqbool Mahmood—but suppose he does, would that remark which is not relevant to the case before him be capable of being discussed on the floor of this House or not? Would you consider this *sub-judice*? (*An honourable member*: No) My honourable friend says 'no' and if my honourable friend agrees with me, he should join us in getting this amendment passed. (*An honourable member*: Does it fall within section 86?) No. Does the instance that I gave fall within the four corners of section 86 (1)? My honourable friend Mir Maqbool Mahmood says it would not because the wording is there. The phraseology is 'conduct in the discharge of his duties.'

**Mir Maqbool Mahmood**: My honourable friend will please excuse me. What I said about *sub-judice* has nothing to do with section 86. Section 86 restricts discussion of certain matters in the House but it has nothing to do with the definition of *sub-judice*.

**Diwan Chaman Lall**: My honourable friend says it has nothing to do with section 86. He is perfectly right. The question that we are considering is this. If my honourable friend will only read the amendment he will see: "Resolution concerning any extra-judicial happening or extra-judicial conduct of a judge in court." Section 86 relates to the conduct of a judge which we cannot discuss provided that conduct is in the discharge of his duty. The example I was giving was an example to establish what would not be in the discharge of his duty. For instance, a policeman who is empowered to arrest a man exceeds the powers given to him; we may say that he exceeded his powers in the discharge of his duty; well I believe under the law a suit would lie for damages against him. (*An honourable member*: It is extra-judicial). That is exactly what I am saying. This amendment seeks to illustrate it. If it is extra-judicial, it merely means it is not *sub-judice* and, therefore, in my view the amendment has significance. This is exactly what I was trying to get my friends to see. If it is a matter which is *sub-judice* then it cannot in any circumstances be discussed; if it is not *sub-judice* you can discuss it. (*Interruption*). My honourable friend says that it has nothing to do with it. Now "concerning any extra-judicial happening;" let us take that one point. We could move a resolution regarding the judicial happening on the ground that it is not *sub-judice* or on the ground that it is extra-judicial conduct. (*An honourable member*: "What is the meaning of *sub-judice*?"") It is a simple expression which means under adjudication in a court of law. If it is *sub-judice* it cannot be discussed. The other point is extra-judicial conduct of a judge in a court of law. This is where the whole crux of the matter comes in. Who is to determine whether it is extra-judicial conduct of a court except the members on the floor of this House when the matter is raised before them? How else can it be considered? (*An honourable member*: By the Speaker). The Speaker who is the repository of the functions of this House will be the authority to determine when a matter is raised. The difficulty that has arisen in my view is this. When you are to consider a certain conduct of a judge or of a magistrate which is not being considered by any court of law but which conduct arises in the course of trying a case, out of a matter that is before him but not connected with that matter—in the example I gave—then would I be or not be debarred from discussing it on the floor of



the House? The amendment says that if such a matter does arise, I should not be debarred from discussing it and it should not be considered to be *sub-judice*. That is the position. A matter which arises in a court of law regarding the conduct of a judge, which is not strictly relevant to the case that he is trying, is not *sub-judice*; therefore discussion is not barred on it, unless of course it becomes *sub-judice* in another case.

**Mir Maqbool Mahmood :** I am sorry to interrupt my honourable friend; but I want to make my own explanation. The position as I submitted and on which I hope there should be no misunderstanding is this. There is no difference as to what is and what is not *sub-judice*. If the matter is not under adjudication in a court of law, under rule 113, there is no bar. Now with regard to section 86, forgetting *sub-judice*, if the matter relates to a non-Federal Court or non-High Court there is no bar.

But if there is a so-called extra-judicial matter with regard to a Federal Court judge or a High Court judge and it is said that it is in the discharge of his duties, if the court holds that it is in the discharge of its duties, then the amendment here is *ultra vires* with regard to it, and if the court holds that it is not within its duties the question can be discussed, but even if the Federal Court holds that such conduct of a Federal Court judge or a High Court judge is within the discharge of his duties, there are rules in the Australian and Canadian Commonwealth with similar wordings which say that a question can be asked but no discussion can be allowed. I hope I have made my position clear and I am grateful to my honourable friend for the courtesy of allowing me to do so.

**Diwan Chaman Lall :** I am also grateful to my honourable friend, but the position is exactly where it was. The question is not whether the court holds it to be conduct in the discharge of his duties. This is not the point. No court has been called upon to hold that. But if a particular judge of a court does something which is not in the discharge of his duties and the matter is not *sub-judice* the question is whether it can be referred to here or not.

**Mir Maqbool Mahmood :** Certainly.

**Diwan Chaman Lall :** Suppose a particular judge of a High Court does something while trying a case which has nothing to do with the case that he is trying, suppose he loses his temper with a lawyer. You cannot discuss it. Is it competent for him to lose his temper in the discharge of his duties?

**Minister for Finance :** This has happened so often.

**Diwan Chaman Lall :** That is why the honourable member has moved this amendment.

**Mir Maqbool Mahmood :** It is *ultra vires*.

**Diwan Chaman Lall :** Who is to decide it?

**Mir Maqbool Mahmood :** The Speaker.

**Diwan Chaman Lall :** That is exactly what I am suggesting that a rule should be made that if it is the extra-judicial conduct of a judge which has nothing to do with the discharge of his duties as a judge in the case, we should be capable of discussing that extra-judicial conduct and there should be no bar to it under rule 113 (2).

**Minister for Finance :** Do you think rule 113 covers the High Court ?

**Diwan Chaman Lall :** My honourable friend asks whether the rule would cover the High Court also. It says—

‘The Speaker may disallow any resolution on the ground that it relates to a matter which is under adjudication by a court of law.....’

It covers all those judges.

**Minister for Education :** The matter before the judge and not the judge himself.

**Diwan Chaman Lall :** The whole point has resolved itself to this. The matter is before a particular judge. His conduct is not *qua* that particular matter. He makes a certain remark, let us say, which is not related to the case before him. What happens then ?

**Minister for Education :** His remark is not *sub-judice*.

**Diwan Chaman Lall :** Therefore it is capable of being discussed. That is exactly what the amendment says. The amendment makes it perfectly clear that the remarks have nothing to do with the case which is *sub-judice*. The rule proper says—

‘Every resolution shall be in the form of a specific recommendation addressed to the Government.

(2) The Speaker may disallow any resolution on the ground that it relates to a matter which is under adjudication by a court of law having jurisdiction in any part of British Indian.’

The reason why we are raising this point is that it has been held that no conduct of a judge in the course of a matter which is before him is capable of being discussed on the floor of the House.

**Raja Ghazanfar Ali Khan :** Held by whom ?

**Diwan Chaman Lall :** Held in the central legislature and I believe also on the floor of this House. Though it may have no reference to a particular case or to the conduct of a particular judge in the conduct of that case, we are not capable of discussing it here. If my honourable friend thinks that it is not so, why does he not then agree to the amendment ?

**Raja Ghazanfar Ali Khan :** It is unnecessary.

**Mir Maqbool Mahmood :** Will my honourable friend permit me to say one thing ? With regard to the conduct of a judge who is not a Federal Court judge or a High Court judge, there is no bar of any kind. With regard to the conduct of a High Court judge or a Federal Court judge even if you put this amendment it is *ultra vires*, because of section 86.

**Diwan Chaman Lall :** Extra-judicial conduct of a judge in the court shall not be disallowed. It would not be excluded even by section 86 (1). I submit that it is not possible to hold that as far as extra-judicial conduct is concerned it is not capable of being discussed. We are concerned with the High Court, and I submit that it can be, because section 86 (1) says that the conduct of a judge in the discharge of his duties is outside the purview of the legislature, but if it is extra-judicial conduct, how can it be within the discharge of his duties ? The moment he ceases to act judicially he ceases to act as a judge.

**Minister for Education :** He may be acting administratively.

**Diwan Chaman Lall :** My honourable friend has not seen the section. If he is acting administratively he is acting in the discharge of his duties.

**Minister for Education :** That is exactly what we are saying.

**Diwan Chaman Lall :** That is also exactly what we are saying (laughter). If, for instance, the judge is acting not in the discharge of his duties, he is acting extra-judicially ; if acting administratively or giving instructions, he is acting as a judge. My honourable friend says, as far as other judges are concerned their conduct is discussable but even there the same restrictions apply. My honourable friend says that if the conduct relates to a matter *sub-judice* then the Speaker will rule it out of order and we will not be in a position to discuss it. If it only relates to the extra-judicial conduct of a judge my honourable friend should accept the amendment as it has been proposed.

**Sardar Lal Singh** (Ludhiana Central, Sikh, Rural) : I have one or two very clear instances of extra-judicial conduct to give for the enlightenment of the Deputy Speaker who has created the confusion in this amendment. I would like to bring to his notice a very common instance of extra-judicial conduct. For example, a case is under trial in the court of a magistrate. It is rather an important case and he fixes a date and goes to the village and under cover of making enquiries presses those people to compromise the case with the police officials who are concerned. Now that matter of the magistrate trying to coerce the villagers into a compromise is not *sub-judice*, but it is certainly an extra-judicial matter which if brought for discussion in this Assembly on a day when the Honourable Deputy Speaker happens to be in the chair it will certainly be ruled out of order by him as a matter *sub-judice*. This is the point of this amendment, that such extra-judicial conduct of the judiciary should not be covered by these rules.

**Raja Ghazanfar Ali Khan :** On a point of order. I am afraid the remarks which my honourable friend has made against the Deputy Speaker are very uncharitable, if not altogether unparliamentary. He has said that if unfortunately the Deputy Speaker is occupying the chair and so on and so forth.

**Sardar Lal Singh :** I would not have said that at all if the Deputy Speaker had not held in so many words that such a conduct would not constitute the subject matter of resolutions which would be barred.

**Sardar Dasaundha Singh :** With your permission I want to say a few words.

**Mr. Speaker :** Under the rules can I give the requisite permission ?

**Pandit Shri Ram Sharma** (Urdu) : Will the Deputy Speaker be given the right of making a speech for the second time ?

**Sardar Dasaundha Singh :** I want to say a few words because certain misapprehension has arisen.

**Mr. Speaker :** Does the honourable member want to give a personal explanation or does he want to make a speech ?

**Sardar Dasaundha Singh :** With your permission I want to remove a misapprehension.

**Mr. Speaker :** I am afraid there is no rule under which I can allow him to make a statement.

**Sardar Partab Singh** (Amritsar South, Sikh, Rural) (*Punjabi*) : Sir, I hope that several prominent lawyers now sitting in the House will bear me out that whenever any case against the conduct of a police official is brought into a court of law the judge most reluctantly proceeds with the case if he does not dismiss it on the very first hearing. It has been seen in almost every such case that judges do persuade the plaintiffs that they should either withdraw or compound the case brought against the accused. If the judges have the right of using their discretion in matters *sub-judice*, the honourable members of this august House should also be given the right of discussing such matters on the floor of this House.

We daily see that those who fall victim to the tyranny and oppression of the police approach the law courts in the hope of getting justice at their hands. But it is a pity that these judges instead of redressing the wrong done to the plaintiffs coerce them either to withdraw the case or to settle the matter out of court with the police. All I want to say is that if the judges are at liberty to do in the court whatever they like, the honourable members of this House should also have the right of raising discussion on matters relating to any extra-judicial conduct of a judge in a court. With these remarks I strongly support the amendment tabled by my honourable friend Pandit Shri Ram Sharma.

**Mr. Speaker :** The question is—

That at the end of sub-rule (2), the following be added :—

‘But a resolution concerning any extra-judicial happening or extra-judicial conduct of a judge in court shall not be disallowed on the ground of being *sub-judice*.’

*The Assembly divided : Ayes 26 ; Noes 58.*

#### AYES.

Abdul Aziz, Mian.  
Ajit Singh, Sardar.  
Bhagat Ram Choda, Lala.  
Bhagat Ram, Sharma Pandit.  
Bhim Sen Sachar, Lala.  
Chaman Lall, Diwan.  
Chanan Singh, Sardar.  
Duni Chand, Lala.  
Duni Chand, Mrs.  
Hari Lal, Munshi.  
Hari Singh, Sardar.  
Harjab Singh, Sardar.  
Kabul Singh, Master.  
Kapoor Singh, Sardar.

Kartar Singh, Sardar.  
Lal Singh, Sardar.  
Muhammad Abdul Rahman Khan,  
Chaudhri.  
Partab Singh, Sardar.  
Prem Singh, Mahant.  
Raghubir Kaur, Shrimati.  
Rur Singh, Sardar.  
Sahib Dad Khan, Khan Sahib  
Chaudhri.  
Sant Ram, Seth, Dr.  
Shri Ram Sharma, Pandit.  
Sohan Singh Josh, Sardar.  
Sudarshan, Lala.

#### NOES.

Abdul Haye, The Honourable Mian.  
Abdul Rahim, Chaudhri (Gurdas-  
pur).  
Abdul Rahim, Chaudhri (Gurgaon).

Ahmad Yar Khan Daulatana, Khan  
Bahadur Mian.  
Ahmad Yar Khan, Chaudhri.  
Amjad Ali Shah, Sayed.

Badar-Mohy-ud-Din Qadri, Mian.  
 Chhotu Ram, The Honourable  
 Chaudhri Sir.  
 Dasaundha Singh, Sardar.  
 Faiz Muhammad, Shaikh.  
 Faqir Hussain Khan, Chaudhri.  
 Fateh Muhammad, Mian.  
 Fateh Sher Khan, Malik.  
 Fazal Din, Khan Sahib Chaudhri.  
 Fazal Karim Bakhsh, Mian.  
 Ghazanfar Ali Khan, Raja.  
 Ghulam Mohy-ud-Din, Maulvi.  
 Ghulam Rasul, Chaudhri.  
 Ghulam Samad, Khawaja.  
 Gopal Das, Rai Sahib Lala.  
 Gopal Singh (American), Sardar.  
 Gurbachan Singh, Sardar Sahib,  
 Sardar.  
 Hans Raj, Bhagat.  
 Indar Singh, Sardar.  
 Jagjit Singh Man, Sardar.  
 Jahangir Khan, Chaudhri.  
 Khizar Hayat Khan Tiwana, The  
 Honourable Nawabzada Major.  
 Kishan Das, Seth.  
 Manohar Lal, The Honourable Mr.  
 Maqbool Mahmood, Mir.  
 Mubarik Ali Shah, Sayed.  
 Muhammad Akram Khan, Khan  
 Bahadur Raja.  
 Muhammad Azam Khan, Sardar.  
 Muhammad Hassan, Khan Bahadur  
 Makhdum Sayed.  
 Muhammad Hayat Khan Noon,  
 Nawab Malik Sir.

Muhammad Hussain, Sardar.  
 Muhammad Hussain, Chaudhri.  
 Muhammad Nurullah, Mian.  
 Muhammad Saadat Ali Khan, Khan  
 Sahib Khan.  
 Muhammad Sarfraz Khan, Chaudhri.  
 Muhammad Shafi Ali Khan, Khan  
 Sahib Chaudhri.  
 Muhammad Wilayat Hussain Jeelani  
 Makhdumzada Haji Sayed.  
 Mushtaq Ahmad Gurmani, Khan  
 Bahadur Mian.  
 Muzaffar Khan, Khan Bahadur  
 Captain Malik.  
 Muzaffar Khan, Khan Bahadur  
 Nawab.  
 Nasir-ud-Din Shah, Pir.  
 Naunihal Singh Mann, Lieutenant  
 Sardar.  
 Nawazish Ali Shâh, Sayed.  
 Pir Muhammad, Khan Sahib  
 Chaudhri.  
 Roberts, Professor, W.  
 Shah Nawaz, Mrs. J. A.  
 Shah Nawaz Khan, Nawab Khan,  
 Sikander Hyat-Khan, The Honour-  
 able Major Sir.  
 Sultan Mahmood Hotiana, Mian.  
 Sundar Singh Majithia, The  
 Honourable Dr. Sir.  
 Tikka Ram, Chaudhri.  
 Ujjal Singh, Sardar Sahib Sardar.  
 Uttam Singh Dugal, Sardar.

**Mr. Speaker :** The question is—

That rule 113 be adopted.

*The motion was carried.*

#### Rule 114.

**Mr. Speaker :** The question is—

That rule 114 be adopted.

*The motion was carried.*

#### Rule 115.

**Sardar Hari Singh :** I beg to move—

That in part (a), line 1, between the words 'which' and 'he' the word 'case' be inserted.

*The motion was carried.*

**Mr. Speaker :** The question is—

That rule 115 as amended be adopted.

*The motion was carried.*

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*Rule 116.*

**Sardar Dasaundha Singh** (Deputy Speaker) : Sir, I beg to move—

That in lines 2-3 of proviso, for the words "member of Government" the word "Minister" be substituted.

*The motion was carried.*

**Mr. Speaker :** The question is—

That rule 116 as amended be adopted.

*The motion was carried.*

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*Rules 117 and 118.*

**Mr. Speaker :** The question is—

That rules 117 and 118 be adopted.

*The motion was carried.*

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*Rule 119.*

**Sardar Dasaundha Singh** (Deputy Speaker) : Sir, I beg to move—

That in line 1 of sub-rule (1) for the word "such", the word "an" be substituted.

*The motion was carried.*

**Mr. Speaker :** The question is—

That rule 119 as amended be adopted.

*The motion was carried.*

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*Rules 120—122.*

**Mr. Speaker :** The question is—

That rules 120 to 122 be adopted.

*The motion was carried.*

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*Rule 123.*

**Sardar Hari Singh** (Kangra and Northern Hoshiarpur, Sikh, Rural) :  
Sir, I beg to move—

That in line 2, the words "has or" be omitted.

The original rule 123 runs as follows :—

'When a resolution has been moved and has or has not been withdrawn no resolution or amendment raising substantially the same question shall be moved within six months thereof.'

My amendment wants to delete the words, "has or". Then the resolution would read as follows :—

'When a resolution has been moved and has not been withdrawn no resolution or amendment raising substantially the same question shall be moved within six months thereof.'

The idea behind the amendment is to make the rule in consonance with the present interim rule which protects the rights of minorities. The present interim rule 68 (1) runs thus :—

“When a resolution has been moved and has not been withdrawn with the leave of the Assembly no resolution or amendment raising substantially the same question shall be moved within one year.”

This interim rule is a better rule than the rule proposed in the draft rules.

Supposing a resolution was moved in January session and was withdrawn, that would mean that no resolution on the same subject can be moved in that session, but it can be moved in the February session because it would be a new session.

If you study the draft rules of the North-West Frontier Province, you will find a better rule there, and that rule runs thus :—

(1) When a resolution has been moved and has not been withdrawn with the leave of the Assembly no resolution or amendment raising substantially the same question shall be moved within one year.

(2) When a resolution has been disallowed or has been withdrawn under the rules, no resolution raising substantially the same question shall be moved during the same session.

That is a better rule than the rule proposed here. Further the proviso to that rule says :—

Provided that the Speaker after taking the sense of the House may allow any such resolution to be moved.

Even in the Sind rules, we have got a better rule on this point. It says :—

“When a resolution has been withdrawn with the leave of the Assembly, no resolution raising substantially the same question shall be moved during the same session.”

Now, under the present interim rule, a resolution is moved about the end of this session and it is withdrawn, then in the budget session, next year, a member can bring in an identical resolution and it can be discussed. But the present rule deprives a resolution being discussed, if it had been withdrawn. My idea is that supposing a member from the Government side moves a resolution and a discussion on it takes place for a few minutes and then as the discussion is not to the convenience of the Government Party it is withdrawn without giving any chance to the Assembly of discussing it thread-bare, then a member of the Opposition, wishing to discuss it in the same session, will not be able to bring that resolution according to the rule proposed. So, through this amendment, I want to make it in consonance with the present interim rule, so far as the discussion of resolution is concerned. Therefore I commend my amendment to the consideration of the House in order to protect the rights of the minority parties in this House.

**Mr. Speaker :** Rule under consideration, amendment moved is—

That in line 2, the words “has or” be omitted.

**Sardar Dasaundha Singh** (Deputy Speaker) : Sir, the important points to be noted in connection with this rule is whether the resolution has been moved or not, and if it has been moved whether it has been withdrawn or not ; in both these cases it stands on the same footing. The object of the amendment is that if a resolution has been moved but has been withdrawn afterwards, that resolution should not be affected by the operation of this

[S. Dasaundha Singh.]

rule. But my submission is that when a resolution has once been moved, whether it has been withdrawn or not, that does not affect its working. With these words I oppose the amendment.

**Diwan Chaman Lall** (East Punjab, Non-Union Labour) : The difficulty about all these matters is this that it seems sufficient thought has not been given by the Treasury benches to the amendments that have been proposed very ably by my friend Sardar Hari Singh. The point that has been raised is a very simple one. I am not laying down the law whether one proposition is right or the other. I want this to be understood. What is the point raised by Sardar Hari Singh? If you look at the rule with Sardar Hari Singh's amendment, it will read like this :

When a resolution has been moved and has not been withdrawn no resolution or amendment raising substantially the same question shall be moved within six months thereof.

Suppose a resolution is moved and has been withdrawn, even then in that case you are debarred from discussing this matter within a period of six months, according to the rule as it stands. The fear expressed by my friend is a very genuine fear. The other day we heard that notice of 2,000 resolutions was given by the Unionist Party with the result that the Opposition was unable to find any place in the ballot. The same thing happened at the last ballot. The Opposition found no place in the ballot. Suppose on a vital matter the Ministerial Party gets an opportunity of moving a resolution and actually moves a resolution which the Opposition desire to discuss, and immediately after moving it withdraws it—moves it and withdraws it. Then the Opposition would be debarred for six months under this rule from bringing up a resolution on the same matter before the House. You might move it but moving does not mean the discussing of the resolution. You move the resolution and withdraw it. What happens in that case is that the House is robbed of an opportunity of discussing an important matter with the result that that important matter by way of a resolution cannot come up before the House for six months. It is a thing that may possibly be done, and it is in order to avoid that particular procedure, of not pressing and wishing to burk discussion on the floor of the House on an important resolution, that this amendment has been moved by my friend Sardar Hari Singh.

**Lala Bhim Sen Sachar** (North-Western Towns, General, Urban) : I do not propose to say much but merely want to add one or two sentences to what has been observed by my friend Diwan Chaman Lall. Not that such a thing may happen, but the honourable members must know from their own experience that such a thing has already happened in this very House. You will be pleased to remember that during the last session there were some resolutions. Some of them stood in the name of the Opposition and others stood in the name of the members of the Unionist Party. We decided to save time by not saying much on the resolutions in our names so as to enable the resolution standing in the name of the member of the Unionist Party to be moved. You will remember that the resolution was an important one—it related to the discontinuance of nominations to local bodies. You will remember what happened. As soon as the turn of that resolution came the honourable member belonging to the Unionist Party in whose name the resolution stood got up and, without any remorse, quietly said, "I withdraw



the resolution." So that no chance was afforded for the purpose of discussion and without any chance it was withdrawn. It is with a view to prevent the abuse of the majority strength that is there that this amendment is sought to be incorporated.

**Mr. Speaker :** The question is—

That in line 2 the words 'has or' be omitted.

*The motion was lost.*

**Mr. Speaker :** The question is—

That rule 123 be adopted.

*The motion was carried.*

#### *Rules 124-25.*

**Mr. Speaker :** The question is—

That rules 124 and 125 be adopted.

*The motion was carried.*

#### *New Rules.*

**Sardar Hari Singh** (Kangra and Northern Hoshiarpur, Sikh, (Rural) : The first of the four new rules that I have in my name runs as follows :—

**Minister for Finance** (The Honourable Mr. Manohar Lal) : I rise to a point of order, as regards these rules. If you will see the frame of section 84 of the Government of India Act you will see that under this section a certain mandatory obligation is cast on the Governor to frame rules in his discretion in regard to certain matters. My submission is that where that obligation is cast on the Governor and because further since this very section 84 provides that the Governor's rule shall prevail and since further in other sections of the Act it is prescribed that any rules framed by the Governor in the exercise of his discretion will have overbearing validity, this section must be so interpreted that the jurisdiction of the Governor, the obligation that is cast on him to frame the rule with regard to particular matters must oust any power in this House to frame rules of procedure regarding those specific matters. It will be seen that one of the matters to which reference is here made under the proviso refers to securing "the timely completion of financial business. My submission is that if that be so, then no question of a concurrent jurisdiction on the part of this House can arise as regards such rules for the timely completion of financial business. You cannot interpret a section to say that while the section imposes a definite obligation on the Governor to make certain rules and gives those rules an absolutely prevailing authority that the section must simultaneously be considered as giving a concurrent jurisdiction to this House to frame rules also on that behalf. That would be repugnant to all principles and canons of proper interpretation of statute. (*A voice : Question*). You may question it. We must give a "reasonable interpretation" to a provision in an Act like the Government of India Act. My friend might argue that the expression 'timely completion of the financial business' has a restricted sense, that it does not cover all rules for the conduct of the financial business of the house. That is the utmost point that can be raised. The matter

[Finance Minister.]

has been examined by us ; we have carefully considered it and the rules are actually being framed *qua* financial procedure by the Governor. My honourable friend may read section 54 (1). The Governor's rules prevail. Therefore it is idle and meaningless that this House should also frame rules with regard to these very matters. I go the whole length of holding that any effort on our part in this House to frame rules will be wholly *ultra vires*. (Sardar Hari Singh : That is slavery). Such hard words are not going to get us out of the plain interpretation of an Act, call it slavery or what you like. Among the additional rules now proposed one is an actual re-production of the section of the Government of India Act. The very first section says "The Governor shall in respect of every financial year cause to be laid before the Chamber or Chambers of the Legislature a statement of the estimated receipts and expenditure of the Province for that year." The section embodies a very essential principle of constitutional practice. That is this, that the initiation of finance in the shape of revenue or expenditure must proceed from the Crown or the executive. It is not open to a legislature to initiate proposals for expenditure during the year or for the matter of that proposals for revenue, and therefore it is that the Government of India Act provides, in giving expression to that well established principle, that the Governor shall in respect of every financial year cause to be laid before the chamber or chambers of the legislature a statement of the estimated receipts and expenditure. The rule proposed here while embodying more or less the language of the section says :

The annual financial statement or the statement of the estimated receipts and expenditure of the Province in respect of every financial year (hereinafter referred to as the Budget) shall be presented to the Assembly on such day in the preceding financial year as the Governor may appoint.

In other words the rule following the language of a particular section takes away from the purview of the executive an essential power which must remain in the executive. It is one of the most firmly established principles ; and then it will be apparent that the other additional rules that follow are about the stages of discussion on the budget and the time to be given to the discussion. Another rule, rule 125 (1) and (2) as proposed here would be directly covered, whatever the narrow limits within which one may wish to interpret the words, "the timely completion of financial business," by the proviso to section 84 (1) laying a definite mandatory obligation on the Governor in his discretion. General discussion and voting of demands for grants definitely fall under this provision of timely completion of financial business. Besides, 'timely completion of financial business' is a technical expression which must not be given a narrow interpretation. It covers, if not all rules of financial procedure in order to complete our work, a large part of them. So, these rules which are suggested to be added as rules are unnecessary, are *ultra vires* and will have no validity whatsoever in face of the many provisions of the Government of India Act.

**Lala Duni Chand :** Section 84 also gives powers to the provincial legislatures to make rules. Under what specific circumstances then can a provincial legislature exercise those powers ? I quite see the point raised by the Finance Minister, that it is binding on the Governor to make rules. But similar powers have also been given to the legislature. My honourable friend cannot say, under no circumstances can those powers be exercised.

**Finance Minister :** The duty cast on the Governor to frame rules is regarding only certain matters. The details will be seen in paragraphs (a) to (d) of section 84, and the Governor in his discretion must frame rules *qua* these matters and those rules will prevail. It follows as a matter of necessary implication, that is the only admissible interpretation of the section, that such power as resides in this House to frame rules of its procedure must be power other than what the Governor in his discretion is to exercise under the section. (*An honourable member :* The language does not warrant that). One must place a proper interpretation. Here the Governor in his discretion is definitely asked to frame rules, and his rules must prevail, so, that section at any rate must be construed as if the duty is entirely entrusted to the Governor. It is a question of interpretation. We must not so interpret the section that the Governor must frame rules, and yet we also, as an unnecessary speculative enterprise or in the abundance of our wisdom, must launch upon a wholly useless and, if I may say so, incompetent course.

**Sardar Kapoor Singh** (Ludhiana East, Sikh, Rural) : The Honourable Finance Minister, instead of opposing or supporting these amendments has greatly stressed upon the interpretation of section 84 of the Government of India Act. He has admitted in his speech that there is a power given to the legislature to make rules about the business and procedure of the Legislative Assembly and at the same time he says that the Governor has power to make such rules especially for securing the timely completion of the financial business. That has to be admitted. There can be no doubt that there is a co-jurisdiction and there is co-power. At the same time it is only when the Governor makes the rules, that those rules shall override the rules made by the legislature when the two sets are inconsistent. But as far as we know, no rules have been framed by the Governor, while on the other hand the legislature is now busy framing certain rules. It is just possible that the rules framed by the legislature might be consistent with the rules which will be framed by the Governor. So, it is only in case that the amendment proposed by my honourable friend, Sardar Hari Singh, is inconsistent with the rules framed by the Governor, that the Governor's rules shall have the over-riding authority and these rules framed by the legislature shall not have any effect.

But I still doubt whether the rules which when framed by the Governor, even if to some extent different from the rules framed by the legislature can over-ride these rules framed by the legislature. It is only in a case where the rules framed by the legislature are *ultra vires* that the rules framed by the Governor shall take effect. The amendments proposed by my honourable friend Sardar Hari Singh are not such that it will not be possible to secure the timely completion of the financial business. It is only in that case that such amendments shall be out of order, if they hinder the securing of the timely completion of the financial business, but you will find on the other hand from these amendments that they are simply for appointing time for the presentation of the budget and the discussion of the budget and the discussion of various demands. At the same time you will find that all these things can be done within the appointed time. In my opinion the amendment as moved by my honourable friend is not in any case *ultra vires* and especially when we know that so far no rules have been framed by the Governor.

5 P. M.

**Diwan Chaman Lall** (East Punjab, Non-Union, Labour) : The point that has been raised by the Honourable Finance Minister is of very great constitutional importance. Whether he is right or the legal luminaries that have been consulted by the Government of the Punjab are right or whether we are right, he must realise that the repercussions of the proposition that he is laying before the House are of a very serious nature and before the House comes to a decision, (as far as we are concerned, we have already come to a decision), and before the Honourable Minister and his Government come to a decision in regard to this matter I do hope that they will carefully consider the full implications of what they are suggesting. It is being suggested, that in regard to a most important portion of our work as legislators constituted under the Government of India Act, no rules can be made by us and that all rules shall be made by the Governor, by which my honourable friend may mean either the Governor acting in his discretion or in his individual judgment. If this is the proposition, I do submit that it is a most amazing proposition to put before the House, that we are not competent to make rules here on the floor of the House in regard to the financial business which ought to be the main portion of the business of any legislature, the rules relating to taxation, the manner of presenting that taxation to us or the manner in which that taxation is going to be levied and the rules pertaining thereto, the manner of presenting the budget and discussing the budget, the manner of dealing with other financial items which are within the purview of the legislature; and that we have met here merely to draft a few rules about resolutions and how ordinary Bills should be drafted and how adjournment motions should be made; and that the main proposition namely whatever affects the finances of our province, whatever rules can be made in regard to the finances of the province are outside the purview of this legislature and outside the authority of us here assembled in this Legislative Assembly. This proposition I submit is a most extraordinary proposition. I want to ask my honourable friend two questions to begin with. One is, has he consulted the rules made in the other provinces in regard to these particular matters? May I ask him if he has consulted these rules? Take for instance the North-West Frontier Province. There he will find it is the Speaker's committee which has made these rules and they are not the Governor's rules. The rules relating to this particular matter in the North-West Frontier Province is rule 114 and if this poor miserable little province on the frontier, Pathans who are not supposed to be great constitutional lawyers or great financiers, if they could sit and make rules relating to the procedure to be adopted in financial matters, what is there to prevent the honourable members of this House from making similar rules? Rule 114 is practically word for word the same rule which is now being proposed by my honourable friend Sardar Hari Singh.

"The annual financial statement or the statement of the estimated receipts and expenditure of the province in respect of every financial year shall be presented to the Assembly on such day of each preceding financial year as the Governor exercising his individual judgment may appoint."

May I ask my honourable friend, if it is a fact that when in the Frontier this has been done why it cannot be done here? If no constitutional objection has been raised in the Frontier why should constitutional objection be raised here? To return to the merits of the proposition. Even if there is a province in India which mistakenly has gone and done what my

honourable friend suggests that we should do, or rather we should be prevented from doing, I submit that we should now follow that example, because constitutionally and legally that example can not only be wrong but would be detrimental to the interests of provincial autonomy. What are the merits of the proposition which my honourable friend has placed before us? He has referred to section 84 of the Government of India Act. Mr. Speaker, it is worth while considering the provisions of section 84 carefully. It does not say that we cannot make rules regarding the financial business of this House. Where does it say so? Where from does the Honourable Member derive the authority to lay down a wide proposition of this nature that we are prevented from making rules regarding the financial business of this House? It says—

“A Chamber of a Provincial Legislature may make rules for regulating, subject to the provisions of the Act, their procedure and the conduct of their business.”

It is a general proposition that we can, subject to the provisions of this Act, make rules to govern the conduct of our business whether it is ordinary constitutional business or whether it is legislative or whether it is financial business. But there are certain restrictions laid down and I am going to enumerate each one and I am going to ask my honourable friend to point out any restrictions which prevent me from dealing with the financial rules on the floor of this House or proposing such rules. The first restriction is—

“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.”

This is one part. I take it from my honourable friend that that is not a section which prevents us from dealing with the procedure to be laid down in financial matters. Then we come to (c). I am leaving out (b) for the moment—

“For prohibiting the discussion of, or the asking of questions on, any matter connected with any Indian State, unless the Governor in his discretion is satisfied that the matter affects the interests of the Provincial Government or of a British subject ordinarily resident in the Province, and has given consent to the matter being discussed, or to the question being asked.”

Then we come to (d)—

“For prohibiting save with the consent of the Governor in his discretion—

- (i) the discussion of or asking of questions on any matter connected with relations between His Majesty or the Governor-General and any foreign State or Prince;”

Then there is clause (b) which says that the Governor shall in his discretion after consultation with the Speaker or the President as the case may be make rules—

“For securing the timely completion of financial business.”

That is all. To secure the timely completion of the business. It does not mean that the budget shall not be presented in a particular way. Where does the rule say timely completion of the business also means that the budget shall not be presented in two parts? It merely means that the

[Diwan Chaman Lall.]

Governor has the authority and the right in consultation with you, Mr. Speaker, of laying down a particular rule according to which he shall prescribe that by such and such a date or in such and such a manner you shall complete your business by such and such a time. 'Timely completion of business' merely means that the financial year must close at a particular time; that the business regarding financial matters must be completed by a certain time, i.e., we should not overstep the financial year. It means nothing else but a time limit being placed regarding the completion of that business—not the conduct of the business. Where does the rule say about the conduct of that business? It says completion of that business and not conduct of that business and surely my honourable friend will see the valid inference that is to be drawn with respect to this clause (b) of section 84. It means that if there are certain rules made by us which are not conducive to the completion of financial business by a particular time, the Governor can make rules for us and if his rules are inconsistent with ours, then his rules will prevail. That is what it comes to. I quite admit that we would have had no right if that section had stated that the Governor is empowered, in consultation with you, Mr. Speaker, to make rules for securing the timely completion of financial business and the manner of completing that business or the conduct of that business. I do not think the framers of the Act have been so foolish as to give so much of authority over the vital matters that concern us—namely finance—to the executive—rather not to the executive but to one man who acts as Governor of the province. I do not think that it could have been possible that they would have contemplated a thing like this and any such interpretation that is sought to be put upon this particular sub-section of section 84 is, I submit, constitutionally wrong and legally incorrect. If my honourable friend can show nothing more than this that the Governor is empowered to order, in consultation with you, the framing of the rule for the timely completion of financial business, then Sardar Hari Singh's amendment is in order and we are capable of framing rules for the Government for financial business of this House; otherwise I ask, what sort of farce would it be? Have we met here merely to move adjournment motions or to present a few resolutions to Treasury benches which they do not like to consider or to give notice of Bills which they consider are of no value, of no importance—they would not even allow us to discuss them before this House or outside—is it for that reason that we have met here? We have met here to deal with the finances of this province, and if we have met to deal with finances of this province which affect the welfare of the people, then is it to be considered that we have no right to frame our own rule as to how the finances of our province are to be considered? It is an unthinkable proposition both from the legal and from the constitutional point of view. I am amazed, Mr. Speaker, that honourable members opposite—the ministerial party now in charge of the destiny of this province—should be so lax in their desire for provincial autonomy or in their desire to assert for rights. (Mir Maqbool Mahmood: Wait for our views.) I am very glad that although the Minister for Finance—or the second Minister in the province—has given his views, my honourable friend Mir Maqbool Mahmood does not consider the Finance Minister's views to be important. He considers his views to be the views of the Unionist.

Party. I am amazed at the proposition but let the Unionist Party get what solace they can out of his statement. The views have been categorically stated with legal acumen, with constitutional propriety, with all the knowledge and the sweetness and charm of knowledge which my honourable friend the Honourable Minister for Finance possesses, and yet, what do we find? I say deliberately that it is an amazing proposition that my honourable friend should be so lax in considering that we are incapable of drawing the last drop of blood out of the wretched Act that we should surrender the one great authority that is given to us, that is, to make rules regarding the financial business of the House. If they have taken legal opinion I would like to see what legal opinion it is. They must realise that if this interpretation is given by them, then a suit would lie for the interpretation of this particular section and the Opposition would take every step that they can, legally and constitutionally, to vindicate the authority of this House to make rules of procedure governing the conduct of financial business. We are making a present to the Governor and executive authority to do exactly what they like *qua* this one single matter *viz.*; timely completion of financial business. They can prescribe a time limit, they can say on such and such a date you can discuss it. They can say, "you can discuss it for twenty-nine days and on the thirtieth day you must pass your budget or not pass your budget." You can say that, but beyond that what can you say under the Act? Beyond that you can say nothing. You can give no further authority to the Governor or the executive. The authority rests here in the House, it is for the House to make rules regarding conduct of financial business and if there is any conflict in the rules that we are making regarding timely completion of financial business, the Governor can step in and make a rule himself and if that rule is inconsistent with the rules we are making, his rule will prevail. But that is the limit of the authority that he can exercise with regard to the powers that we possess to make rules to govern the financial business of the House. I appeal to my honourable friend, I see that he is in deep consultation (*Minister for Finance*: I am absolute attention to you). My friend is certainly abler than I considered him to be. What I want him to consider is that this is a matter of very grave importance which affects my honourable friend also. It may be that as far as the Governor is concerned, the Governor and the Premier may be one or the present Government and the Governor may be one. There may not be any differences of opinion between the two. It may be and it seems that it is so. Whatever one says the other does. Whatever one suggests is done with the concurrence of the other. It may be that there is a happily united family and there is no difference of opinion between them because of lack of opinion on one side but a contingency may arise where the Government of the day may want to assert constitutional rights of the people of the province, then we would be faced with *fait accompli*. My honourable friends over there say, "We have no right, we are the henchmen, the master is sitting somewhere else who has the right to prescribe these things and we are henchmen who have no authority to deal with these matters." They should act like men and I want them to assert their right. I am sorry that the Honourable Minister for Finance should have raised this particular question. "What will happen if the Governor makes rules which will over-ride those rules?" Let him over-ride our rules, but why do you want to over-ride all authority.

[Diwan Chaman Lall.]

by making this suggestion? Let the rules be over-ridden, but assert your right. (*Minister for Finance*: Have we the right?) Well, assert and see if you have. Why do you give way so easily? Why are you afraid of the power and authority of the Governor. Be a little more assured of your own position, assured of your own power and authority and when you are assured of your authority, assert that authority and do not raise any unnecessary doubts which legally may be of no value at all and constitutionally are certainly of a disgraceful nature. You have authority to make your own rules regarding your financial business. If the Governor challenges it accept that challenge and abide by the result. Do not come with the defeatist mentality and say you have no authority because it is laid down in the Government of India Act. If you have that authority may I ask you to look at the amendment. It says—

The annual financial statement or the statement of the estimated receipts and expenditure of the province in respect of every financial year (hereinafter referred to as the Budget) shall be presented to the Assembly on such day in the preceding financial year as the Governor may appoint.

What is there to affect the timely completion of the financial business? Is there anything inconsistent with section 84 (1) (c) which requires the timely completion of financial business. How can it be out of order if it is not in contradiction with the actual phraseology or actual meaning of section 84 (1) (c). The amendment further says—

The Budget shall be dealt with by the Assembly in two stages, namely :—

- (i) A general discussion, and
- (ii) the voting of demands for Grants.

Can any reasonable man assert that the passing of the amendment, namely, that the budget shall be dealt with by the Assembly in two parts—general discussion and voting of demands for grants—is in any way inconsistent with the authority of the Governor to state that he shall see that the financial business of the House is completed in time? Where is the inconsistency? How is the moving of the amendment out of order even if you consider the full implications of section 84 (1) (c)? Then the third amendment says—

On days to be appointed by the Governor subsequent to the day on which the Budget is presented, and for such time, not less than three days, as the Governor may allot for this purpose, the Assembly shall be at liberty to discuss the Budget as a whole or any question of principle involved therein, but no motion shall be moved at this stage nor shall the budget be submitted to the vote of the Assembly.

My honourable friend raises the bogey of the purview of the executive. Where is the purview of the executive taken away, may I ask? My honourable friend referred to rule 125-A which says—

The annual financial statement or the statement of the estimated receipts and expenditure of the province in respect of every financial year (hereinafter referred to as the Budget) shall be presented to the Assembly on such day in the preceding financial year as the Governor may appoint.

Here again where is the purview of the executive taken away? The language of the amendment is clear and the language of the Government of India Act is absolutely clear and I do submit that both on grounds of legality as well on grounds of constitutional propriety my honourable



friend should stand like a man and suggest that he has the right to make rules of the nature no matter what the Governor may do in his discretion which does not apply to the authority to make rules regarding financial business.

**Mir Maqbool Mahmood** (Parliamentary Secretary): Sir, the first point raised with regard to this amendment is whether it is or is not *ultra vires*. That question involves the interpretation of the Act and on that matter I hope my honourable friend the Finance Minister will forgive me that on one aspect of the interpretation I do not in my personal capacity agree with him. This question was discussed by us in the draft rules committee and the position which after a great deal of consideration I personally took was that so far as section 84 stands we are not debarred from drafting rules with regard to the procedure about budget or grants so long as they are permissible under other provisions of the Act and do not clash with any rule which the Governor may later frame with regard to the timely completion of the financial business. The difficulty that came in my way is this. Granting that we have the right to frame rules, who is to decide or interpret as to what this expression 'securing timely completion of financial business' means? In this matter unfortunately we are up against one of the most unfortunate features of the Government of India Act, i.e., sub-section (3) of section 50. It says—

If any question arises whether any matter is or is not a matter as respects which the Governor is by or under this Act required to act in his discretion or to exercise his individual judgment, the decision of the Governor in his discretion shall be final, and the validity of anything done by the Governor shall not be called in question on the ground that he ought or ought not to have acted in his discretion, or ought or ought not to have exercised his individual judgment.

That is unfortunately the section which stands in the way of our interpreting the timely completion of financial business as we desire. Therefore the way in which I interpret the law is this that we are not debarred from framing the rules with regard to financial business but if the Governor in his discretion frames any rules which clash with our rules on the question and he says that his rules are correct according to his interpretation of the clause, then we must give way. That is the legal position. Therefore I submit that from the point of view of convenience it is for the House to decide whether we should frame our rules, which, if they clash with the rules framed by the Governor will mean stigma of inferiority complex to our rules; or whether we should wait and watch if the Governor frames certain rules. There is another safeguard. I would refer to section 84 of the Government of India Act where the proviso definitely gives power to the Governor to frame rules in consultation with the Speaker, and reference to the Speaker here is obviously for the purpose that the Speaker should with due deference submit to His Excellency his own views and the views of the House. The Speaker when discussing the matter with His Excellency will have his say. Otherwise, what is the use of this proviso? But the final word must rest with His Excellency in his discretion. What we are agreed is this that the House has the right to frame rules so long as they do not touch timely completion of the business. If we frame any rules which clash with the rules which the Governor frames, then our rules have no value. Now, Sir, the amendment of my honourable friend will find place in clause (b) and that clause definitely lays down that certain financial

[Mir Maqbool Mahmood.]

matters will be completed in certain time, for instance, 3 days, 5 days or 15 days. Supposing you frame a rule fixing not less than 3 days, then the Governor to-morrow may frame a rule that in certain matters it will be not less than 15 days, and I think nobody will say that the Governor is not within his rights to do so. The House can frame rules and so can the Governor for the purpose of timely completion of the financial business, but if there is any conflict, the Governor's rules would prevail. Section 50 of the Government of India Act gives the power of decision to the Governor.

**Lala Bhim Sen Sachar :** On a point of order Sir. Are we not really discussing the amendment on the merits without giving the mover a chance to move? The point before the House is whether these rules are in order or not? We have to confine the discussion merely to that point. My honourable friend has conceded that we have a right to make rules.

**Mir Maqbool Mahmood :** The position, I admit, is this that so far as passing of these rules and taking into consideration of the amendment is concerned, my personal view is that we are in order. But as a matter of convenience, we should wait and not frame rules which might be overridden. This is a matter on which opinions may differ. We should allow His Excellency the Governor to frame rules and then we can supplement them if desired.

**Dr. Sir Gokul Chand Narang** (West Lahore Division, General, Rural) : Sir, what I want to say in support of the proposition that has eloquently been laid before the House, has really been expressed by my honourable friend, Mir Maqbool Mahmood. The question has two aspects—one is jurisdiction and the other is propriety. It has been admitted that this House has jurisdiction, so I need not labour that point. There is evidence in the section itself that this House has jurisdiction and Mir Maqbool Mahmood has been fair. He could not be otherwise on a point of law. It is obvious that this House has jurisdiction. I was really surprised, when I heard a remark made by the Honourable Finance Minister—who raised this hare (*Laughter*)—that this House has no power to do so. It was that remark really which made me decide in my mind to get up and say a few words in support of the views expressed by my honourable friend, Diwan Chaman Lall. So far as the question of jurisdiction of this House is concerned, there is absolutely no doubt and Diwan Chaman Lall and Mir Maqbool Mahmood are perfectly right, so far as that aspect of the question is concerned.

Next is the question of propriety. Well, there I venture to disagree with my honourable friend, Mir Maqbool Mahmood and I must agree with Diwan Chaman Lall. I must say that we should not refrain or abstain from exercising the power which has been given to us under the Act. If His Excellency the Governor frames any rules and if any of those rules is in conflict with the rules framed by this House, it is clear that the rules framed by the Governor shall prevail and any member of this House can have and will have no grouse over that matter, because it is purely a question of law and not a question of discretion or a question of dignity or anything of that kind. I was surprised when Mir Maqbool Mahmood was pleased to raise the question of inferiority complex. Inferiority complex, I think, is a state of mind and not the result of limitations on one's powers. It is a state

of mind, something psychological rather than legal. These gentlemen have no inferiority complex so far as the Act and its letter and spirit are concerned. If the law allows a higher authority to dissent or veto anything decided by this House, there is no question of inferiority complex. If that is the view then this House should not deal with any Bills, because the Governor has the power to veto any Bill and the labour of this House may be wasted. At this rate we may leave everything to the Governor and request him. 'You are our *mai-bap*, you can frame any rules you like because if we frame any rules, you may veto them, therefore we do not want to frame any.' This should not be the mentality of this House. Let us do our duty without fear or favour and let the Governor do his.

**Malik Barkat Ali** (Eastern Towns, Muhammadans, Urban): Sir, the interpretation which the Honourable Finance Minister seeks to place on section 84 of the Government of India Act is extraordinary indeed. If I understand my honourable friend correctly, his contention is that this House has no power to frame rules regarding its financial matters.

I will draw your attention to section 84. Section 84 clause (1) gives us the fullest and most plenary powers in regard to all matters which fall within the business of this House.

**Mr. Speaker** : Subject to the provisions of the Act.

**Malik Barkat Ali** : Yes, I am coming to that. My honourable friend would agree with me that we have the fullest powers under section 84 clause (1). I will then deal with the proviso which follows. This proviso follows, because Parliament in its wisdom has not chosen to give the fullest powers of autonomy to provincial Governments. If we had got complete provincial autonomy, our powers would be absolutely unlimited and plenary. But special powers in curtailment of autonomy have been lodged in the Governors of various provinces. They have these powers according to the proviso in matters mentioned in clauses (a), (b), (c) and (d). According to clause (a), in regard to matters within the discretion of the Governor or in regard to matters where the Governor is required by Statute to exercise his individual judgment, certain powers have also been lodged in him. It does not mean that we are deprived of the powers in regard to those matters. Our powers are there, but our powers are made subject to such rules as the Governor may later make, because the proviso says :—

“ If and in so far as any rule so made by the Governor is inconsistent with any rule made by a Chamber, the rule made by the Governor shall prevail. ”

This is conclusive on the point that this House has power to make rules in regard to the matters mentioned in these various clauses.

Now coming to clause (b). This clause is really irrelevant so far as the present discussion is concerned. What it really lays down is that the Governor shall have power to make rules

for securing the timely completion of financial business.

It shows that special powers have been entrusted to the Governor under this clause to frame rules for securing the timely completion of financial business. What does this clause mean? It simply means that if the House refuses to complete the discussion of the budget in time or carries on its debates

[ Malik Barkat Ali. ]

unendingly day by day, or proves obstructive or recalcitrant, a deadlock would occur. So to resolve the deadlock, an extraordinary power has been vested in the Governor, namely, that he shall have the power to fix a date by which the budget shall be passed. But this power does not affect our right to frame rules for our financial procedure. The contention that we have no powers at all to frame rules for the discussion of the budget, because the Governor has been given special powers for securing the timely completion of financial business, which is a much smaller and limited matter, is absurd and utterly without foundation.

Now, I turn to clause (c). It says :—

“ Governor shall make rules, for prohibiting the discussion of, or the asking of questions on, any matter connected with any Indian State..... ”

This House has got the power to make rules but the Governor can impose his veto on them and he can say, ‘ I prohibit the discussion’. This is the special power given to the Governor to prohibit the discussion. It does not mean that we cannot frame rules regarding the discussion of these matters.

Similarly, clause (d) says :—

“ any matter connected with relations between His Majesty or the Governor-General and any foreign State or Prince; or, any matters connected with the tribal areas.....; or, the personal conduct of the Ruler of any Indian State..... ”

These clauses by no manner of means can furnish any warrant for the view that the powers of this House initially to frame rules in regard to financial business have been curtailed or that the House cannot frame rules. Reference has been made by my learned friend from Amritsar to section 50. My submission is that section 50 has no connection whatever with the question that we are discussing now. All that sub-clause (3) of section 50 says is this :

“ If any question arises whether any matter is or is not a matter as respects which the Governor is by or under this Act required to act in his discretion or to exercise his individual judgment, the decision of the Governor in his discretion shall be final.”

May I respectfully ask my learned friend to point out to me any section or provision of the Government of India Act in which it is laid down that securing the timely completion of financial business is a matter within the discretion of the Governor? We know very well that under the scheme of this Act certain matters have been placed within the discretion of the Governor. They are so many. Similarly, there are matters in regard to which the Governor is required to exercise his individual judgment. These are so many detractions and so many subtractions from provincial autonomy. These are matters of which the Governor is certainly the final judge. But what has that to do with the question that we are discussing here? The only section which is pertinent is section 84, and no other section of the Government of India Act is pertinent to this discussion. It does not require any legal acumen to come to any other conclusion in the light of the clear enactment in the section itself that in the event of rules made by the House not being identical with the rules made by the Governor, the rules of the Governor shall prevail. There are powers of legislation residing in this House. Ther

are powers of legislation in regard to those very matters in the Federal Assembly—concurrent powers—but it does not mean that because there are concurrent powers lodged in the Governor or in the House or in the Federal Assembly and the provincial legislatures, therefore the House stands deprived of all authority. The contention put forward is most novel, is most extraordinary, and considering the fact that the power of the purse is the most important power of any elected House in any legislature of the world and considering also that this contention will deprive this House of its right to regulate procedure in regard to this most important matter of the purse, I respectfully submit that the contention of the Honourable Finance Minister is utterly baseless. Fortunately the question under discussion is not a question of fact, it is a question relating to the interpretation of the law, and I am confident that the interpretation suggested by the Honourable Finance Minister—such a novel interpretation, such an extraordinary interpretation and such an unheard of interpretation—will not find favour with you, Mr. Speaker.

**Mr. M. Sleem** (Advocate-General) : At the present moment the only question before the House is whether these rules are *ultra vires* or not. The question whether they should or should not be passed would be discussed later, and, therefore, at this stage I am only approaching it from that point.

The point before you is this. Under section 84 (1)—

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.

It has not been contended that the section says that these rules would be *ultra vires*. What has been contended is this, that because the section goes on to say that in certain matters the Governor shall in his discretion make rules, etc.,—and the clauses are given—therefore because of that proviso these rules are *ultra vires*. What does 'provided that' mean? All that it means is, subject to the provision. In other words the section reads as follows—A Chamber of a Provincial Legislature may make rules for regulating the conduct of their business, subject to this provision that the Governor is bound to make rules on some matters. I do not read the words 'provided that' to mean 'except that' and that, I submit, is the answer. I submit that these rules are not *ultra vires*, because the words are 'provided that' and not 'except that.'

I am not dealing with the other point that has been raised by some of the honourable members, namely, the conflict that might arise between the rules made by the Governor and the rules made by this House with reference to the interpretation of section 50, because I feel that that is out of place at this stage. (*Loud cheers from Opposition benches.*)

**Mr. Speaker** : There are one or two points to which I wish to invite the special attention of the Honourable Minister, whose ability and soundness, as a lawyer and economist, are admitted. His contention is two-fold : namely, (i) that only the Governor has the right and privilege to make rules on matters enumerated in parts (a), (b), (c) and (d) of the proviso to section 84 (1). I regret to say that, in my humble opinion, this interpretation is not supported by the language of the section.

[Mr. Speaker.]

There can be no doubt that under the proviso the Governor has the power to make rules; but the Assembly also is empowered by sub-section (1) of section 84 to make rules for the conduct of its business and for regulating its procedure, including the rules of financial business. The last part of sub-section (1) clearly lays down that if there is any conflict or inconsistency between the rules made by the Governor and the Assembly, the Governor's rules shall prevail. This provision conclusively shows that both the House and the Governor have concurrent power to make rules about certain matters. It is commonsense that there can be no inconsistency in rules unless there are at least two rules or sets of rules. It goes without saying that in case of conflict or inconsistency the Governor's rule shall prevail as against the rule of the Assembly.

The Honourable Minister was pleased to remark that His Excellency's powers were so wide and so comprehensive that there was no possibility of any rules being made by the Assembly. He observed that the expression "securing the timely completion of financial business" in part (b) of the proviso covered all kinds of rules about financial matters. But I respectfully differ. "The timely completion of financial business" is only one aspect, though a very important aspect, of "financial business." The opening words of parts (a), (b), (c) and (d) of the proviso clearly indicate the intention of the framers of the proviso. If their intention was, as stated by the Honourable Finance Minister, for the words "for securing the timely completion of financial business," they would have used the words "for regulating the procedure and conduct of financial business by the Assembly." I have no doubt, therefore, that sub-section (1) of section 84 clearly gives power to the Assembly as well as to His Excellency the Governor, to make rules about certain matters. I, therefore, rule that Sardar Hari Singh's amendments are in order. (*Applause.*)

**Sardar Hari Singh** (Kangra and Northern Hoshiarpur, Sikh, Rural) :  
Sir, I move—

That after rule 125 the following new rule be added :

"125-A. The annual financial statement or the statement of the estimated receipts and expenditure of the Province in respect of every financial year (hereinafter referred to as the Budget) shall be presented to the Assembly on such day in the preceding financial year as the Governor may appoint."

I am grateful to the ruling given by you and it was quite unnecessary on the part of the Finance Minister to have raised this point of order when you clearly stated only yesterday that the House had the power to frame rules over the entire field of administration. After your clear ruling on this point that the House has got the power to frame rules to regulate the conduct and transaction of financial business on the floor of this House, the only possible argument of those who take it into their head to oppose these rules may be this. The Governor has got the right to frame rules, the House has got the right to frame rules in the same sphere. But why should the House frame rules when those rules are going to be overridden by the Governor? When the Government of India Act was passed there was a hue and cry all over the country, there was a mighty agitation against this Act and it is still continuing. The people of India said that this Act is not going to give us self-government.

**Mr. Speaker :** The honourable member is irrelevant.

**Sardar Hari Singh :** I am discussing the necessity of passing these rules, that is, in order to widen the liberty of this House. I am discussing that this House should frame these rules and not allow some extraneous authority to frame rules for us.

**Mr. Speaker :** New rule moved is —

That after rule 125 the following new rule be added :

"125-A. The annual financial statement or the statement of the estimated receipts and expenditure of the Province in respect of every financial year (hereinafter referred to as the Budget) shall be presented to the Assembly on such day in the preceding financial year as the Governor may appoint."

**Premier (The Honourable Major Sir Sikander Hyat-Khan) :** Sir, I am glad that you have by your ruling made it quite clear that it is not *ultra vires* of this House to frame rules and that our powers and jurisdiction are not going to be trenched upon. I would have even gone further and suggested that if there was any doubt, the benefit of the doubt should have been given in favour of the rights of this House rather than in favour of the Government.

6 P.M.

**Mr. Speaker :** May I invite the attention of the honourable mover of the rule as well as of the other members of the House to one point. Under section 84, the power of the Governor to make rules is in the exercise of his individual judgment as well as in his discretion. The proviso says—

"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."

In part (a) of the proviso the word "discretion" as well as the word "judgment" are used. It is clear, therefore, that all rules which the Governor makes under this section are in his discretion or in the exercise of his individual judgment. Consequently, I suggest that the words "in his discretion" or "in the exercise of his individual judgment" may be added, otherwise the word "Governor" might be interpreted as "Government".

**Minister for Finance :** These words were there in the interim rules but have been dropped out deliberately.

**Mr. Speaker :** The interim rule 38 says—

The annual financial statement or the statement of the estimated receipts and expenditure of the province in respect of every financial year hereinafter referred to as "the budget" shall be presented to the Assembly on such days in the preceding financial year, as the Governor exercising his individual judgment may appoint.

**Sardar Hari Singh :** I accept your suggestion and insert these words "exercising his discretion".

**Premier :** Why take the odium of having your own words? Why not use these very words, so that there is no fear of courting any rebuff? Adopt these words which appear in the interim rules. Lift that rule bodily from there and put it here.

**Mr. Speaker :** Does the honourable mover agree?

**Sardar Hari Singh :** Yes.

**Mr. Speaker :** The rule says 'in his individual judgment', but I think 'discretion' will be better and perhaps more legal.

**Premier :** I would submit that I strongly object to that word because there is a great deal of difference between 'individual judgment' and 'discretion'. It is a technical term. 'In his discretion' means that the Governor can take his decision without consulting his Ministry. 'Individual judgment' means that he is bound to consult me, though he may or may not accept my advice and, therefore, I think the word 'individual judgment' should be used instead of the word 'discretion'.

**Mr. Speaker :** I wish the section permitted that. Will the Honourable Premier please refer to the section? The proviso begins with the words --

"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."

**Premier :** That is perfectly correct.

**Mr. Speaker :** There are four parts of the proviso. In part (a) both "discretion" and "individual judgment" are mentioned. In part (b) neither of these two words is used. In part (c) the word 'discretion' is used. In part (d) the words are 'Governor in his discretion'.

**Premier :** I am afraid there seems to be some confusion of thought with regard to the use of the word 'discretion' in this Act. What it actually means is that the Governor in his discretion frames these rules but it does not debar the Governor from modifying that discretion when these rules are framed and in the interim rules you will notice that he has already modified his discretion which means that certain things can be done only in his individual judgment. He has framed these rules in his discretion, that is, without consulting me or anybody else. He has perfect right to do so under the Government of India Act. But when he framed these rules he deliberately provided the words 'in his individual judgment' so as to give an opportunity to his Ministry to have a say in that matter.

**Diwan Chaman Lall :** I was going to refer to section 78. It is neither the question of individual judgment nor of discretion *qua* this and the rule as drafted is perfectly correct, because, if you will be kind enough to refer to section 78 (1), you will find it says—

"The Governor shall in respect of every financial year cause to be laid before the Chamber or Chambers of the Legislature a statement of the estimated receipts and expenditure of the Province for that year, in this Part of this Act referred to as the 'annual financial statement'."

"(2) The estimates of expenditure embodied in the annual financial statement shall show separately . . . ."

So, it is really the Governor without individual judgment who is now authorized, that is my honourable friend over there without consulting anybody, who is authorized to present this statement. Therefore the other section which you were reading, that is 84(1), is only in reference to the point stated in (a), (b) and (c).

**Mr. Speaker :** There can be no objection to the words 'in the exercise of individual judgment' being retained.

**Diwan Chaman Lall :** Neither individual judgment nor discretion because it is only the Governor—

**Mr. Speaker :** Section 84 (1) follows section 78.



**Diwan Chaman Lall :** 84(1), (a), (b), (c). Supposing we are making rules regarding that, we need put down 'individual judgment' to utilize the wording of the proviso only *qua* these points. Then the point to which my honourable friend the Premier refers would arise where the Governor has given up his right to utilize his discretion and changed his discretion to individual judgment. Conceding that point even, how can you make use of that ? But *qua* this amendment neither individual judgment nor discretion arises because section 78 applies which is the laying of the financial statement before the House.

**Mr. Speaker :** The honourable member is right. Discretion or judgment is to be exercised by the Governor.

**Premier :** So far as the presentation of the budget is concerned, it is Government and not the Governor. The words used in section 78 (1) are—

"The Governor shall in respect of every financial year."

I think there again is some confusion. These words 'individual judgment' are merely used here with reference to the day on which it is to be presented not that you have any right of interference with regard to the presentation of the financial statement itself. That is entirely within the purview of the Government. The Governor has no discretion in this matter, nor does he have to exercise his individual judgment. It is entirely with the Government to present the annual financial statement. It is only with regard to the day according to the interim rules that the Governor and his individual judgment comes in. I submit that the rule as suggested is *ultra vires* because it is in conflict with section 78(1).

**Mr. Speaker :** The rule, as moved, may be passed without any change.

**Premier :** As I was pointing out, 'individual judgment' refers to the day on which the annual financial statement is to be presented. If you would kindly read the interim rules you will see that it only refers to the day and since a large number of these interim rules are, I believe, likely to be bodily reproduced in the new rules, we will leave it there because it does no harm at all. So far as the actual process of presentation of the financial statement is concerned, the Governor has no right of interference and there even if you frame a rule it will be *ultra vires*, because it will be in conflict with section 78 (2). 'Individual judgment' with regard to the day of presentation may be left in because the Governor has got the power in his discretion for framing rules to secure the timely completion of the financial business and, therefore, he would very likely say that "so far as the day is concerned I shall use my discretion or individual judgment". That means that after consulting me he can fix the day but not with regard to financial statement itself.

**Diwan Chaman Lall :** The difficulty can be easily got over if we read Sardar Hari Singh's amended rule which is as follows :—

"The annual financial statement or the statement of the estimated receipts and expenditure of the Province in respect of every financial year (hereinafter referred to as the Budget) shall be presented to the Assembly on such day in the preceding financial year as the Governor may appoint."

**Premier :** He has copied interim rule No. 38 except that he has cut off the words "exercising his individual judgment".

**Diwan Chaman Lall :** If you add the word 'and' it makes the position clear. The words will then be "presented to the Assembly and on such day".

**Premier :** That is quite all right.

**Diwan Chaman Lall :** The point is a very important one. The Governor in his individual judgment has the right regarding securing the timely completion of the financial business in his discretion because proviso (a) to section 84 says —

Provided.....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 ;

With regard to securing timely completion, that will be covered by a substantive clause. My point is that it is only when a contingency arises regarding the non-completion of financial business in a timely manner that any rule he makes becomes operative. If financial business is not completed in a timely manner, then it is that this particular clause becomes operative. As far as the day of the presentation is concerned, we would be within our right in making a rule governing the day of the presentation of the business leaving it to the Treasury benches to choose the date. If the Treasury benches are remiss in choosing an early day then the Governor would step in and he will say 'No.'

**Premier :** That is why I suggested that these words be left out. If, as you say, a contingency might arise that Government fails to fix the dates, then the Governor will have to step in to get through the financial business and since he will have to step in, why not leave the rule as it is and not give him an opportunity of framing a rule ? If he wants to amend it then we would have reasonable ground or justification for asking him not to do so. But what if you leave that lacuna ? Under proviso (a) of section 84 he has got statutory obligation to secure the timely completion of financial business. Therefore, if we leave that discretion—with regard to time—with him, that discretion obviously can be used if we fail to use our discretion in the matter with regard to that Act.

**Diwan Chaman Lall :** The Premier has raised that point because unfortunately I have not made myself clear.

**Mr. Speaker :** May I know what exactly is the Hon. Premier's point ?

**Diwan Chaman Lall :** The Premier's point is that since it is an obligation imposed upon the Governor in his discretion to see to the timely completion of the financial business, why not leave this matter to him to decide ? But my point is a little different. The Governor interferes at a particular stage. There is an obligation imposed by the Statute upon him to consult you in regard to the making of a rule for the timely completion of business, but it does not necessarily mean that we are debarred from making this amendment so long as it is not inconsistent with anything that he may decide regarding the timely completion of business. If this amendment is read, it will be seen that it is "on such day in the preceding financial year as the Governor may appoint". There can be nothing inconsistent between this rule and the one the Governor may make in his discretion or

in his individual judgment in consultation with the Speaker to see to it that the financial business is completed in a timely manner. There is nothing inconsistent in it. If there is nothing inconsistent, let us have the amendment as it is and then let the Governor, in consultation with the Speaker, make a rule if he finds that any rules that we have made are not likely to effect the timely completion of the business.

**Premier :** It is very difficult to make oneself clear on a highly technical point. My objection is very simple, if I can make myself clear to my honourable friend opposite. The Governor is bound to make rules for securing the timely completion of the financial business. There are no two opinions about that. The interim rule provides for that contingency. It gives him the fullest power to see that the business is completed within time. That gives him fullest discretion. Under section 78 (1) of the Government of India Act, the Government shall place the financial statement before the House and so long as we place that financial statement in time that statement will be discussed by the House and passed by the House before the close of the financial year. There will be no opportunity for the Governor to interfere. I say he has no right to interfere. What I contend is that he is bound to make a rule and that rule naturally will have to safeguard against any laxity or deliberate intention on the part of Government not to place the statement before the House in time. So, he will have to make a rule and instead of leaving it open to him to make much more drastic rule, which under the present Act he has the fullest power to do, why should we now leave out the words 'individual judgment' which gives him that control, if necessary, otherwise he will not come into the picture. It is only if the Government does not present the financial statement up to a time when it can be discussed or disposed of in the preceding financial year that he will have to make a rule. He has already made an interim rule which does not in any way conflict with the purpose we have in view, because my contention is that the Governor is given the right of interference under section 78 with regard to placing of the financial statement. It is only for the timely completion of financial business that the Governor comes in. Under this rule he has got the power to do so. If you take away 'individual judgment' you take away the power. Therefore he will have to frame an independent rule which would be in conflict with our rules and therefore they will override our rules. And it is to obviate and avoid that contingency that I suggested that if you leave out 'individual judgment' it will not necessitate the Governors framing special or separate rules. It will not be necessary for him to provide another rule or he may merely repeat our rule without in any way causing a conflict between our rule and his rule. Otherwise there is no difference of opinion with regard to the purpose we have in view.

**Diwan Chaman Lall :** Shall we not overcome the difficulty if after the word 'Assembly' we add the word 'and' : the amendment will then read—

.....shall be presented to the Assembly and on such day in preceding financial year as the Governor in his individual judgment may appoint.

**Premier :** 'Individual judgment' only governs the day ; even now it is quite clear.

**Diwan Chaman Lall :** If the word 'and' is added there it will govern presentation.

**Premier :** It will be *ultra vires* and therefore the Governor has no right to do it.

**Mr. Speaker :** Why can't we use in the first part the phraseology of section 78 and say—

The Governor shall, in respect of every financial year, cause to be laid before the Legislative Assembly a financial statement and on such day as the Governor in his individual judgment may appoint.....

That will cover the placing of the statement before the Assembly as well as the fixing of the date.

**Premier :** So far as placing of the statement before the Assembly is concerned, I submit that even if you frame no rule it will make no difference, because the Act itself makes it quite clear. It is only with regard to the day on which it is to be presented that the trouble arises. My contention is that it should not give an opportunity to the Governor to frame a rule which is in conflict with our own rule. My contention is, subject of course to your ruling, that 'individual judgment' here merely governs the day on which the financial statement is to be presented.

**Mr. Speaker :** The Honourable Premier has no objection if it is retained.

**Premier :** No. I would suggest to the honourable member to retain these words. There is no need for the Governor to frame new rules.

**Sardar Hari Singh :** I accept the suggestion of the Premier and with your permission I move the new rule with the words 'exercising his individual judgment' inserted between the words "Governor" and "may appoint".

**Mr. Speaker :** The question is—

That the following new rule be added after rule 125 :—

" 125-A. The annual financial statement or the statement of the estimated receipts and expenditure of the Province in respect of every financial year (hereinafter referred to as the Budget) shall be presented to the Assembly on such day in the preceding financial year as the Governor exercising his individual judgment may appoint."

*The motion was carried.*

**Sardar Hari Singh :** I beg to move—

That the following new rule be added—

" 125-B. The Budget shall be dealt with by the Assembly in two stages, namely :—  
(i) a general discussion, and  
(ii) the voting of demands for Grants.

**Mr. Speaker :** Interim rule No. 39 and Sardar Hari Singh's new rule 125-B are word for word identical. The new rule proposed is—

" 125-B. The Budget shall be dealt with by the Assembly in two stages, namely :  
(i) a general discussion, and  
(ii) the voting of demands for Grants.

The question is that the new rule be adopted.

*The motion was carried.*

**Sardar Hari Singh :** I beg to move—

That the following new rule be added—

“ 125-C. (1) On days to be appointed by the Governor exercising his individual judgment subsequent to the day on which the Budget is presented, and for such time, not less than three days, as the Governor exercising his individual judgment may allot for this purpose, the Assembly shall be at liberty to discuss the Budget as a whole or any question of principle involved therein, but no motion shall be moved at this stage, nor shall the Budget be submitted to the vote of the Assembly.

(2) The Finance Minister shall have the right of reply at the end of discussion.

(3) The Speaker may, if he thinks fit, prescribe a time limit for speeches, and exempt any member from the operation of the time limit, if prescribed.

**Mr. Speaker :** Interim rule No. 40 and Sardar Hari Singh's new rule differ in line 3. Sardar Hari Singh says 'not less than three days'. These words are not to be found in the interim rule.

**Premier :** I would suggest that the previous words are better because they give the fullest discretion to extend the time limit.

**Mr. Speaker :** “Not less than three days” clearly means more than three days.

**Premier :** I see no objection to it.

**Mr. Speaker :** The words “and exempt any member from the operation of the time limit, if prescribed” in sub-clause (3) of the proposed rule do not occur in the interim rule.

**Premier :** I would cut them out. I leave the decision to the Chair.

**Mr. Speaker :** The words “not less than three days” might remain. Is there any objection?

**Premier :** I would request my honourable friend Sardar Hari Singh to retain the original words instead of the words “not less than three days.” If you retain these words “not less than three days”, then it would fetter our discussion. It is quite possible that the House in some year, may say ‘We do not want general discussion because we want to rush through some other business before the financial year.’ Therefore, this discussion, I think, should be left unfettered. Again, if you fix a time limit, it may be that we may not be able to complete our financial business in time and it is quite possible that the Governor might step in and say that we cannot do so. We gain nothing by making it rigid, but we might lose something.

**Mr. Speaker :** Is there any objection to omit these words?

**Sardar Hari Singh :** The rule would then become meaningless.

**Lala Bhim Sen Sachar :** That would not be perhaps in consonance with the exercise of the individual judgment of the Governor.

**Premier :** There is another difficulty which I may point out. Contingency might arise when during a particular year only a few members want to discuss the budget and it is quite possible that after the first day we say that the remaining two days, which have been allotted under this rule for budget discussion, may be allotted to some other business of the House. According to this rule we will have to fix three days for budget discussion. It would be better if you leave the discretion to the House or, as it is now, to the Governor; otherwise you will be tied up and will be wasting the time unnecessarily.

**Mr. Speaker :** But why do the words "Governor exercising his individual judgment" appear twice in interim rule 40 ?

**Premier :** 'Governor in his individual judgment' means Governor alone and 'Governor', as used in the Act, means the Governor in consultation with me. It is only to avoid confusion. If we frame any rule fixing the number of days, then the Governor will have to frame a rule, which will override ours. I do not think it will cause any interference.

**Mr. Speaker :** Under section 84 (1) (b) the Governor will frame rules in exercise of his discretion.

**Premier :** I appear not to grasp the meaning, and unfortunately I am not a master of word. When the Governor is to make these rules 'in his discretion,' that means that he need not consult me. But when he makes these rules he need not tie himself up.

**Mr. Speaker :** He may use his option.

**Premier :** Exactly, and, therefore, I suggest that we should retain the words "individual judgment." We take stock of every possible contingency and we want to avoid friction. It will not give an opportunity for the Governor to interfere with us.

**Diwan Chaman Lall :** There is a misunderstanding regarding this matter. We are not agreed to the deletion of the words "not less than three days." My honourable friend knows and the House knows that a smaller number of days were fixed or have been fixed and that the demand on the side of the Opposition has always been for more time to discuss these matters.

**Premier :** I am afraid, when I tried to make the point clear, my honourable friend was not here. If you want to fetter your discussion, you may fix three days. A contingency might arise, supposing, in a particular year, for want of time or with the consent of the House it is decided that we should not have three days for the budget discussion, but only one or two days and the third day should be allotted to some other business or for discussion of demands for grants. Why should we fetter our discussion ?

**Diwan Chaman Lall :** I will tell you as to why we are fettering our discussion. The reason for fettering our discussion is that we are making at least three days compulsory and we want that time in order that every group in the House should be able to have its say regarding the budget. These three days in fact will be too few. I cannot conceive of a contingency arising when three days would not be required for the general discussion of the budget involving something like 11 crores. We suggest three days for many reasons. If you examine carefully, you will find that it is the constant pressure from this side of the House that has enabled the honourable members opposite to give us more time for the discussion of the budget and I was very surprised to learn that three days have been allotted this time. I was very much surprised because I was informed that the intention of the honourable members was not to allow so much time and it is because of the fear in the mind of the Opposition that honourable members will take that time for some other business and not allow us to discuss the general principles of the budget for three days that we are

putting down a minimum of three days. Why should the Honourable Premier object to my minimum? The objection he has is this, that it may be that honourable members may not discuss it for three days. I cannot conceive of it. I am quite willing to speak for three days myself on the general policy of the budget.

**Premier** (The Honourable Major Sir Sikander Hyat-Khan): To me that is a very remote contingency. Such contingency will be very remote, but it might arise if you have not got time. We are now-a-days sitting on Saturdays and Wednesdays merely to see that our work is finished before the 31st of March. The difficulty on my side or rather on the Finance Minister's side is that he could not get his budget printed, otherwise we would have presented it on the 28th or the 26th. Originally I suggested that it should be presented on the 26th. If you see the programme you will find that we have barely got time to get through within that period—the whole process of discussion of the budget demands. It may happen in one year that there are more holidays. Unless we decide to sit during the holidays we cannot finish the business quick enough, but the general feeling in the House is that we should avoid sitting on holidays because people have to go to worship or to say their prayers. Therefore, a contingency might arise when we have no time and with the consent of the House it may be possible to curtail that time of three days allotted for the budget discussion to one or two days and to devote that time thus saved for some other business or for the discussion of demands for grants. So far as I am concerned those three days will be sufficient, but if more time is wanted by members we will give you more time provided we get through the finance business.

**Diwan Chaman Lal**: I am grateful to the Premier for making his position clear, but whatever he has stated confirms me in my demand for the three days and the reasons are these. My honourable friend says now we are rushed and we cannot get our budget through because of the rush of work or because of there being not enough time. Is it fair to this House that my honourable friend should have waited for 5½ months before he called a session and at budget time to burden the House with the passing of these rules which should have been passed a long time ago? Why did he not call a session earlier? There was no session for 5½ months.

Then, Mr. Speaker, there is one other point. That is this, that we may be so rushed for time at the time of the budget that we may not want the three days. I submit that that is the very reason. I do not want to be rushed for time at the moment when the general principles of the budget are being discussed. You must allow time, no matter what your other engagements may be and however pressed you may be. We must have three clear days and possibly more later on. Far from there being less desire to utilise the time for this purpose, my friend will find that there will be more time required and therefore I am demanding the minimum. I think my honourable friend ought to accede to that minimum, in view of the fact that there is nothing extraordinary in this demand.

**Premier**: We seem to be at cross purposes. My object is not to curtail the time allotted to the House, but I have given an instance where it may be necessary to curtail it and not curtail some of the more important

[Premier.]

business. If you look up the programme, you will find that the date of the presentation of the budget varies between the third week of February and the 1st week of April. We present the budget as early as possible. We do our best. We have to get the actuals of the previous years and to get the budget prepared, and sometimes they are delayed. We have fixed a certain date by which the actuals should reach us, but they are sometimes delayed by a day or so and the whole machinery of the Finance Department stops. This time we also tried to get through the business but certain alterations had to be made in the budget and we could not get the budget ready and printed before the 1st of March. You will see that we have to sit on Saturdays. If the House decides to sit on holidays we will find that there will be difficulties.

**Diwan Chaman Lall :** Bring in the budget on the 28th of February.

**Mr. Speaker :** I am afraid I cannot allow that discussion to go on.

**Sardar Hari Singh :** In view of the discussion that has now taken place I shall move, with your permission, my amendment in the following form :—

The following new rule be added—

“125-C. (1) On days to be appointed by the Governor exercising his individual judgment subsequent to the day on which the Budget is presented, and for such time, as the Governor exercising his individual judgment may allot for this purpose, the Assembly shall be at liberty to discuss the Budget as a whole or any question of principle involved therein, but no motion shall be moved at this stage nor shall the budget be submitted to the vote of the Assembly.

(2) The Finance Minister shall have a general right of reply at the end of discussion.

(3) The Speaker may, if he thinks fit, prescribe a time limit for speeches.”

*The motion was carried.*

**Sardar Hari Singh :** Sir, I move :

That the following new rule be added :—

“125-D. (1) The voting of demands for grants shall take place on such days not exceeding fifteen as the Governor exercising his individual judgment may allot for the purpose.

(2) Of the days so allotted, not more than two days shall be taken up by the Assembly for the discussion of any one demand. As soon as the maximum limit of time for discussion is reached, the Speaker shall forthwith put every question necessary to dispose of the demand under discussion.

(3) On a day allotted under sub-rule (1) for the voting of demands for grants, no other business shall be taken up before 6-30 P. M. except with the consent of the Speaker.

Provided that nothing in this rule shall be deemed to prohibit the asking and answering of questions during the time allowed under these Rules.

(4) On the last day of the days so allotted at 5 P. M. the Speaker shall forthwith put every question necessary to dispose of all the outstanding matters in connection with the demands for grants and the consideration thereof shall not be anticipated by any motion for adjournment or be interrupted in any manner whatsoever nor shall any dilatory motion be moved in regard thereto.”

*The motion was carried.*

*The Assembly then adjourned till 2 P. ., on Tuesday, 1st March, 1938.*



# PUNJAB LEGISLATIVE ASSEMBLY.

2ND SESSION OF THE 1ST PUNJAB LEGISLATIVE ASSEMBLY.

Tuesday, 1st March, 1938.

*The Assembly met at the Council Chamber at 2 P. M. of the clock.  
Mr. Speaker in the chair.*

## STARRED QUESTIONS AND ANSWERS.

### DEMAND OF SECURITY FROM NEWSPAPER *BIJLI*.

**\*1821. Lala Duni Chand :** Will the Honourable Premier be pleased to state the reasons why security of Rs. 1,000 has been demanded from the newspaper *Bijli* of Fazilka which has been in existence since 1925 and from which only once in 1934 a small amount of Rs. 300 as security was demanded ?

**The Honourable Major Sir Sikander Hyat-Khan :** No security has been demanded from the newspaper *Bijli* under its present management. A new publisher intends to make a declaration and it is proposed to demand Rs. 500 security from him under section 7 (1) of the Indian Press (Emergency Powers) Act, if he makes a declaration.

**Lala Duni Chand :** In view of the fact that no security had been demanded from this paper since 1935, what reason is there for demanding such a security now ?

**Premier :** There is no question of any security being demanded from the newspaper. I made it quite clear that no security had been demanded from it under its present management.

**Lala Duni Chand :** Is it not a fact that this very paper is now proposed to be run under another name and under the editorship of a different person ?

**Premier :** That is why security is being demanded.

**Lala Duni Chand :** Is it true that the fears of the authorities are that this paper represents advanced views and this is the reason for demanding the security ?

**Mr. Speaker :** That question is disallowed.

**Lala Duni Chand :** Is it necessary for security to be demanded with every change of management ?

**Premier :** If it is considered desirable.

**Lala Deshbandhu Gupta :** Supposing the management were not changed, will Government please state if in their opinion even then security would have been demanded ?

**Premier :** I am afraid that does not arise out of this question.

**Lala Duni Chand :** Will he kindly state the reasons as to why security is being demanded ?

**Premier :** I have given him the reason namely that a new publisher intends to make a declaration and it is proposed to ask him to pay a security of Rs. 500 under the Press Act, if he makes a declaration.

**Lala Duni Chand :** What is objectionable about the new man ?

**Premier :** I shall have to make enquiries, if he wants a reply to this question.

**Lala Deshbandhu Gupta :** Do Government realize that if this precedent is followed it will create endless difficulties ?

**Premier :** There is nothing new about it.

**\*1822—35.**—*Vide debates of 25th February 1938.*

#### ASSESSMENT OF LAND IRRIGATED BY DEG IN SHAHDARA TAHSIL.

**\*1836. Mahant Prem Singh :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that the lands irrigated by the stream called the Deg that passes through the Shahdara tahsil is also assessed to water rate ; if so, the reasons therefor ?

**The Honourable Dr. Sir Sundar Singh Majithia :** Only those areas are assessed to water-rates at lift rates which are irrigated from the Deg by Jhalars sanctioned after the Deg Nallah was notified under section 5 of the Canal Act in 1912,—*vide* Punjab Irrigation Branch Notification No. 543-R. I., dated 24th April, 1912.

Under the terms of this notification, the Deg is a canal and any irrigation done from it is liable to be assessed to water-rates.

**Sardar Hari Singh :** May I ask the Honourable Minister to state the services rendered by the Government in order to justify their demanding irrigation charges for irrigation done by the Deg ?

**Minister :** I do not understand what the honourable member means by "services rendered by the Government." The Deg has been declared a canal and it irrigates the land of the people for which the Government makes a charge.

**Sardar Partab Singh :** Is it a rainy canal ?

**Minister :** I am sorry I have not followed what is meant by the phrase "rainy canal."

#### INQUIRY MADE BY REVENUE ASSISTANT REGARDING LAND REVENUE EMBEZZLEMENT.

**\*1837. Shrimati Raghbir Kaur :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that an inquiry was made recently by the Revenue Assistant regarding land revenue embezzlement in village Nonarian, tahsil Lahore ; if so, what action the Government had taken and if no action has so far been taken, what action the Government intend taking ?

**The Honourable Dr. Sir Sundar Singh Majithia :** Yes : it was found that some cultivated fields in the *burd baramad* area of village Nonarian had been omitted from the record. Complete measurement of this area is now being undertaken with a view to fixing responsibility.

PROFESSOR N. G. RANGA, M.L.A., CENTRAL.

**\*1838. Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to state—

- (a) whether he is aware of the fact that Professor N. G. Ranga, M.L.A. (Central), was to come to Lahore to preside over the Punjab Banks and Insurance Employees' conference on the 5th of February, 1938 ;
- (b) whether the Punjab Government served him with a notice not to enter the Punjab for one year without the previous sanction of the Government ;
- (c) if the answer to (b) above be in the affirmative, the reasons for so doing ?

**The Honourable Major Sir Sikandar Hyat-Khan :** (a) Yes.

(b) Yes, but Government on his request gave him permission to come and preside over the conference.

(c) For reasons explained in my speech<sup>1</sup> during the course of discussion on the adjournment motion moved by Sardar Hari Singh.

**Sardar Hari Singh :** May I ask the Honourable Premier to state with reference to the reply given on the occasion of the debate held on this very subject, whether any meetings were held which were to be presided or addressed by Professor Ranga in which violent mass action was preached ?

**Premier :** Several meetings have been held all over the province where such a course of action has been preached.

**Sardar Hari Singh :** Did he not state the other day that several meetings were going to be held in which Professor Ranga had to speak preaching violent mass action ?

**Premier :** I am afraid that does not arise from this question.

**Sardar Hari Singh :** It arises out of the speech delivered by the Honourable Premier.

**Premier :** Professor Ranga did not arrive and I do not know whether any meetings were held.

**Sardar Sohan Singh Josh :** Mr. Speaker, there is lot of talk going on and we cannot hear.

**Mr. Speaker :** May I request the honourable members not to talk aloud ? If they want to talk at all they should do so in whispers.

**Lala Duni Chand :** Is it the intention of the Government to act in a similar manner towards men of the position of Professor Ranga ?

**Premier :** As I have clearly explained Professor Ranga was given permission to come and preside over the conference, but if Government at any time find that any gentleman irrespective of his position is likely to create trouble in the province so far as peace and tranquillity of the province is concerned, similar action may have to be taken.

<sup>1</sup>Pages 71—75 ante.

**Lala Deshbandhu Gupta :** Do the Government realize that this gentleman is a member of the Central Legislative Assembly and spends about eight weeks in Delhi, a centrally governed area, but his presence did not cause any apprehension to peace in the mind of Delhi administration ?

**Premier :** I am almost certain that no apprehensions will arise when he is going to attend the meetings of the Assembly.

NOTIFICATION RECOMMENDED BY THE PUNJAB LEGISLATIVE ASSEMBLY.

**\*1839. Sardar Sohan Singh Josh :** Will the Honourable Minister of Revenue be pleased to state whether the Government has so far issued the notification under section 61 of the Civil Procedure Code as recommended by the Punjab Legislative Assembly at its last session held in January, 1938 ; if not, when does it propose to do so ?

**The Honourable Dr. Sir Sundar Singh Majithia :** No. The matter is still under consideration.

**Sardar Sohan Singh Josh :** When does the Government propose to take the question into consideration ?

**Minister :** The matter is still under consideration.

**Sardar Kapoor Singh :** How long will it remain under consideration ?

**Minister :** It must take the necessary time.

JUDGMENT PRONOUNCED BY MR. M. R. BHIDE, I.C.S., REGARDING THE  
MURDER OF TWO ZAMINDARS.

**\*1840. Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to state whether his attention has been drawn to the judgment pronounced recently by Mr. M. R. Bhide, I.C.S., District and Sessions Judge, Ferozepore, in a case in which eleven persons were committed to his court under section 802/149 in regard to the murder of two zamindars in which severe strictures were passed by the judge against the deputy superintendent, police, and the inspector in charge of investigation of the case ; if so, the action that the Government contemplates taking against the police officers concerned ?

**The Honourable Major Sir Sikander Hyat-Khan :** This has been answered in my reply to question \*1810,<sup>1</sup> put by the honourable member for the Ludhiana and Ferozepore (General) Rural Constituency.

**Pandit Muni Lal Kalia :** Was there any reference made in this judgment regarding the corruption of the police officers ? Has the judgment been read by the Premier ?

**Premier :** The honourable member is requested to refer to question \*1810<sup>1</sup> and its reply.

**Pandit Muni Lal Kalia :** Has the Honourable Premier read the judgment ?

**Premier :** That does not arise out of this question.

**Chaudhri Muhammad Hassan :** Have those officers been suspended ?

**Premier :** Government does not suspend its officers without being sure of the position.

**Pandit Muni Lal Kalia :** Is there any specific reference in the judgment with regard to their corruption, mal-treatment of the accused, perjury, preparing false roznamcha, etc. ?

**Premier :** I have not the judgment with me. I can reply to the question if he gives me notice.

**Chaudhri Muhammad Hassan :** Have these two officers been transferred from the district ?

**Premier :** They are not connected with the enquiry.

**Chaudhri Muhammad Hassan :** Is their presence in the area not likely to influence the enquiry ?

**Lala Deshbandhu Gupta :** Have there been any suspensions due to charges of corruption ever since the present Government has taken charge of office and charge of the police ?

**Mr. Speaker :** That is too general a question.

**Lala Duni Chand :** Will the Government make it a practice that whenever any police officer comes under strictures from the High Court or the court of sessions, the punishment given to him by the Punjab Government will be intimated to the High Court or the court of sessions as the case may be ?

**Premier :** I am afraid the honourable member did not hear the Speaker when he called the next question.

#### BIRDS WHICH CAN BE SHOT WITHOUT LICENCE WITH A SHOT GUN.

**\*1841. Shaikh Karamat Ali :** Will the Honourable Minister of Revenue be pleased to state whether there are any rules or orders barring the holders of the shot gun licences "as for protection only" to shoot birds and animals which, under schedules I and II of the Punjab Wild Birds and Wild Animals Protection Act, are excluded from protection and those which can be shot without a licence during the specified period ? If so, a copy of such rules or orders may be placed on the table of the house ?

**The Honourable Dr. Sir Sundar Singh Majithia :** There is no rule forbidding a licensee of a shot gun for protection only using it against the birds and animals excluded from schedules I and II of the Wild Birds and Wild Animals Protection Act, or against those which can be shot without a license during the specified period, in circumstances which might entitle the licensees to protection. If he uses the gun for sport, he is liable to prosecution for breach of the conditions of the licence under section 21 of the Indian Arms Act, which is the only law applicable. There are no other rules besides which could be laid on the table.

## SECURING OF DECLARATIONS BY NON-AGRICULTURISTS AS AGRICULTURISTS.

**\*1842. Mian Abdul Aziz :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether any instances where non-agriculturists have secured declarations as agriculturists from the revenue officers of the Government have been brought to his notice ;
- (b) if the answer to (a) above be in the affirmative, what steps Government have taken or propose to take to put a stop to such cases ?

**The Honourable Dr. Sir Sundar Singh, Majithia :** (a) The honourable member's question is rather vague. If he will make his meaning clear, I will do my best to obtain the necessary information.

(b) Does not arise.

## PREVIOUS PERMISSION FOR HONORARY MAGISTRATES TO LEAVE STATION.

**\*1843. Mian Abdul Aziz :** Will the Honourable Premier be pleased to state whether there are any rules or standing orders under which an honorary magistrate is required to obtain previous permission from the district magistrate for leaving station while the bench on which he has a seat is not functioning either on account of the absence of his colleagues on leave, or being off-duty before or after the allotted working days for the holding of their respective courts ; if so, whether he will be pleased to lay a copy of such rules or standing orders on the table of the House ?

**The Honourable Major Sir Sikander Hyat-Khan :** Government have not framed any regular rules, but it is the general practice for honorary magistrates to obtain permission from the district magistrate before absenting themselves from their headquarters. An arrangement of this kind is clearly necessary, even during periods when a bench magistrate is not sitting for the trial of cases, as it is essential for the district magistrate to know what honorary magistrates are available for duty in the event of a special emergency.

## REDRESS OF COMMUNAL INEQUALITIES IN SERVICES UNDER CENTRAL GOVERNMENT.

**\*1844. Mian Abdul Aziz :** Will the Honourable Premier be pleased to state—

- (a) whether his attention has been drawn to the Government of India, Home Department, Resolution No. F./14/17-B/33, dated the 4th July, 1934, regarding redress of communal inequalities in the services under the control of the Central Government ;
- (b) if the answer to (a) above be in the affirmative, whether or not the principles laid down in that resolution are being followed by the Punjab Government ; if so, the manner of their application ?

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

(b) The policy of the Punjab Government is to give due representation in services to all communities and selection of suitable candidates from various communities is made accordingly.

#### PERCENTAGE OF AGRICULTURISTS IN GOVERNMENT SERVICES.

**\*1845. Mian Abdul Aziz :** Will the Honourable Premier be pleased to state the extent to which the object that Government had in view in fixing the percentage of agriculturists in the services as prescribed in Government resolution No. 45725, dated 3rd October, 1919, has so far been achieved?

**The Honourable Major Sir Sikander Hyat-Khan :** The attention of the honourable member is invited to the consolidated statement showing the proportionate representation of the various communities serving in the different departments of the Punjab Government as it stood on the 1st January, 1938.

#### NON-AGRICULTURISTS DECLARING THEMSELVES AS AGRICULTURISTS IN GOVERNMENT SERVICE.

**\*1846. Mian Abdul Aziz :** Will the Honourable Premier be pleased to state—

- (a) whether his attention has been drawn to any instances of persons in the public services who are not agriculturists, but have declared themselves as such;
- (b) if so, what steps Government has taken or propose to take to stop this practice of giving erroneous declarations;
- (c) whether the Government require of a person making a declaration of the kind mentioned in (a) above, to furnish proof of the statement by a certificate from competent authority, if not, why not?

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

(b) Does not arise.

(c) A Government servant is required to satisfy the head of the department or office concerned of the accuracy of his statement.

#### HEAD AND SUB-EXAMINERS IN VERNAOCULAR FINAL, ETC.

**\*1847. Chaudhri Sumer Singh :** Will the Honourable Minister for Education be pleased to state—

- (a) the total number of head and sub-examiners in the vernacular final and middle school examinations held in 1938 community-wise classified as statutory agriculturists and non-agriculturists of each division separately;
- (b) whether it is a fact that the Hindu statutory agriculturists from the Ambala division are under-represented among these examiners; if so, the action proposed to be taken in the matter?

**Mrs. J. A. Shah Nawaz** (Parliamentary Secretary): The information is not on record and the labour involved in collecting it would be incommensurate with the benefit to be derived from its collection.

#### HINDU AGRICULTURISTS IN PUNJAB EDUCATIONAL SERVICE AND SUBORDINATE EDUCATIONAL SERVICE.

**\*1848. Chaudhri Sumer Singh**: Will the Honourable Minister for Education be pleased to state—

- (a) the total number of posts grade-wise in the Punjab Educational Service and Subordinate Educational Service held by statutory agriculturists and non-agriculturists community-wise;
- (b) whether it is a fact that the Hindu statutory agriculturists are under-represented in Punjab Educational Service and Subordinate Educational Service; if so, the reasons therefor and the action Government propose to take to redress their grievances?

**Mrs. J. A. Shah Nawaz** (Parliamentary Secretary): (a) The honourable member is referred to the Punjab Half-Yearly Civil List and the Subordinate Educational List (Part "A") copies of which are placed in the Punjab Assembly Office Library. A copy of the Subordinate Educational List (Part "B") is placed on the table.<sup>1</sup>

(b) The policy of Government was stated by the Honourable Finance Member in a debate in the Legislative Council on the 19th of July, 1927. This is still the policy of Government and Government continue to carry out the requirements of the formula contained in the said statement of policy. As vacancies occur, the claims of duly qualified Hindu statutory agriculturists will receive the consideration they deserve.

#### HINDU STATUTORY AGRICULTURISTS IN OFFICE OF DIRECTOR OF PUBLIC INSTRUCTION.

**\*1849. Chaudhri Sumer Singh**: Will the Honourable Minister for Education be pleased to state whether it is a fact that the representation of Hindu statutory agriculturists is very meagre among the ministerial staff in the office of the Director of Public Instruction; if so, the action Government propose to take to redress the grievances of the Hindu agriculturists in this matter?

**Mrs. J. A. Shah Nawaz** (Parliamentary Secretary): The honourable member is referred to the consolidated statement showing the proportionate representation of the various communities serving in the Education Department, Punjab. It may be added that the policy of Government was stated by the Honourable Finance Member in a debate in the Legislative Council on the 19th of July, 1927. This is still the policy of Government, and Government continue to carry out the requirements of the formula contained in the said statement of policy. As vacancies occur the claims of duly qualified Hindu statutory agriculturists will receive the consideration they deserve.

<sup>1</sup>Kept in the Library.



**REPRESENTATION OF MUSLIM STATUTORY AGRICULTURISTS IN  
PUNJAB EDUCATIONAL SERVICE AND SUBORDINATE EDUCATIONAL SERVICE.**

**\*1850. Chaudhri Sumar Singh :** Will the Honourable Minister for Education be pleased to state whether it is a fact that the representation of Muslim statutory agriculturists including Sayads, Qureshis and Ansaris is very meagre in Punjab Educational Service and Subordinate Educational Service of the Education Department ; if so, the action the Government propose to take to redress their grievances in this matter ?

**Mrs. J. A. Shah Nawaz (Parliamentary Secretary) :** The honourable member is referred to the consolidated statement showing the proportionate representation of the various communities serving in the Education Department, Punjab. In recruiting agriculturists Government makes no distinction whatever between the various kinds of tribes of agriculturists and does not propose to do so.

**BAN ON THE ENTRY OF PROFESSOR RANGA, M. L.  
A. (CENTRAL) INTO THE PUNJAB.**

**\*1851. Sardar Hari Singh :** Will the Honourable Premier be pleased to state the grounds on which the entry without permission of Professor Ranga, M. L. A. (Central) into the Punjab for one year has been banned by the Punjab Government ?

**The Honourable Major Sir Sikander Hyat-Khan :** The honourable member is referred to the answer given to part (c) of question \*1838.<sup>1</sup>

**Sardar Hari Singh :** May I put a supplementary question, Sir ?

**Mr. Speaker :** If it is a new question the honourable member is at liberty to ask.

**Sardar Hari Singh :** On account of no fault of his own but on account of the fact that some people were going to hold certain meetings, the entry without permission of Professor Ranga into the Punjab for one year has been banned by the Punjab Government. May I ask the Honourable Premier if that is a correct position and may I ask him why this vicarious punishment was inflicted on Professor Ranga ?

**Premier :** Is that a question arising out of this question ? This question asks for reasons and I have stated all the reasons in my speech.

**Sardar Hari Singh :** I am referring the Premier to his speech. Does he not remember the speech delivered on the occasion ? Why was this punishment inflicted on Professor Ranga ? The answer to this supplementary question is not there. I want to ask him to make the position clear. If he does not remember the speech at all I will put a supplementary question to him.

**Mr. Speaker :** The next question.

## CROWN LAND.

**\*1852. Sardar Hari Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the total area of crown land in the province under cultivation ;
- (b) irrigated and unirrigated areas of such lands ;
- (c) annual rental income to Government from such land ;
- (d) the total area of waste crown land ;
- (e) area of land referred to in (d) which is to be brought under cultivation as a result of the Haveli Project ;
- (f) other means proposed to be adopted by the Government to bring the said land under cultivation ?

**The Honourable Dr. Sir Sundar Singh, Majithia :**

- (a) Non-colony tenancies .. .. . 329,099 acres.  
Colony area allotted for cultivation .. 2,365,926 acres.
- (b) Figures other than those just given are not available. Irrigation fluctuates.
- (c) In 1935-36, Rs. 90,94,619.
- (d) 4,412,221 acres.
- (e) The Haveli project covers 219,546 acres.  
Copy of Haveli Project, Volume II<sup>1</sup> is placed on the table.
- (f) No other schemes have as yet reached the stage of "proposals."

**Sardar Hari Singh :** May I refer the Honourable Minister for Revenue to part (f) of the question and the answer thereto? May I ask him whether the Government has considered the question of starting co-operative farming in the colony lands?

**Minister :** If my honourable friend would send me his scheme that will be duly considered by the Government.

**Sardar Hari Singh :** May I ask the Honourable Minister to state whether his attention has been drawn to press statements regarding a certain scheme propounded by Diwan Khem Chand who is the founder of the **Labor Model Town** and whether he has considered that scheme?

**Minister :** Not so far.

**Sardar Hari Singh :** Has it been brought to his notice?

**Minister :** Not so far.

**Lala Duni Chand :** Has it ever occurred to the Honourable Minister?

**Minister :** No, Sir.

**Sardar Hari Singh :** May I ask whether he has ever considered the question of distributing these lands free to small land-holders?

**Premier :** I want to ask the honourable member as to what he means by "distributing these lands free." This land belongs to the State. Does he mean that the State should throw away land without any compensation?

<sup>1</sup>Kept in the Library.

**Sardar Hari Singh :** May I ask whether the Government has ever considered this question ?

**Premier :** Government always consider the question and land is allotted to small peasants on very lenient terms.

**Mr. Speaker :** The next question.

PATWARKHANAS IN KANGRA DISTRICT.

**\*1853. Pandit Bhagat Ram Sharma :** Will the Honourable Minister for Revenue be pleased to state whether it is a fact that at a number of places in the Kangra district there are no patwarkhanas provided for the patwaris ; if so, the approximate time it will take to provide this necessity to the patwaris concerned ?

**The Honourable Dr. Sir Sundar Singh, Majithia :** I regret that reply to this question is not yet ready.

JUDGMENT BY DISTRICT AND SESSIONS JUDGE, RAWALPINDI.

**\*1854. Sardar Hari Singh :** Will the Honourable Premier be pleased to state whether his attention has been drawn to the recent judgment by the District and Sessions Judge, Rawalpindi, in the case under section 302, Indian Penal Code, against Karam Dad and others ; if so, the action taken or proposed to be taken by the Government in the light of the severe strictures passed by the court in the said case against an honorary magistrate and the investigating officers, characterising the story of prosecution as a mere fabrication ?

**The Honourable Major Sir Sikander Hyat-Khan :** Government have seen the judgment, and inquiries are in progress in regard to it. I may mention that the main strictures in the judgment were on the non-official witnesses, not the police, and that the report in the press to the effect that an honorary magistrate was involved was incorrect.

**Sardar Hari Singh :** May I ask the Honourable Premier to state whether he is aware that the non-official witnesses, whom he has mentioned, were also put forward by the police investigation agency ?

**Premier :** The police does not put forward witnesses. The thing is that persons who know anything during the investigation are more or less questioned and then their names are included in the list.

**Sardar Hari Singh :** May I ask whether these witnesses were tutored by the police ?

**Premier :** No, Sir.

**Sardar Hari Singh :** Is he quite sure ?

**Premier :** I am absolutely sure.

**Sardar Hari Singh :** Has he gone through the case ?

**Premier :** There is no question of tutoring. Usually it is the counsel for defence who tutors the witnesses.

**Diwan Chaman Lall :** Has the honourable member seen the various judgments of the Honourable High Court ?

**Premier :** I have seen this particular judgment.

**Diwan Chaman Lall :** Has the Honourable Premier seen the judgments delivered by the Honourable the High Court passing strictures against the police for fabricating evidence ?

**Premier :** Only two or three cases have come to my notice but not with regard to fabricating of evidence.

**Diwan Chaman Lall :** May I ask whether the Kiroo case was not in connection with the fabrication of evidence ?

**Premier :** I am afraid the Kiroo case is *sub judice* and I cannot discuss it on the floor of the House.

**Diwan Chaman Lall :** I am not discussing the case ; but is the Honourable Premier aware that that case was in connection with the fabrication of evidence ?

**Premier :** No. It was only an allegation of torture against the police.

**Diwan Chaman Lall :** It was torture for the purpose of obtaining false evidence. Will the Honourable Premier read this judgment once again ?

**Premier :** No.

**Diwan Chaman Lall :** Is not confession evidence ? Will the Honourable Premier read this judgment over again ?

**Premier :** I have read that very carefully.

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JUDGMENT BY A MAGISTRATE AT LAHORE UNDER SECTION 124-A,  
INDIAN PENAL CODE.

\*1855. **Sardar Hari Singh :** Will the Honourable Premier be pleased to state—

- (a) whether his attention has been drawn to a recent judgment by a magistrate at Lahore in a case under section 124-A, Indian Penal Code, against one Pir Faizul Hasan ;
- (b) whether it is a fact that one of the grounds of the accused's acquittal was the inability of the police reporter to take down report of the accused's speech in the court room ; if so, the action taken or proposed to be taken by the Government in the light of the disclosure made in the judgment in this particular case in order to improve reporting of speeches by the police ?

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

(b) *First part.*—The inability of the police reporter to take down a report of the accused's speech in court was not one of the grounds of the acquittal of the accused, although the point was taken into consideration by the magistrate in assessing the value of the prosecution evidence.

*Second part.*—The question of accurate reporting of speeches made at public meetings is under consideration.

**Sardar Hari Singh :** May I ask the Honourable Premier to state whether he admits the fact that the police reporter in this case was not able to take down the report ?

**Premier :** It is not for me to admit any fact or sit in judgment on a judicial court.

**Sardar Hafi Singh :** May I ask the Honourable Premier to state whether it is a fact that the police reporter was not able to take down a report of the accused's speech in court?

**Premier :** According to the judgment of the magistrate, to whom the honourable member refers, it was not a ground for the acquittal of the accused.

**Sardar Hari Singh :** Has he seen the record of the case?

**Premier :** My answer was: 'The inability of the police reporter to take down a report of the accused's speech in court was not one of the grounds of the acquittal of the accused, although the point was taken into consideration by the magistrate in assessing the value of the prosecution evidence.'

**Sardar Hari Singh :** Is he going to take any action against the police reporter who was not able to take down a report of the speech?

**Premier :** I have already said that the question of accurate reporting of speeches made at public meetings is under consideration.

**Lala Deshbandhu Gupta :** What is the arrangement for testing the ability of these reporters who generally form important witnesses in political cases?

**Premier :** I am making enquiries as to accuracy in reporting in the province.

**Sardar Lal Singh :** Does the Honourable Premier now realise, after this judgment, the inefficiency of the reporters who are put on these jobs?

**Premier :** That is what I am enquiring about. The whole question of reporting is under consideration.

#### SANITARY CONDITION OF LAHORE CITY UNDER NEW ADMINISTRATION.

**\*1856. Sardar Sohan Singh Josh :** Will the Honourable Minister for Public Works be pleased to state whether and, if so, when the Government proposes to restore the Lahore Municipal Committee particularly in view of the fact that the sanitary condition of the Lahore city has not improved under the new administration?

**The Honourable Nawabzada Major Malik Khizar Hayat Khan, Tiwana :** The honourable member is referred to part (c) of the reply given to starred question No. 1 asked by Malik Barkat Ali.

#### NORTHERN INDIA CANAL AND DRAINAGE ACT.

**\*1857. Sardar Sohan Singh Josh :** Will the Honourable Minister for Revenue be pleased to state—

(a) whether the Government, in accordance with the terms of resolution passed in the last session of the Punjab Legislative

[ S. Sohan Singh Josh. ]

Assembly, has since appointed a committee to suggest necessary amendments in the Northern Indian Canal and Drainage Act and the rules made thereunder ;

- (b) if the answer to (a) above be in the affirmative, what is the personnel of the committee ; and, if the answer be in the negative, the reasons for not taking any action in the matter so far ?

**The Honourable Dr. Sir Sundar Singh Majithia :** (a) Not yet : the case is under examination.

- (b) Does not arise.

#### LAHORE FORT AS JUDICIAL LOCK-UP.

**\*1858. Chaudhri Kartar Singh :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that the Lahore fort has been turned into a regular judicial lock-up ; if so, whether the jail rules apply to that place also ;  
 (b) whether it is a fact that some young men, specially those who have returned from foreign countries, have been confined in the Lahore fort ;  
 (c) the reasons for not sending these prisoners to the judicial lock-up in the Borstal Jail ?

**The Honourable Major Sir Sikander Hyat-Khan :** (a) First part, No.

Second part, does not arise.

- (b) Yes.

(c) Government has, under the Punjab Criminal Law (Amendment) Act, 1935, the authority to specify the nature of the custody to which such persons are committed.

**Sardar Hari Singh :** Is he aware of the horrible treatment meted out to these people in the Lahore fort by the police ?

**Premier :** I am not aware of any horrible treatment which the honourable member is trying to make out.

**Sardar Hari Singh :** May I know whether the jail rules apply to those who are taken charge of by the police and are kept there ?

**Premier :** They are not prisoners.

**Sardar Hari Singh :** In view of the fact that there are general complaints from the people who have passed through the ordeal to the effect that the treatment meted out is no less than the treatment meted out to the victims, may I ask if he is going to make any enquiries ?

**Premier :** I have not received any complaint from any person of any such treatment.

**Sardar Hari Singh :** Has his attention been drawn to the reports in the press to that effect ?

**Premier :** As I have already said reports in the press are not always accurate.

**Sardar Hari Singh :** They may or may not be accurate, but are they not enough for the Government to go through the matter and make enquiries ?

**Premier :** I have told the honourable member that I am not aware of any such torture which he is trying to make out.

**Sardar Hari Singh :** Will he take it from me that it is a fact and will he make enquiries ?

**Premier :** Has the honourable member any personal experience ?

**Lala Duni Chand :** Will the Government give up the practice of lodging these prisoners in secluded places ?

**Premier :** They are not prisoners.

**Chaudhri Kartar Singh :** Will the Honourable Premier consider the question of transferring those prisoners who are kept in the Fort to the Borstal jail ?

**Premier :** They are not prisoners, political or otherwise who are kept in the Fort.

**Lala Deshbandhu Gupta :** Are they detainees ?

**Premier :** They do not come even under that definition either.

**Chaudhri Kartar Singh :** Are honourable members of the Assembly allowed to visit the Fort ?

**Premier :** I think every honourable member is allowed to go and see the Fort.

**Chaudhri Kartar Singh :** Is it a fact that the honourable members are not allowed to see the prisoners ?

**Mr. Speaker :** That question does not arise.

#### REFERENCE BY THE SINDH GOVERNMENT ABOUT HANS RAJ 'WIRELESS'.

\*1859. **Sardar Hari Singh :** Will the Honourable Minister of Finance be pleased to state—

(a) whether it is a fact that the Sindh Government recently made a reference to the Punjab Government regarding the release or transfer of the prisoner Hans Raj 'Wireless' a Punjabi confined in one of the Sindh Jails ;

(b) if the answer to the previous part be in the affirmative, nature of the reference and the Punjab Government's reply and the grounds for the same ?

**The Honourable Major Sir Sikander Hyat-Khan :** The honourable member is referred to the answer given to starred question <sup>1</sup>No. 1699-A.

**Sardar Hari Singh :** May I ask the Honourable Premier to state whether any communication was received from the Sindh Government in regard to the release of this prisoner ?

**Premier :** I am afraid the honourable member will not succeed in drawing me out.

**Sardar Hari Singh :** Is it against the public interest to disclose that communication ?

**Premier :** It is not in the public interest.

#### PRISONERS ON HUNGER-STRIKE IN PUNJAB JAILS.

**\*1860. Sardar Hari Singh :** Will the Honourable Minister of Finance be pleased to state—

- (a) the number and names of prisoners in the Punjab Jails on hunger strike up to date ;
- (b) the conditions of health of each ;
- (c) the date since when each of them has been on hunger-strike ;
- (d) their weights before hunger-strike and at present ;
- (e) the steps taken by the Government to make them give up hunger-strike ;
- (f) their demands ;
- (g) whether the life of any of them is reported to be in imminent danger ?

**The Honourable Mr. Manohar Lal :** (a) None.

(b)—(g) Do not arise.

**Sardar Hari Singh :** Will the Government consider the case of the release of Gurmukh Singh in view of the fact that he has given up hunger-strike?

**Minister :** He gave up hunger-strike only 4 days ago.

**Sardar Hari Singh :** Has the attention of the Honourable Minister been invited to the report in to-day's 'Milap,' in connection with the release of political prisoners ?

**Minister :** I have not seen the Milap to-day.

**Sardar Hari Singh :** May I ask the Honourable Minister to make enquiries on telephone whether that report is correct ?

**Minister :** I shall make such enquiries as may be called for.

**Lala Duni Chand :** Will the Government give a favourable consideration to the question of release of political prisoners in view of the fact that they have given up hunger-strike ?

#### RELEASE OF PERSONS SENTENCED TO TRANSPORTATION FOR LIFE.

**\*1861. Sardar Hari Singh :** Will the Honourable Finance Minister be pleased to state the period after which those sentenced to "transportation for life" are usually released in the Punjab ?

**The Honourable Mr. Manohar Lal :** There is no fixed period after which prisoners serving sentences of transportation for life in Punjab jails are to be released. Under paragraph 516-B. of the Jail Manual the rolls of all prisoners who have served a term of 14 years with remissions are reviewed. The Punjab Government usually order release at this stage unless



local conditions, the special gravity of the offence, or the prisoner's conduct in jail make release at this stage premature.

**Lala Deshbandhu Gupta :** Is it not the practice in the Punjab that prisoners convicted for transportation for life under section 124 (a) are not given the advantage of release after 14 years, as is granted to prisoners not convicted for political offence ?

**Minister :** Will the honourable member tell me a single case in which a prisoner has been convicted under section 124 (a) to transportation for life ?

**Lala Deshbandhu Gupta :** I mean ' political offence '.

**Minister :** I know many cases in which they have been released on completion of 14 years (with remissions).

**Lala Duni Chand :** Is it true that ordinarily transportation for life is equivalent to 14 years' imprisonment ?

**Minister :** I have said so.

#### PROHIBITION.

**\*1862. Sardar Hari Singh :** Will the Honourable Minister of Revenue be pleased to state—

(a) whether the Government has come to any decision on the question of the introduction of prohibition in the province ;

(b) if answer to the previous part be in the negative, when they expect to take a final decision in the matter ?

**The Honourable Dr. Sir Sundar Singh Majithia :** (a) and (b) The honourable member is referred to the answer given to question No. 1655<sup>1</sup> (starred).

**Sardar Hari Singh :** Will the Honourable Minister be pleased to state whether a decision is likely to be reached in the life-time of the present Ministry ?

**Minister :** That is a very hypothetical question. You cannot ask me to give a reply to such a question. The life-time of this Ministry is dependent on the vote of this House. It might be thrown out to-morrow or it may not be thrown out at all.

**Sardar Hari Singh :** May I ask whether the decision in regard to this matter is likely to be reached before the 1st April ?

**Minister :** I cannot bind myself to that, but I will try to expedite this matter.

#### RELEASE OF OLD AND INFIRM PRISONERS.

**\*1863. Sardar Hari Singh :** Will the Honourable Minister of Finance be pleased to state—

(a) whether it is a fact that the Inspector-General of Prisons, Punjab has recommended to the Government the release of about 300 old and infirm prisoners ;

[S. Hari Singh.]

(b) if the answer to previous part be in the affirmative, the action taken or proposed to be taken by the Government in the matter?

**The Honourable Mr. Manohar Lal :** (a) Government have very recently received the rolls of 24 such prisoners whom the Inspector-General of Prisons has recommended for release. It is believed that the Inspector-General will be sending a large number of more recommendations shortly.

(b) The case of each prisoner is being considered on its merits.

**Sardar Hari Singh :** Is the Government going to follow any general principle in regard to the release of these prisoners?

**Minister :** I have said that each case will be considered on its own merits.

**Sardar Hari Singh :** Apart from the merits, is the Government going to lay down any general principle, i.e., principle of good behaviour, conduct, etc. ?

**Minister :** All these considerations are relevant in considering individual cases.

**Lala Duni Chand :** Does the Government accept the principle of infirmity in releasing the prisoners ?

**Minister :** Infirmity is a consideration that is borne in view in considering the release of prisoners.

**Sardar Partab Singh :** Will the Government take into consideration the case of Jahangiri Lal, a cripple and release him in view of his infirmity ?

**Minister :** Such cases will be considered on the recommendations that will be made in course of time by the Inspector-General of Prisons.

**Lala Duni Chand :** After accepting the principle of infirmity, will the Honourable Minister kindly give thought to the question of release of those political prisoners, who are suffering from tuberculosis and other diseases ?

**Minister :** I will give very careful thought to this matter.

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#### GOVERNMENT INSTRUCTIONS REGARDING CHANGES IN TERMINAL TAX SCHEDULES OF LOCAL BODIES.

**\*1864. Sardar Hari Singh :** Will the Honourable Minister of Public Works be pleased to state whether it is a fact that the Punjab Government has issued orders to the local bodies to the effect that in future they are barred from introducing any changes in their schedules of terminal tax ; if so, reasons for the same ?

**The Honourable Nawabzada Major Malik Khizar Hayat Khan, Tiwana :** That is so because under the Government of India Act, 1935, terminal tax is a Federal subject.

STRICTURES PASSED BY THE SESSIONS JUDGE, HOSHIAHPUR, AGAINST A  
POLICE HEAD CONSTABLE GURDIAL SINGH.

**\*1865. Sardar Hari Singh :** Will the Honourable Premier be pleased to state—

(a) whether he is aware that severe strictures on the honesty and integrity of Gurdial Singh, a police head constable, have been passed in a recent judgment of the Sessions Judge, Hoshiarpur, to the effect that he made a deliberate false statement in the case *Crown versus Balwant Singh Dukhia* under section 302/115, Indian Penal Code ;

(b) if the answer to part (a) above be in the affirmative, the action taken or proposed to be taken by the Government against the delinquent official ?

**The Honourable Major Sir Sikander Hyat-Khan :** Government have not yet seen the judgment. A copy has now been sent for and on its receipt Government will consider what action is required.

**Diwan Chaman Lall :** May I ask whether the copy of the judgment was sent for ?

**Premier :** I cannot tell you off-hand, but it might have been sent for, since the matter was mentioned in newspapers or perhaps attention might have been drawn by somebody else.

**Sardar Hari Singh :** May I ask when the decision is to be declared in this case ?

**Premier :** I think it will take some time before the judgment is sent to the deputy commissioner by the court concerned. It will be sent through proper channel.

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SARDA ACT.

**\*1866. Sardar Hari Singh :** Will the Honourable Finance Minister be pleased to state—

(a) the measure of success that has attended the working of the Sarda Act in the Punjab ;

(b) the steps the Government proposes to take to ensure the complete success of the intentions of the Act ?

**The Honourable Mr. Manohar Lal :** (a) A statement is laid on the table containing figures taken from the annual *Notes on the Administration of Criminal Justice in the Punjab*, of cases tried under the Act since it came into force.

(b) It is understood that a private member's Bill for the strengthening of the measure is under discussion in the central legislature, and recent reports in the press show that the Government members there have expressed their sympathy with its objects. No special action is contemplated by the Punjab Government at present.

[Finance Minister.]

*Cases reported and number of persons tried, convicted and acquitted of offences under the Child Marriage Restraint Act, 1929.*

Year.	NUMBER OF CASES.		Brought to trial.	Number of persons under trial including pending from previous years.	Acquitted.	Convicted.
	Offences reported.	Returned as true.				
1930 .. ..	1	1	1	3	..	3
1931 .. ..	31	20	22	103	38	37
1932 .. ..	32	61	61	263	141	101
1933 .. ..	67	46	59	211	122	54
1934 .. ..	87	61	63	213	73	112
1935 .. ..	146	76	78	218	125	72
1936 .. ..	75	61	62	178	86	60

#### NOMINATIONS TO LOCAL BODIES.

**\*1867. Sardar Hari Singh :** Will the Honourable Minister of Public Works be pleased to state the foremost consideration that prevails in making nominations to the local bodies ?

**The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana :** The attention of the honourable member is drawn to the reply given to part (ii) of his starred question No. 1112<sup>1</sup>.

#### REPRESENTATION AGAINST THE POLICE AT VILLAGE SAHUNGRA.

**\*1868. Sardar Hari Singh :** Will the Honourable Premier be pleased to state—

- whether the Government has recently received a representation against the police at village Sahungra, district Hoshiarpur, for extortion and begar exacted by them ;
- if answer to (a) above be in the affirmative, whether an independent inquiry has been held into the matter ; if so, with what result ;
- the name and designation of the inquiry officers and mode of inquiry held on the matter ;

(d) whether it is or it is not a fact that the said representation contains certain allegations against the Superintendent of Police and Deputy Superintendent of Police, Hoshiarpur, too?

**The Honourable Major Sir Sikander Hyat-Khan :** (a) A representation was received at the end of October last.

(b) and (c) Inquiries have been made under the orders of the deputy commissioner. As explained in my reply to question \*1820<sup>1</sup>, certain information is still awaited from the deputy commissioner, and pending its receipt I think it better to defer a more definite reply.

(d) No.

**Sardar Hari Singh :** Will the Honourable the Premier be pleased to mention the officer who made inquiries under the instructions of the deputy commissioner? It is not given in the reply.

**Premier :** I am afraid I cannot answer that question off-hand.

**Sardar Hari Singh :** But the question is already there in part (c) where I ask the name and designation of the inquiry officer.

**Premier :** It is quite possible that he deputed a senior gazetted officer for the purpose. If the honourable member has got any information, he might communicate it to me.

**Sardar Hari Singh :** I have to seek information and not to give it. The Honourable the Speaker will not allow me to give information.

**Premier :** I have given the information that so far as the Government is concerned we asked the deputy commissioner to make inquiries.

**Sardar Hari Singh :** I want to know who the officer deputed to make the inquiries was. Was he the superintendent of police, or the deputy superintendent of police or the thanedar or a constable.

**Premier :** I am afraid I cannot answer that question off-hand. Very likely the inquiry was held by a senior gazetted officer. It must have been a senior gazetted officer.

**Sardar Hari Singh :** May I refer the Honourable Premier to part (d) of the question? Will he please state whether he has gone through the representation himself before preparing the answer to the question? I can assure him that a representation was made containing certain allegations.

**Premier :** Not in this particular representation referred to by my honourable friend. We looked through it and we did not find any allegations.

**Sardar Hari Singh :** In the representation that has been sent to the deputy commissioner or to the honourable the Premier definite allegations were made against the deputy superintendent of police and the superintendent of police. I want to know whether the Honourable the Premier went through those papers before preparing the answer.

**Premier :** Is the honourable member referring to the representation which was recently made, which he spoke to me about? The recent representation does not contain any allegation.

**Sardar Hari Singh :** I am referring to the representation which was made in the first instance.

**Mr. Speaker :** The next question.

#### RURAL RECONSTRUCTION DEPARTMENT.

**\*1869. Sardar Hari Singh :** Will the Honourable Minister of Development be pleased to state—

- (a) the number of officers and workers that the Government intends to employ in the Rural Reconstruction Department in the course of the next financial year ;
- (b) the number of ladies among such employees ;
- (c) qualifications of those employees and the training proposed to be given to them ;
- (d) the nature and scope of rural reconstruction programme proposed to be carried out during the next year ?

**The Honourable Chaudhri Sir Chhotu Ram :** The term " department " is not applied to the office of the Commissioner, Rural Reconstruction. He inspires, co-ordinates and advises existing departments.

The proposals of Government for a vast expansion of all the work of all the beneficent departments, which constitutes re-construction, will be outlined in the speech with which the budget is presented. It is impossible at this stage to give in accurate detail the figures required.

#### SHORT NOTICE QUESTION AND ANSWER.

##### ADVERTISEMENT FOR A PROVINCIAL TOWN PLANNER, PUNJAB.

**Sardar Hari Singh :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether he is aware of the advertisement in the Press by the Secretary, Punjab and North-West Frontier Province Joint Public Service Commission, for the temporary post of a provincial Town Planner, Punjab, for five years on Rs. 1,050—50—1,250 per mensem plus £ 30 per mensem and free return passage if of non-Asiatic domicile ;
- (b) whether or not the Punjab Government, in requesting the Commission to select a suitable candidate for the post, has also issued any such instructions that the candidate must preferably be an Indian ;
- (c) criteria borne in mind by the Government in fixing the pay of the post?

**The Honourable Nawabzada Major Malik Khizar Hayat Khan, Tiwana :** (a) Yes.

(b) No such instructions have been issued, but the post is being advertised both in India and in England.

(c) The pay was fixed at the lowest rate which it was considered would be likely to attract persons possessing the necessary qualifications and experience.

**Sardar Hari Singh :** May I ask the Honourable Minister whether I am to understand that qualification for qualification an Indian will be preferred ?

**Minister :** We have only advertised. This question will arise when we are making the appointment.

**Diwan Chaman Lall :** Why did he advertise in England ?

**Minister :** There are many Indians there, and it was in order to attract the best people.

**Diwan Chaman Lall :** May I take it from the Honourable Minister that he confines himself to an Indian whether in England or in India ?

**Minister :** We have advertised to get the best applicants. We have yet to receive applications, and it will be then that you can ask that question.

**Diwan Chaman Lall :** Why did not the Honourable Minister lay it down in the advertisement that only Indians would be preferred ?

**Minister :** To apply is open to all. To appoint will be our responsibility.

**Diwan Chaman Lall :** Why was the Honourable Minister so negligent of his duties to his countrymen that he did not confine the post to an Indian ?

**Minister :** There is no negligence.

**Diwan Chaman Lall :** If he was not negligent, was it done just to please the British Government ?

**Minister :** It is only an advertisement and pleases no one.

**Diwan Chaman Lall :** Is the Honourable Minister aware of the popular verdict which attaches to an advertisement of this nature ?

**Sardar Hari Singh :** In reference to the answer given by the Honourable Minister himself, will he kindly state whether he intends to take the fact into consideration that qualification for qualification an Indian will be preferred ?

**Minister :** Everything will be considered at the time of making the appointment.

**Mian Muhammad Iftikhar-ud-Din :** I want to know, if you want the best man, why you did not make it quite clear in your advertisement. Why did you not advertise in the other countries as well ? There are sometimes better qualified Indians to be found in other countries.

**Pir Akbar Ali :** Is there any village planner ? And where is the necessity for this town planner ? And what is the urgent necessity of this town planning ?

**Minister :** There are so many municipalities where his services are needed.

**Pir Akbar Ali :** Who will pay the town planner, the municipalities, or the district boards ?

**Diwan Chaman Lall :** Has the Honourable Minister consulted these various municipalities and have they agreed to the payment of £30 overseas allowance ?

**Minister :** We are not committed to this £30 at present.

**Diwan Chaman Lall :** Has the Honourable Minister consulted these municipalities ?

**Minister :** That question will arise at the time of our making the appointment. You are putting the cart before the horse.

**Diwan Chaman Lall :** Has the Honourable Minister consulted the municipalities regarding the desirability of this payment ?

**Minister :** The post was decided upon in the time of the last Government.

**Diwan Chaman Lall :** So you are merely carrying out the orders of the past Government?

**Minister :** We have merely advertised.

**Sardar Partab Singh :** In view of the replies given by the Honourable Minister, especially when he said that it would be seen whether they give the £30 overseas allowance, does he mean that this advertisement is a pseudo-advertisement ?

**Minister :** Not at all, it is only an advertisement.

**Sardar Hari Singh :** Is the Government not going to follow the principle of preference being given to an Indian ?

**Minister :** It is the duty of Government to secure the best services for the province. Subject to that criterion, if a suitable Indian is available, it would mean a considerable saving of the finance and that factor will weigh with the Government.

**Diwan Chaman Lall :** May I ask the Honourable Minister whether he considered this advertisement or this matter before this question was placed on the agenda paper ?

**Premier :** I can give my honourable friend one instance. When the question of the appointment of the Government Architect was under consideration applications were received both from Europeans and Indians and the Ministry came to the conclusion that an Indian was equally well qualified and an Indian was appointed. (*Applause*).

**Diwan Chaman Lall :** Will the Honourable Premier be kind enough to answer my question ? My question was this. My honourable friend has stated that these were the orders of the previous Government carried out by this Government. Did he consider the terms of this advertisement before the question was put on the agenda paper ?

**Premier :** The question was set down long ago.

**Diwan Chaman Lall :** May I take it therefore that after the start by the previous Government and until this question was placed on the agenda this matter was not considered ?

**Premier :** No.



**Diwan Chaman Lall :** May I take it that after due consideration the Honourable Minister still considers it advisable to advertise in Great Britain ?

**Premier :** Yes, after due consideration we considered it advisable to advertise for the post both here and in England so that we may get the best possible town planner in the interests of the province.

**Mian Muhammad Iftikhar-ud-Din :** May I ask as to whether there are no good architects in other countries, other than England, who are sometimes better qualified having received better education than in England ? If so, why was this advertisement made only in England and not in other European countries where even Indian students also study ?

**Mr. Speaker :** The question is argumentative.

**Diwan Chaman Lall :** Has the Honourable Minister considered it advisable, if he wants only the best town planner, to advertise in other countries as well as in Great Britain ?

**Premier :** Only for this reason that it would take at least three years to teach the man the language.

**Diwan Chaman Lall :** Why does the Honourable Premier presume that the town planner would not know English ?

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#### UNSTARRED QUESTIONS AND ANSWERS.

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294—297. *Cancelled.*

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#### STIPENDS GRANTED TO THE STUDENTS OF THE EMERSON INSTITUTE FOR THE BLIND, LAHORE.

298. **Mr. K. L. Gauba :** Will the Honourable Minister for Development be pleased to state whether it is a fact that the stipends which were granted to the students of the Emerson Institute for the Blind, Lahore, have recently been stopped ; if so, reasons for the same ?

**The Honourable Chaudhri Sir Chhotu Ram :** Yes. The old Government School for the Blind was re-organized with effect from 1st April, 1937, and named Government Emerson Institute for the Blind. Under the re-organized schemes pupils will be fed, clothed and housed at Government expense, and in addition will receive piece work wages for the work done, in place of the stipends paid under the old scheme.

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#### VISITS PAID BY THE INSPECTOR AND DIRECTOR OF INDUSTRIES TO THE EMERSON INSTITUTE FOR THE BLIND, LAHORE.

299. **Mr. K. L. Gauba :** Will the Honourable Minister for Development be pleased to state the number of visits paid by the Inspector of Industries and Director of Industries to the Emerson Institute for the Blind, Lahore, ever since it has been placed under the control of the Department of Industries ?

**The Honourable Chaudhri Sir Chhotu Ram :** The school was placed under the control of the Industries Department in August 1932. On an average it has been visited by the Inspector of Industrial Schools thrice a year and by the Director of Industries once a year except during the year 1937.

ADMISSION TO THE EMERSON INSTITUTE FOR THE BLIND, LAHORE.

**300. Mr. K. L. Gauba :** Will the Honourable Minister of Development be pleased to state whether it is a fact that admission to the Emerson Institute for the Blind, Lahore, has since been restricted to persons below sixteen years of age ; if so, reasons for the same ?

**The Honourable Chaudhri Sir Chhotu Ram :** The reply is in the negative.

POLITICAL SCIENCE TAUGHT IN GOVERNMENT INTERMEDIATE AND DEGREE COLLEGES.

**301. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Education be pleased to state—

- (a) the number of intermediate and degree Government colleges respectively, and the names of towns in which these are located ;
- (b) in which of these the subject of political science is taught ;
- (c) whether any arrangements for teaching this subject in all the Government degree colleges are under the consideration of Government ; if so, when they will be given effect to ?

**The Honourable Mian Abdul Haye :** (a) The requisite information is noted below :—

(i) Government Intermediate Colleges .. Ten (including one for Europeans and two for women).

- (1) Government Intermediate College, Gujrat.
- (2) Government Intermediate College, Campbellpur.
- (3) Government Intermediate College, Jhang.
- (4) Government Intermediate College, Dharmasala.
- (5) Government Intermediate College, Rohtak.
- (6) Government Intermediate College, Hoshiarpur.
- (7) Government Intermediate College, Pسرur.
- (8) Government Intermediate College for Women, Lyallpur.
- (9) Stratford Government Intermediate College for Women, Amritsar.
- (10) Lowrance College Ghoragali.

(ii) Government degree colleges .. Six (including one for women).

- (1) Government College, Lahore.
- (2) Government College, Ludhiana.
- (3) Government College, Lyallpur.
- (4) deMontmorency College, Shahpur.
- (5) Emerson College, Multan.
- (6) Lahore College for Women, Lahore.

(b) Two.

(c) No.

#### COMPENSATION TO OWNERS OF WATERLOGGED LANDS IN NANKANA TAHSIL.

**302. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Revenue be pleased to state the acreage of land which has become waterlogged and waste owing to *sem* and *thur* in Nankana tahsil ; the action the Government propose to take to compensate the owners of the said land for their loss in this respect ?

**The Honourable Dr. Sir Sundar Singh Majithia :** I regret that the answer to this question is not yet ready.

#### AREA OF LAND BOUGHT OVER BY NON-AGRICULTURISTS FROM AGRICULTURISTS.

**303. Sufi Abdul Hamid Khan :** Will the Honourable Minister of Revenue be pleased to state the area of land district and community-wise of the statutory agriculturists which has been bought over and is at present owned by the non-agriculturists after the enactment of the Punjab Alienation of Land Act in the Punjab ?

**The Honourable Dr. Sir Sundar Singh Majithia :** The preparation of these statistics would require an amount of time and labour out of all proportion to the results obtainable. I regret that I shall not be justified in calling for them.

#### COMMUNAL REPRESENTATION OF SUB-REGISTRARS IN THE AMRITSAR DISTRICT.

**304. Khan Sahib Chaudhri Fazal Din :** Will the Honourable Minister of Public Works be pleased to state whether it is a fact that the Muslims, Hindus and Sikhs are not properly represented among the sub-registrars in the Amritsar district ; if so, the action proposed to be taken to make up the deficiency of the community under-represented among these sub-registrars ?

**The Honourable Nawabzada Major Malik Khizar Hayat Khan, Tiwana :** There are four sub-registrars in the Amritsar district of whom three are Sikhs and one is a Hindu. The claims of the various communities will be considered when next a vacancy occurs.

**MAINTENANCE OF THE WIDOWS OF LATE AKBAR KHAN, HEAD CONSTABLE, POLICE, RAEWIND.**

**305. Khan Sahib Chaudhri Fazal Din :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that one Akbar Khan, Head Constable, Police, posted to police station Raewind was killed by a gunshot of an absconder while he was chasing the latter ;
- (b) whether it is a fact that the head constable mentioned above was on duty when he was so killed ;
- (c) whether it has been brought to the notice of the Government that the deceased has left behind two widows and five minor children ;
- (d) if the answer to the above be in the affirmative, the steps that the Government has taken or proposes to take for the maintenance of the two widows and for the bringing up and the education of the children ?

**The Honourable Major Sir Sikander Hyat-Khan :** (a) and (b) Head constable Akbar Khan was shot dead in a house in a village known as Kot Nasar Khan. He was not actually on duty at the time.

(c) Yes.

(d) Instructions have already been issued that a substantial sum should be paid to the dependents of the head constable to meet their immediate expenses. The question of a further grant to them is under consideration.

**ENHANCED WATER RATES FOR FODDER CROPS IN  
LYALLPUR DISTRICT.**

**306. Sardar Kishen Singh :** Will the Honourable Minister for Revenue be pleased to state—

- (a) whether it is a fact that four or five years ago the Punjab Government enhanced for a period of four years the water rate in respect of fodder crops by one rupee per acre in the Lyallpur district ;
- (b) whether it is a fact that the additional amount of one rupee is still being charged, although four years have passed ; if so, reasons for the same ; and whether the Government is prepared to remit that additional sum now ?

**The Honourable Dr. Sir Sundar Singh Majithia :** (a) No period was fixed for the imposition of the enhanced rate for fodder crops.

(b) Does not arise.

**LYALLPUR DISTRICT BOARD.**

**307. Sardar Kishen Singh :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether the District Board of Lyallpur has applied to Government for the withdrawal of any powers conferred by it on any officer ; if so, the steps taken by the Government in the matter ;

- (b) whether the Deputy Commissioner of Lyallpur as *ex-officio* chairman of the district board took the oath of allegiance before he commenced performing the duties of the chairman of the board ?

**The Honourable Nawabzada Major Malik Khizar Hayat Khan, Tiwana :** (a) No.

(b) He took the oath at the first meeting of the board after becoming a member.

BAL BHARAT SABHA AND NAUJAWAN BHARAT SABHA.

**308. Sardar Kishen Singh :** Will the Honourable Premier be pleased to state—

- (a) the grounds on which the Bal Bharat Sabha and the Naujawan Bharat Sabha were declared unlawful ;  
 (b) whether the Government proposes to remove the restrictions imposed upon the foregoing societies ; if not, why not ?

**The Honourable Major Sir Sikander Hyat-Khan :** (a) Because these associations interfered and had for their object interference with the administration of the law and with the maintenance of law and order and, therefore, constituted a danger to the public peace.

(b) No, because the removal of the ban on these associations would constitute a danger to the public peace.

EXTERMENT OF MR. VIJAI KUMAR, MR. RAJESHWAR AND  
COMRADE ODHAY SINGH RAVAT FROM THE PUNJAB.

**309. Sardar Kishen Singh :** Will the Honourable Premier be pleased to state—

- (a) the reasons for which Mr. Vijai Kumar, Mr. Rajeshwar and Comrade Odhay Singh Ravat have been externed from the Punjab under the Criminal Law Amendment Act ;  
 (b) whether Government proposes to withdraw the orders of externment passed against them now ; if not, why not ;  
 (c) if the answer to (b) above be in the negative, whether Government is prepared to give them any allowance ; if not, why not ?

**The Honourable Major Sir Sikander Hyat-Khan :** (a) For having acted and being about to act in a manner prejudicial to the public safety and peace.

(b) No. The circumstances necessitating their externment have not altered.

(c) No. There is no reason for so unusual a course. These persons are not Punjabis and the order does not prevent their earning their living outside the Punjab.

CONCESSION IN SPORTS SUBSCRIPTION FOR SONS OF TEACHERS AND  
CULTIVATORS, AND KAMINS.

**310. Sardar Kishen Singh :** Will the Honourable Minister for Education be pleased to state—

(a) whether it is a fact that the Honourable Minister for Education by his circular No. 17371, dated 17th November, 1932, issued instruction to the Inspectors of Schools, Punjab, that the sons of teachers, cultivators and *kamins* who are enjoying any kind of fee concession should also be given proportionate concession in the sports subscription ;

(b) if the answer to (a) above be in the affirmative, whether it is a fact that in many Government-aided schools the instructions contained in the circular named above are being disregarded ; if so, the action taken or intended to be taken in the matter ?

**The Honourable Mian Abdul Haye :** (a) Yes.

(b) The question concerning the application of departmental orders regarding pupils funds to privately managed schools is under consideration .

CONVERSION OF NOTIFIED AREA COMMITTEE, CHICHAWATNI, INTO  
A SMALL TOWN OR MUNICIPAL COMMITTEE.

**311. Sardar Ajit Singh :** With reference to the answers to questions Nos. \*1235 and \*1236 asked on 24th January, 1938, will the Honourable Minister for Public Works kindly state whether he has since received the report of the local officers on the question of conversion of the present notified area committee, Chichawatni, into a small town or municipal committee ; if so, the decision, if any, arrived at by the Government thereon ?

**The Honourable Nawabzada Major Malik Khizar Hayat-Khan Tiwana :** The report of the local officers is still awaited.

PANEL OF CHAIRMEN.

**Mr. Speaker :** I have to announce that under rule 3 (1) I have nominated the following four members as members of the panel of chairmen :—

Diwan Chaman Lall.

Khan Bahadur Chaudhri Riasat Ali.

Rai Bahadur Mr. Mukand Lal Puri.

Pir Akbar Ali.

PRESENTATION OF THE BUDGET.

**Finance Minister** (The Honourable Mr. Manohar Lal) : Sir, eight months have passed since I presented the budget for the current year, and eleven since, with the inauguration of provincial autonomy, the present Ministry was constituted. To-day I rise to render my account of (this) Government's stewardship of the finances of the province during the year that

is about to close, and to submit our financial proposals for the next year. I trust that the one will be found in order, and the other will prove acceptable. In conducting the year's finances, strictest adherence has been observed to established principles of financial procedure. It has been repeatedly asserted by the highest authorities that finance "has a way of taking terrible revenge upon nations and individuals who neglect or despise it." I have taken care, in obedience to this salutary warning, that all possible attention and respect is shown to the minutest requirements of exigent finance that there be no occasion for our being visited with any of finance's dire revenges or punishments. Accurate accounts, no departure from principles—these have been our anxious study, these I believe we have fairly attained. Thus may our income and expenditure for the current year be tested. In framing plans for the next year, the Government has not failed to be guided by the supreme wisdom of Mr. Gladstone's famous words: "Budgets are not merely affairs of arithmetic, but in a thousand ways go to the root of the prosperity of individuals, the relation of classes, and the strength of peoples." I trust that the budget for the coming year will be found to disclose no mere dull cult of arithmetic, though the inexorable laws of calculation cannot be ignored, but that on the other hand, within the narrow limits of provincial finance, it embodies well-considered plans for the betterment and the welfare of our people.

I have avoided detail in my short statement to-day, because it is to be found in abundance and systematically presented in the comprehensive Memorandum of the Finance Secretary. Reference must be made to the Memorandum for many important matters to which I have not been able to allude.

2. I must now address myself to the accounts and estimates of three years according to established usage—the year 1936-37 for which the accounts have been closed, the current year 1937-38 for which revised estimates are now available and the next financial year 1938-39 for which the budget is to be presented.

#### 1936-37.

3. At the time when the budget was presented in June last year, the year had already closed, but the final accounts had not been made up and only revised figures were available. In the budget for the year revenue receipts had been estimated at Rs. 10,44,20,000 and revenue expenditure at Rs. 10,60,58,000, showing a deficit of a little over Rs. 16½ lakhs. But the year's working proved favourable and the revised figures showed an improvement of Rs. 42½ lakhs in revenue receipts, while revenue expenditure increased only by a little over three lakhs—a total net improvement of 39½ lakhs—converting a budgeted deficit of Rs. 16½ lakhs into a surplus of Rs. 23 lakhs. The circumstances that led to this welcome improvement were summarized by me at the presentation of the budget. And I then pointed out that the surplus would be utilised to the extent of Rs. 15 lakhs to write back to revenue interest charges that could not be financed from revenue and had been charged to capital during the construction period of the Hydro-Electric Schemes up to 1929. This was a financial obligation strictly enjoined upon us, and its discharge afforded material relief to the Hydro-Electric finance.

[Finance Minister.]

The balance of a little over eight lakhs, as the year had already closed, had to merge in our general balances, and could not, as I said at the time, for reasons of technical budgetary difficulties, be employed on any directly fruitful object.

4. Now that the accounts of the year 1936-37 have closed and final figures are available, the year's working on the revenue side shows a realised actual surplus of nearly Rs. 31 lakhs (Rs. 30,88,000 to be precise)—even after writing back Rs. 15 lakhs as mentioned above, and general provincial balances have gained an additional 28 lakhs. This amplified balance enabled the Government to finance the early stages of the Haveli Project during the current year without borrowing to any appreciable extent, securing at once a substantial saving in interest and favourable terms in August, 1937, when we approached the loan market to pay off our maturing bonds.

1937-38.

5. When I presented the budget for the current year in June last, the estimates showed a small revenue surplus of Rs. 1,72,000. The year had started badly with one of nature's most disastrous visitations in several parts of the province, and the communal horizon was overcast by dark clouds. Financially, however, in spite of our strikingly courageous finance in providing large revenue remissions and other relief to the agriculturist, and at the same time making a notable addition to expenditure on beneficent departments—the two operations involving a sum of no less than 50 lakhs—the year promises to end with a most welcome surplus. (*Hear, hear*).

Not taking into account, the sum of Rs. 11.04 lakhs to be received from the Government of India under the Niemeyer arrangements, the estimated real surplus on the year's revised figures is Rs. 50,20,000; and this is in spite of the fact that large additional expenditure consequent on the introduction of the new reforms which could not be included in the budget but to which I called special attention last year had to be met.

6 On the receipts side the following are significant improvements :—

				Lakhs.
				Rs.
Land revenue (gross)	..	..	..	7.75
Irrigation (direct receipts)	..	..	..	28.66
Provincial excise	..	..	..	7.27
Forests	..	..	..	4.01
Receipts under Motor Vehicles Taxation Acts	..	..	..	1.07
Hydro-Electric Schemes	..	..	..	1.52
Improvement in Irrigation income due to fall in working expenses	..	..	..	3.72
Miscellaneous adjustments, etc.	..	..	..	1
Total	..	..	..	55.00

Other variations require no particular notice.



7. On the expenditure side, there is a net increase on the totals of only Rs. 8.45 lakhs. The main increases are—

			Lakhs.
			Rs.
1. Direct demands on the revenue	..	..	2.41
2. Irrigation revenue accounts	..	..	8.15
3. Debt services .. .. .	..	..	5.62
4. Beneficent departments .. .. .	..	..	2.11
5. Superannuation allowances and pensions	..	..	1.21

These increases are in part counterbalanced by certain savings, the most significant of which is Rs. 2.26 lakhs under General Administration, Rs. 5.42 lakhs under Civil Works, and Rs. 4.76 lakhs under Interest on Hydro-Electric Schemes. For greater detail reference must be made to the General Abstract and the Memorandum, but I trust that honourable members will realise the strict watch that has been exercised on expenditure, and note how jealous has been the custody of their finances by their Government. (*Hear, hear*).

8. In Land Revenue, the improvement is due mainly to increase in the area under cultivation, but also to some extent to the fact that it has not been necessary to give special remissions to the full extent on account of the fall in prices for which allowance had been made in the budget.

The very large increase under Irrigation is due to increase in the area irrigated on most of the canals, good supplies in the canals at the sowing period, and in some of the canals increase in the area under higher-rated crops, and improvement of irrigation due to the remodelling of channels. On the Sirhind Canal and the Upper Jhelum, the conditions have not been so happy, mainly as a result of hailstorm in rabi and large kharaba remissions on account of failure of rains towards the end of kharif 1937. But even after these counter-balancing factors, the net result has been an improvement of Rs. 28½ lakhs in direct receipts and considering the fall in working expenses, it makes a total gain of Rs. 32½ lakhs. Under Irrigation estimating is always difficult. Factors that are not precisely definable have to be taken into consideration, and forecasts have to be made so far ahead that seasonal conditions are not predictable with any certainty. Prudence dictates caution and counsels avoidance of all over-confidence—therein alone lies security. If estimates, carefully framed on reference to averages over a period of years with appropriate corrections, turn out to be underestimates, no harm is done as long as Government's expenditure is under the vigilant control of the Assembly.

9. The large increase of Rs. 7½ lakhs under Excise is, apart from well-known variations under still-head duty, mainly due to the fact that under the new system of adjustments bills for refund of duty on liquor for the last quarter of the year are, with effect from the current year, to be adjusted in the accounts of the next succeeding year. In the revised estimates, refunds are shown as made for three quarters only. Otherwise the excise policy of Government continues unchanged. It can be briefly described as having for its aim "to minimise temptation for those who do not drink, and to discourage excess among those who do", and all considerations of revenue must be subordinate to this definite aim.

[Finance Minister.]

10. *Forests.*—The increase of over Rs. 4 lakhs is due to launching of more timber by Kulu and Siraj Divisions, and increase in the quantity of crude resin supplied to the Jallo Factory. Further, realizations of the first instalment of the sale of standing trees from Bara Banghal have come in unexpectedly and better prices have been obtained for the sale of trees. Higher rates have also been obtained for the temporary cultivation leases in the Chichawatni and Khanewal plantations.

11. I do not propose to analyse other items of increase among receipts. On the expenditure side, honourable members will no doubt note with satisfaction that expenditure has been kept almost completely within budgeted limits, the small increase of Rs. 3·45 lakhs representing a bare one-third of a per cent. of the total expenditure—and the fall in General Administration is particularly noteworthy as it is under this head that over a lakh and a half of additional expenditure on account of the Legislative Assembly, and another additional three-quarters of a lakh because of matters directly connected with the new reforms had to be met. But counterbalancing economies strictly enforced, as for example Rs. 1·36 lakhs under district administration, resulted in a net saving of Rs. 2·26 lakhs.

12. In our budget as in a mile race it is the last lap that is of vital importance. Nature so affects our finances that they become almost a sporting event with all the excitement of a close finish on the 31st March. Such often is the effect of kharif prospects and revenue, such also is the play of other forces. But when the Government realised a couple of months ago that a substantial surplus is likely to emerge, though nothing like the present figure could then be in view, the estimates have improved literally from fortnight to fortnight, it began seriously to examine the best mode of dealing with the surplus. It was clear that the surplus should be spent on directly fruitful objects, and not be allowed, like the surplus of the previous year on which as the year had closed we had no control, to merge into the general balances. I was happy, with the advise and support of the Auditor-General, to devise a plan to arrest the passage of the surplus into the balances. The plan is the simple one of converting nearly the whole of the estimated surplus of Rs. 61 lakhs, composed of our revenue surplus of Rs. 50 lakhs and the Government of India contribution of Rs. 11·04 lakhs, into a Special Fund available for use and at our disposal in the future. Honourable members have no doubt remarked that a supplementary estimate for the creation of this fund has already been presented to the Assembly. The object of this fund is the prosecution of an intensive policy of development and reconstruction all along the line mainly in rural areas. (*Hear, hear and applause*), and the Government contemplates that with the aid of this fund, to be enlarged into at least Rs. 75 lakhs as surpluses may arise in the future, the active message of how to attain welfare—whether by education, medical help, public health, agricultural improvement, veterinary service, co-operative activity, consolidation of holdings, village industries—be carried into every village home in the province. (*Hear, hear and applause*). Physical betterment, economic strength and building up of character in their manifold phases represent the prime objective of the Government in this plan. It is recognised that only by such message and by such activity carried out intensively in carefully designed co-operation by all the beneficent

departments together, the villager who should be our special care, if Punjab is to rise, can be so transformed as to be able to withstand the shocks of varying fortune. Legislation to relieve the zamindar's immediate troubles or to lighten his many burdens can be of no permanent avail unless his life is reshaped and his outlook refashioned. The policy is a human, a big human policy, concerned with the tiller of the soil and the labourer in the field. The task is not easy, but it is imperative if enduring results are to be secured, and we wish to ensure our foundations and not to build on loose and shifty sand. To this end the present Government propose to apply their most serious energy. It is high enterprise, but more than worthwhile and we trust that in the task in which we engage to-day, we shall have the whole-hearted support of this Assembly. (*Hear, hear.*)

At this stage, I may be permitted to observe that for such a task your Government is not without worthy and unquestionable credentials. (*Hear, hear.*) Recently much comparative examination has been attempted of the expenditure in various provinces on nation-building departments, and the result has been that of all the provinces in India the Punjab devotes the largest percentage of its total expenditure to beneficent departments (*cheers*), except Madras, but even Madras has much smaller annual expenditure per head of the population. (*Hear, hear.*) Bombay's percentage expenditure compares unfavourably with us, but as the population of the presidency is comparatively smaller, and its total resources much greater than ours, Bombay is able to show a slightly higher *per capita* expenditure. Sir, judged by comparable statistical tests, the Punjab to-day easily leads in the matter of nation-building activity. (*Applause.*) We may justly feel, therefore, that with economy so enforced as to secure the highest results with the present pitch of expenditure, and the new intensive drive that is now proposed to be undertaken to give fresh impetus to existing work, a rich and valuable harvest of genuine development is sure to be achieved.

13. The current year now closing represents only eight months of the financial stewardship of the present Government and it is gratifying to note that it has been possible to devote to beneficent departments nearly 25 lakhs more than in the year 1936-37—the last year of dyarchy. This represents a big advance of which honourable members may justly feel proud, as it has been made directly under their control and aegis. We are now reaching a standard of expenditure on these departments unparalleled except once since the introduction of reforms in 1921.

14. The amount devoted to the Special Development Fund is Rs. 55 lakhs out of an estimated revised surplus of Rs. 61 lakhs. The whole of the revised surplus would have been used for this fund, but then, as I have already hinted, the full optimism of the revised estimate may not be realised. In the final result therefore having taken account of Rs. 55 lakhs on account of the Special Development Fund created by a supplementary estimate on the expenditure side, the net surplus shown is only Rs. 6·24 lakhs.

#### 1938-39.

15. I come now to the year 1938-39 for which the budget offers the Government's plan for expenditure for the full period of twelve months. Unlike last year, when expenditure was authorised for four months by His Excellency the Governor under the Government of India (Commencement

[Finance Minister.]

and Transitory Provisions) Order, for the present budget your Ministry is wholly responsible.

The estimates for 1938-39 are :—

				Thousands.
				Rs.
Revenue receipts	..	..	..	11,41,56
Revenue expenditure	..	..	..	11,36,42

Among the receipts exists the sum of Rs. 6 lakhs transferred from the Special Development Fund, to which reference has already been made, and these Rs. 6 lakhs have been allotted to the beneficent departments on the expenditure side in addition to their normal budget grant as it would have otherwise stood. The estimates provide for a small surplus of Rs. 5·14 lakhs. No provision has been made on the receipts side for any contribution that may come as our share of the distribution by the Government of India under the Niemeyer arrangements because it is not possible to say definitely what the contribution if any may be. As a result of this contribution the expected surplus may be substantially enhanced, but as long as the present policy of not allowing the surplus to merge into the provincial balance and utilizing it to add to the size of the Development Fund is maintained, no possible objection can be taken.

16. Estimates have been made, as honourable members would note on a close reference to the revised figures for 1937-38. Of the two principal sources of revenue, Land Revenue (gross) is estimated at the same figure, but in net irrigation receipts a drop of a little over Rs. 7 lakhs is expected, Accounts for previous years would not justify a higher estimate. Forest receipts show a small rise. Otherwise, the main sources of income are in the same position as in the current year. The increase under Agriculture is due almost entirely to increased sale of improved seeds. There is also a rise under Co-operation. This is due to increase in the amount transferred from the Rural Areas Fund. On the other hand there is a fall of Rs. 1½ lakhs under Industries, as the figures for the current year were swelled by receipts from the All-India Exhibition, and the Exhibition has now come to a finish. Otherwise the variations of receipts under the head beneficent departments are explicable to a large extent by the distribution of Rs. 6 lakhs from the Development Fund among these departments. The increase of Rs. 16 lakhs under Civil Works is due to larger transfer from the Central Road Fund for expenditure on roads.

Under Hydro-Electric Schemes the improvement of Rs. 1·52 lakhs in net receipts in the revised estimates has already been noted. The budget estimate for 1938-39 exhibits net receipts at Rs. 13·58 lakhs, but this is after a deduction of Rs. 7·42 lakhs on account of depreciation charges. These depreciation charges while constituting a deduct entry of Rs. 7·42 lakhs in the accounts under Hydro-Electric Schemes are counterbalanced by a corresponding opposite entry of receipts under the head "Deposits and Advances." As compared, therefore, with 1937-38, the real net estimated income is Rs. 21 lakhs or an improvement of Rs. 5·41 lakhs. As against this sum of Rs. 21 lakhs, the interest charges now are Rs. 26·67 lakhs, that is

there is now a gap of only Rs. 5·67 lakhs. It is not expected that future years will show the same rate of betterment in this income, but even at a much slower rate the time is not distant when the Hydro-Electric Schemes should cease to be even an indirect burden on the finances of the province. Indeed we may well look forward to a date not distant when as a result of study in husbanding our resources and of care in planning further expansion the scheme will enter upon a period of genuine profit.

This brief account of estimates shows how inelastic provincial finance is. Our sources of revenue are limited and their yield is fixed except for minor variations. This in itself imposes the necessity of cautious estimating and of the utmost vigilance in the control of expenditure.

17. The only items under expenditure to which it is necessary to make any reference are—

- (1) An increase of Rs. 5 lakhs on account of Interest on Irrigation Works.—This is accounted for by large capital expenditure on the Haveli Project ;
- (2) Fall of Rs. 15·05 lakhs under Appropriation for Reduction or Avoidance of Debt.—This is due mainly to decrease in the repayment of the principal portion from the equated payments for the Government of India debt as the interest is to be paid for 12 months next year as compared with 10 months in the current year.

18. The estimate for General Administration is the same as in the budget for 1937-38. Police shows an increase of about Rs. 8 lakhs. There is no change here in the pay of officers (charged or voted) except of a very trifling amount under railway police. But there is an increase of Rs. 78,910 as compared with the current year in the pay of establishment. There is further provision made for provincial additional police and the additional staff sanctioned on a temporary basis for the Ferozepore district. Ordinary annual increments account for the balance. The reduction in the additional police force which was expected could not be effected because of the continuance of communal tension. Unfortunate agitations not unattended with occasional disturbances still trouble our daily life. Nor are there wanting signs of the emergence of subversive activities in various parts of the province. We seem unhappily still far removed from that peaceful atmosphere when the need of an outside agency to enforce order may be considered unnecessary. The moment better conditions prevail, the Government will not be slow to carry out all possible reductions.

Civil Works are responsible for an increase of Rs. 25 lakhs. This is accounted for by increased expenditure to the extent of Rs. 16 lakhs on roads to be financed from the Central Road Fund.

19. The main increase is on beneficent departments where further advance of Rs. 17 lakhs on the revised estimates is to be noted. It is proposed, including the contribution from the Special Development Fund, to spend Rs. 8·28 crores on these departments. When less than 12 months ago the present Ministry was entrusted with the task of government, the account of 1936-37 showed an expenditure of only Rs. 2·87 crores. In less than a year your Government is proposing an advance of over Rs. 41 lakhs under beneficent activity (*cheers*) and it is noteworthy that every single

[Finance Minister.]

department under this head has gained. We touch to-day a higher provision for the nation-building services than ever before in the financial history of this province. (*Hear, hear and applause*). The previous record of 1929-30 is now far surpassed. In 1921-22 this expenditure stood at Rs. 1·70 crores—to-day it stands at nearly twice the figure—and we have with us besides even after drawing Rs. 6 lakhs for special intensive work for these activities during 1938-39, a sum of Rs. 49 lakhs in the Special Development Fund. This Assembly may justly take pride in this fact. It can be asserted without fear of challenge to-day that judged from whatever standard one may apply, the Punjab here occupies a leading position among the Indian provinces. (*Hear, hear and applause*). To your Government it is a matter of the utmost gratification to be thus able to take another substantial step in fulfilling the desires and the ambitions of the people. This may, it should, build us fresh economic strength; we may then look forward to winning further advances in the high enterprise of nation-building activity.

20. The year's plans show a substantial advance in the actual execution of the Haveli Project that has already entered upon the building stage. During the course of the next year it is proposed to spend as much as Rs. 1·48 crores on this project, as the Government is anxious not to delay by a day the supply of irrigation to districts thirsting for the blessings of water. The road programme is to be carried forward with increased speed. The Punjab already has the best road system in the country, but during the next few years the net-work of both metalled and unmetalled roads is to be substantially enlarged. In the programme special attention is paid to village roads—providing not merely larger convenience in rural travelling, but likely also to add to the value of the villager's produce. Substantial expansion in the supply of hydro-electric energy is also being provided for. Engineering is to yield of her best in every direction to the wealth and welfare of the people. The question of water-supply in the south-eastern Punjab continues to engage the most anxious attention of the Government, and experiments are now being pushed ahead to examine the possibilities of tube-well irrigation that may provide at least a partial solution of the difficulties of this part of the province. (*Sardar Sampuran Singh : What about Jullundur ?*)

In Education stress on girls' education is being intensified, Government has noted with particular gratification the increasing demand for higher education among women. The college at Amritsar is to be raised to the degree standard, a Government high school for girls is to be provided at Ferozepore, and nine vernacular middle schools in rural areas are to be opened, and more assistant inspectresses of schools are to be appointed. The maintenance grant for vernacular education to district boards is being increased. The Ministry has also matured proposals for the extension of the scope of primary course as also for making work at this stage more extensive. Under Medical, four district and tahsil headquarters hospitals are being provincialized and grants to local bodies for improving and equipping existing hospitals and dispensaries are to be raised to three-quarters of a lakh. As regards Public Health, there is the substantial provision of Rs. 5 lakhs for sanitary purposes, and a first step has been taken to fulfil an urgent need by the provision of a Field Epidemiological Unit for work in connection with

malaria and plague in rural areas. In Agriculture a wide variety of additional effort is provided. The interests of animal husbandry are specially kept in view. Ten new veterinary hospitals with a full equipment of assistant surgeons are to be opened. Among other provisions substantial increase in the grants-in-aid to district boards for the construction of veterinary hospitals deserves notice. Special steps are being taken for the improvement of the Dhanni and Montgomery breed of cattle. These and other steps now in view will further add to the Punjab's strength in the attention paid to the problems of cattle breeding, fodder supply and general veterinary relief. Co-operative staff is to be strengthened, and the work of consolidation of holdings is to be carried forward with increased energy. For Industry, an industrial survey of the province is projected, the existing industrial schools are to receive additional equipment, and besides the normal assistance under the Punjab State Aid to Industries Act, numerous other new items of assistance will be found in the Schedule of New Expenditure. An important feature of the new year's proposals is the provision of seven more panchayat officers and fifty-six assistant panchayat officers. (*Hear, hear and applause*). This would give the system a real chance to prove its value; the Government is anxious to do all it can to give vitality to this ancient system of panchayats in the country. (*Hear, hear*). A still more striking feature of the budget is, in deference to the formally expressed opinion of this House, the establishment of one debt conciliation board in every district. (*Hear, hear and applause*). This is an earnest of the Government's keen desire to help in the relief of rural indebtedness. (*Hear, hear*).

This is a long tale and yet many other plans for effecting general betterment and uplift among our rural classes will be easily detected in the budget. But long as the tale may be, it embodies only a part of the solicitude of the present Ministry for the amelioration of the lot of the country-side.

#### *Capital Expenditure and Public Debt.*

21. I have not referred to extraordinary receipts or capital expenditure. On these heads abundant information is to be found in the Memorandum explanatory of the budget. We have to-day a net consolidated debt of Rs. 17 crores, repayable in forty-five years in biennial equated instalments carrying interest at 4 per cent. per annum. There is a further debt of Rs. 10 crores, excluded from consolidation, but repayable at any time by agreement between the Government of India and our Government—in the meantime it carries interest at  $3\frac{1}{2}$  per cent. In the year 1937-38, the net benefit that accrued to the province from the consolidation of debt is Rs. 2,38,000. Of our public debts raised by bonds,  $5\frac{1}{2}$  per cent. Punjab Bonds of 1937 that matured last October have been extinguished by a new floatation at 3 per cent. and this operation saves the province roughly Rs. 78,000 a year; our own total public debt now is Rs. 4,19·10 lakhs. Certain internal adjustments have been carried out in regard to interest chargeable to our two leading commercial departments—Irrigation and the Hydro-Electric Schemes. As a result, the Hydro-Electric Schemes have been relieved of a considerable burden, while the effect on irrigation has been insignificant. I need hardly observe that almost the entire debt of the province is for productive enterprise and our canals have already more than paid back to the State the capital spent on them, while of course their annual

[Finance Minister.]

contribution to the produce and the wealth of the province is larger than their total capital cost.

22. The opening balance for the year 1937-38 was Rs. 2,20 lakhs. The closing balance of the year is Rs. 1,95 lakhs. During the year large capital expenditure extending to Rs. 1,22 lakhs was incurred and part of it was met from the balances. It has been possible to meet the remainder from—

				Lakhs.
				Rs.
Extraordinary receipts	..	..	..	31.04
Surplus from the conversion loan	..	..	..	19.76
Debt deposits and remittances	..	..	..	39.64
Revenue surplus	..	..	..	6.24

The next year is expected to start with an opening balance of Rs. 1,95 lakhs. This balance, as in the current year, is to be utilized to a considerable extent for financing big capital expenditure such as the Haveli Project and the Hydro-Electric Schemes, such capital expenditure that is ordinarily met from borrowed capital. The actual closing balance would depend upon the extent of this borrowing, contingent on a variety of circumstances, as also upon the state of extraordinary receipts and the actual surplus of the year.

23. Sir, provincial governments in India do not enjoy much elbow room because of the narrow range of finance rigidly confined within the strictest bounds. All provincial activity has to be carried on checked at every stage by this constraining factor. Even moderate projects to push forward along essential lines of progress have to be discountenanced. Increased liability for recurring expenditure can be assumed only with a degree of caution that must damp the spirit of any reformer: no bold and large scale improvements, howsoever urgent and matters of necessity, can be entertained. Finance, the helpmeet of administration, operates as a discouraging mistress, for the dictates of finance cannot be ignored with impunity. The main sources of our revenue, the chief claims for expenditure are largely fixed and invariable. These circumstances are the daily care of Finance Ministers anxious to help in the advance of administration. Possible further sources of income are being studied with keen anxiety all over the country and as the difficulties to be surmounted are not dissimilar and the scope of these additional sources of revenue is nearly identical, the keenest interest is felt in whatever is being done in any province. The recent conference of Finance Ministers at Delhi was of help in clarifying certain issues, and we in the Punjab have collected considerable material which awaits examination. I hope this examination may yield valuable results; a representative committee of this House has undertaken the task of inquiry and is approaching the question with sincere zeal and application. In the meantime as the present budget discloses, the Government has attempted the utmost within our financial limitations in stimulating production and securing increase in welfare. A larger amount of public expenditure than ever before, aims at giving greater economic security (by irrigation works, improved and better methods of cultivation, attention to animal husbandry, better transport



facilities in rural areas), better physical well-being (sanitation, water-supply and public health), and larger measure of education. I trust this effort of the Ministry will meet with warm approbation. It is at once a proof of the happy results of popular control on expenditure and the Ministry's solicitude to attend to the wishes of this popular Assembly. Strength must beget greater strength. To-day Government in India is a new experiment, and a high adventure. In working this experiment, in engaging in this adventure, this province, unaffected by distempers and ailments that impede progress elsewhere, has a high mission. (*Hear, hear*). But we must not listen to exotic and alien ideas that may press on our attention under the seductive garb of lessons from international developments. We must not be deflected from our course by the sweep of dangerous ideas. "Strange crises to-day are rushing round the world." We must shun these and live a sheltered life apart. Let us cultivate sound economy and build an enduring structure of national strength. Thereby, we shall leave a precious heritage to those that come after us. Thereby, we shall raise still higher the flag of proud Punjab. In other paths there is woe, thus alone shall we live.

24. Before conclusion, I must express my appreciation of the responsible and onerous work of those, the officers and the staff of the Finance Department, without whose trained application and zealous devotion to duty, no accurate financial picture could be compiled and the danger of falling into error that might prove at once embarrassing and expensive could not be averted. Unlike the previous year, during the year the department suffered once again a change in the charge of secretaryship. Mr. Ram Chandra on whose unerring judgment and expert guidance the department had learnt to lean left us within three months of the presentation of the last budget. Since then the destinies of the department have been in the efficient hands of Mr. H. D. Bhanot. (*Hear, hear*). He came to us with an established reputation for hard work and close personal attention to detail. These qualities have stood him in high stead in the discharge of his duties at the head of the Finance Department. He has had no difficulty in acquiring familiarity with the many intricacies and mysteries of finance and he has enforced the sound canons of financial administration with due rigour after my own heart. I am grateful for his strict and watchful care. Our finances bid fair to be prosperous under his charge. I am anxious, therefore, that he will not, like his many distinguished predecessors, slip away from our fingers. I am confident that his record as Financial Secretary is to be marked completely with credit and success. (*Cheers*).

As last year, I must refer by name to two of our other officers. Honourable members do not see anything of these officers, because they are completely screened behind official doors and secretariat literature, but I have not allowed them to observe the same seclusion from me, and I am personally able to testify to their great merits. Mr. Pearson continues to be our trusted mainstay in all questions relating to Public Works Finance, and his services in this capacity are of high value. Lala Lal Chand, the Assistant Secretary, can be described as the very embodiment of our department, a repository of all knowledge, full of keenness and loyalty. (*Hear, hear*). For myself I hope and wish that he will sit there occupying his chair for all time, if not he for that cannot be, then another bearing his financial soul and mind.

[Finance Minister.]

I am anxious to express my gratitude to the superintendents and assistants, several of whom I have come to know personally. They have given us of their best. No small part of the successful functioning of the department is due to their willing co-operation, sense of duty and efficient work.

Before I resume my seat I must record the Government's tribute to Mr. Jai Gopal Bhandari, the Accountant-General (*cheers*), who is now retiring after a distinguished career in the service of the Crown in India. He has given us unstintingly of his technical wisdom, and I consider it has been a genuine source of strength to us to have had him by our side to help, guide and check during the early stages of the introduction of provincial autonomy. I may also be permitted to mention that I was fortunate in establishing very early intimate contact with Sir Ernest Burdon, the Auditor-General for India and his authoritative counsel and advice has been of the utmost advantage to Government.

Sir, I beg to present to the Assembly, the budget for the year 1938-39. (*Applause*).

*The Assembly then adjourned till 2 P.M. on Wednesday, 2nd March, 1938.*

# PUNJAB LEGISLATIVE ASSEMBLY

2ND SESSION OF THE 1ST PUNJAB LEGISLATIVE ASSEMBLY.

Wednesday, 2nd March, 1938.

The Assembly met at the Council Chamber at 2 P.M. of the clock. Deputy Speaker in the Chair.

## STARRED QUESTIONS AND ANSWERS.

### CONGRESS MEETING AT VILLAGE FATEHWAL.

\*1870. **Sardar Hari Singh** : Will the Honourable Premier be pleased to state—

- (a) whether he is aware of the fact that a Congress meeting was held at village Fatehwal, district Amritsar, on 5th February ;
- (b) whether allegations by the organisers of the meeting have since been brought to his notice to the effect that the meeting was invaded by some miscreants who tore down the Congress flag and injured some volunteers ;
- (c) whether on those allegations an independent inquiry has been held into the matter ; if so, with what result ;
- (d) the officers deputed to make the inquiry and the mode of the inquiry, and also whether the organisers and people concerned were given an opportunity of substantiating the charges ?

**Sardar Sahib Sardar Ujjal Singh** (Parliamentary Secretary) : (a) Yes.

(b) and (c) A case under section 147, Indian Penal Code, was registered by the police and put in court on 15th February, 1938. The matter is, therefore, *sub judice*.

(d) A gazetted police officer made an enquiry in the manner prescribed in the Criminal Procedure Code for the investigation of criminal cases. All parties concerned were given full opportunity of placing their case before the enquiring officer.

**Sardar Sohan Singh Josh** : Who was the gazetted officer ?

**Parliamentary Secretary** : He was a police officer.

**Sardar Sohan Singh Josh** : What was his designation ?

**Parliamentary Secretary** : Deputy Superintendent, Police, probably.

**Sardar Sohan Singh Josh** : What was the method of enquiry adopted by him ?

**Parliamentary Secretary** : I have already replied to that in (d).

**Sardar Sohan Singh Josh** : The method of enquiry is not given. What was the method ?

**Parliamentary Secretary :** The honourable member is referred to my reply to part (d).

**Dr. Sant Ram Seth :** What was the date on which the enquiry was started ?

**Parliamentary Secretary :** I require notice for this question.

**Sardar Sohan Singh Josh :** May I know whether it is a fact that all the people were called from the surrounding villages when the enquiry was held ?

**Parliamentary Secretary :** All the people concerned were called.

**Diwan Chaman Lall :** May I ask the honourable member as to why a judicial officer was not sent to make an enquiry ?

**Parliamentary Secretary :** A preliminary enquiry had to be held by a police gazetted officer and the case has been committed to the court.

**Sardar Sohan Singh Josh :** Is it a fact that all the people gathered there shouted with one voice that the Congress people had been completely non-violent ?

**Deputy Speaker :** That is not a supplementary question.

**Sardar Sohan Singh Josh :** It is in regard to the latter part of the reply.

**An honourable member :** On a point of order. While asking questions the honourable member speaks in English while making speeches he talks in Urdu.

**Sardar Sohan Singh Josh :** In the latter part of the reply it is stated that all parties concerned were given full opportunity of placing their case before the enquiring officer. I am asking whether the people who gathered there in connection with that enquiry shouted all with one voice that the Congress people had been completely non-violent.

**Deputy Speaker :** The honourable member is now giving information instead of asking for it.

**Sardar Sohan Singh Josh :** I am only enquiring whether the honourable member is aware or not of the happening of this incident, namely, that these people shouted while the enquiry was being held ?

**Deputy Speaker :** It is not a supplementary question.

**Diwan Chaman Lall :** May I ask the honourable member—

*(At this stage the Honourable Minister for Public Works made some remarks.)*

May I ask the Honourable Minister to restrain himself a little when an honourable member is on his feet. He is now seeking to take your place and is trying to order members on this side to sit down or stand up. I believe it is for you to declare whether we can stand one at a time or two at a time.

**Deputy Speaker :** The honourable member may go on.

**Diwan Chaman Lall :** The honourable member is going on, but he seeks your protection against the unconstitutional interference on the part of the Honourable Minister.

May I ask the honourable member whether he is prepared to lay the report of the police officer on the table of the House ?

**Parliamentary Secretary :** It is confidential and cannot be laid on the table ?

**Sardar Sohan Singh Josh :** May I know whether it is a fact that the people gathered there shouted that it was the police who had beaten the people ?

**Parliamentary Secretary :** It may have been so, but I am not aware of it.

**Diwan Chaman Lall :** What hand had the police in this beating that was indulged in ?

**Lala Duni Chand :** May I know why the enquiry was held by the police officials ?

**Parliamentary Secretary :** The case is now registered in a court of law and I hope true facts of the case will come out but preliminary enquiry had to be made by a gazetted police official.

REPRESENTATION MADE BY RESIDENTS OF VILLAGE HARSIPIND,  
DISTRICT HOSHIARPUR.

\*1871. **Sardar Hari Singh :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that a number of residents of village Harsipind, district Hoshiarpur, have recently submitted a representation to the Inspector-General of Police, Punjab, on the subject of the coercive methods employed by the police posted to the police station Tanda Urmur in the said district, to exact bribes from them ;
- (b) if the answer to part (a) above be in the affirmative, the exact contents of the representation ;
- (c) whether an inquiry has been instituted in the matter ; if so, with what result ?

**The Honourable Major Sir Sikander Hyat-Khan :** (a) No such representation seems to have been received.

(b) and (c) do not arise.

MR. RANGA, M.L.A. (CENTRAL).

\*1872. **Chaudhri Kartar Singh :** Will the Honourable Premier be pleased to state whether it is a fact that Mr. Ranga, M.L.A. (Central), who was to come to Lahore to preside over the Insurance and Bank employees' conference, was recently served with a notice at railway station, Delhi, by the Government not to enter the province without previous permission ; if so, the reasons which necessitated the issuing of this notice ?

**The Honourable Major Sir Sikander Hyat-Khan :** The honourable member is referred to the answer given to starred question No. 1833.<sup>1</sup>

**Mian Muhammad Iftikhar-ud-Din :** Has there been any change in the policy of the Government during the last few days considering the agitation that has gone on with regard to this question throughout the whole of India ?

**Deputy Speaker :** That is not a supplementary question.

PROFESSOR RANGA, M.L.A. (CENTRAL).

**\*1873. Lala Deshbandhu Gupta :** Will the Honourable Premier be pleased to state—

(a) whether it is a fact that Professor Ranga, M.L.A. (Central) has recently been prevented from entering the Punjab ;

(b) if so, what led to the taking of such action against the said professor ?

**The Honourable Major Sir Sikander Hyat-Khan :** The honourable member is referred to the answer given in the starred question No. 1838.<sup>1</sup>

#### DRAINAGE OF SURPLUS WATER IN VILLAGES GALOWAL CHHAUREAN AND BHULSRAN.

**\*1874. Sardar Hari Singh :** With reference to the answer to part (f) of starred question No. 1021<sup>2</sup> asked on the 17th January, 1938, will the Honourable Minister for Revenue be pleased to state what practical steps have been taken or are proposed to be taken by the Drainage Department to drain out the surplus water in the villages of Galowal Chhaurean and Bhulsrans ?

**The Honourable Dr. Sir Sundar Singh Majithia :** The question of constructing two culverts in the protection bund for draining out surplus water is under consideration by the three parties (Kapurthala State, North-Western Railway and the Punjab Government).

**Sardar Hari Singh :** Is there any possibility of the scheme materializing at an early date ?

**Minister :** I can only assure the honourable member that every endeavour will be made to expedite matters as much as possible.

#### COMPLAINT AGAINST POLICE CONSTABLE DIN MUHAMMAD.

**\*1875. Sardar Hari Singh :** With reference to the answer to starred question No. 1020<sup>3</sup> asked on the 17th January, 1938, on the subject of the abusive language alleged to have been used by a police constable towards the Gurdwara Parbandhak Committee, Anandpur, at Kirapur office of the Committee, will the Honourable Premier be pleased to state whether the petitioner concerned was called upon by the inquiry officer, i.e., the Superintendent of Police, Hoshiarpur, to substantiate the charge against the police constable ; if not, what other method was used to arrive at the truth in the case ?

<sup>1</sup>Page 211 ante.

<sup>2</sup>Volume II, pages 385-86.

<sup>3</sup>Volume II, page 385.

**Sardar Sahib Sardar Ujjal Singh** (Parliamentary Secretary) : I regret that the answer to this question is not ready.

**Sardar Hari Singh** : When may it be expected ?

**Parliamentary Secretary** : I cannot say definitely but as soon as it is ready, it will be communicated to the honourable member.

**Diwan Chaman Lall** : May I ask the honourable member whether his attention has been drawn to the fact that the last question asked in reference to this matter was on the 17th January, 1938, and may I ask him to state whether he still considers that the time at his disposal in order to make enquiries was not sufficient ?

**Parliamentary Secretary** : The Government has made enquiries from local officers and their reply is awaited.

**Sardar Hari Singh** : When did the Government make reference to local officers ? Is it that the local officers did not care for the Government ?

**Parliamentary Secretary** : I am sorry I cannot give a reply off hand, as to the date when enquiries were addressed to local officers. It is not correct that local officers do not care for Government. Enquiries regarding some questions take long time.

**Lala Deshbandu Gupta** : Is the honourable member speaking from the files ?

**Minister for Revenue** : He is speaking from the replies that have been prepared in the office.

#### SPEECH OF REVENUE ASSISTANT, HOSHIARPUR.

\*1876. **Sardar Hari Singh** : With reference to the answer to starred question No. 997<sup>1</sup> asked on the 17th January, 1938, will the Honourable Premier be pleased to state—

- (a) the name and designation of the official who instituted the inquiry into the allegations made in the question ;
- (b) whether an attempt was made to make inquiries regarding the allegations from the non-officials also who attended the meeting ;  
or
- (c) whether the answer to the question referred to above is based merely on the explanation tendered by the official concerned ?

**The Honourable Major Sir Sikander Hyat-Khan** : The enquiry was held by the Deputy Commissioner. I am not prepared to go into further details.

**STRICTURES PASSED AGAINST SHEIKH GHULAM MOHY-UD-DIN,  
SUB-INSPECTOR OF POLICE, SHEIKHPURA.**

**\*1877. Sardar Hari Singh :** With reference to the answer to part (a) of starred question 1072,<sup>1</sup> asked on the 17th January, 1938, will the Honourable Premier be pleased to state—

- (a) whether any departmental action has been or is proposed to be taken against the sub-inspector concerned ; if not, why not ;
- (b) whether or not any explanation was called for from the sub-inspector concerned by the higher authorities ?

**Sardar Sahib Sardar Ujjal Singh** (Parliamentary Secretary) : I regret that the answer to this question is not ready.

**Diwan Chaman Lall :** May I ask the honourable member the reason why the answer is not ready ?

**Parliamentary Secretary :** The necessary enquiries have not been yet completed.

**Diwan Chaman Lall :** May I ask the honourable member when he institutes enquiries, whether he gives instructions that the report should be made to his department at the earliest possible moment ?

**Parliamentary Secretary :** I think that is done by the Ministers but the wishes of the honourable member will be communicated to the Honourable Premier.

**Diwan Chaman Lall :** May I ask the honourable member to note my question ? I am not wanting him to convey my wishes to the Honourable Premier. I am asking whether such practice has been observed in the past.

**Minister for Revenue :** That is the practice.

**Diwan Chaman Lall :** May I take it that the officials from whom enquiries are made are negligent of their duties ?

**Minister for Revenue :** It is not so.

**Diwan Chaman Lall :** What other reasons are there for not giving the necessary replies ? May I ask if the honourable member can give us now any adequate reasons in view of the instructions issued by him that replies should be expedited why these replies have not been expedited ?

**Parliamentary Secretary :** The delay is naturally due to the fact that the enquiries have not been completed.

**Deputy Speaker :** Next question.

**Khwaja Ghulam Samad :** Was any further action taken on the question after 17th January, 1938 ?

**Minister for Revenue :** Sir, you have called for the next question.



ALLEGED EXTORTION BY POLICE AT MELA SHINGH SHIRALAN IN  
DISTRICT HOSHIARPUR.

**\*1878. Sardar Hari Singh :** Will the Honourable Premier be pleased to state whether the district authorities have recently received any complaints from the shopkeepers at *Mela Shingh Shiralan*, held at village Achalpur, thana Garh Shankar, district Hoshiarpur, on 21st and 22nd November, 1937, alleging extortion by the police at the said fair ; if so, the result of inquiry, if any, conducted into the matter ?

**Sardar Sahib Sardar Ujjal Singh (Parliamentary Secretary) :** The honourable member is asked to refer to the reply to his starred question 1120<sup>a</sup>, which has recently been sent to him through the Honourable the Speaker.

**Sardar Hari Singh :** May I ask the honourable Parliamentary Secretary to state the name and designation of the local officer who made the enquiry in the matter ?

**Parliamentary Secretary :** Enquiry was made by the Deputy Superintendent of Police, Mr. A. K. Kaul, who also took statements.

**Sardar Hari Singh :** May I further ask him to state whether the complainants in this case were given the opportunity by the enquiry officer to substantiate the charges made by them ?

**Parliamentary Secretary :** Yes, all the persons who were concerned were given full opportunity of stating their case in writing.

**Sardar Hari Singh :** Will he state the names of the persons who were asked to substantiate the charges ?

**Parliamentary Secretary :** I require notice for that.

**Sardar Hari Singh :** The Parliamentary Secretary has stated that they were given the opportunity. How many persons were they and what were their names ?

**Parliamentary Secretary :** I cannot be expected to remember all the names ; I would request the honourable member to give fresh notice.

DEATHS OF WOMEN DUE TO CONFINEMENT IN TOWNS AND VILLAGES,  
AND ARRANGEMENTS FOR THE SAME.

**\*1879. Mrs. Duni Chand :** Will the Honourable Minister for Education be pleased to state—

- (a) the number of deaths of women due to complications arising out of confinement for towns for which vital statistics are available, respectively from 1st April, 1937, to 31st December 1937 ;
- (b) the total number of similar deaths in other towns and villages of the Punjab for the same period ;
- (c) the existing arrangements for maternity cases in case of women who are unable on account of poverty to secure medical aid at the time of confinement ;

[Mrs. Duni Chand.]

(d) the number of competent midwives and lady doctors available in the Punjab for medical aid in maternity cases ;

(e) the scheme, if any, that the Government proposes to introduce in the Punjab that will ensure proper medical aid in maternity cases ?

**Mrs. J. A. Shah Nawaz** (Parliamentary Secretary) : (a) 494.

(b) 1,158.

(c) Suitable arrangements for the treatment of poor maternity cases exist at—

(1) all district headquarters and tahsil headquarters hospitals where a woman sub-assistant surgeon and/or nurse-dai/trained-dai are maintained ; and at all mission hospitals for women ;

(2) all rural dispensaries employing a trained-dai ; and

(3) all welfare centres under the supervision of a health visitor.

(d) the number of lady doctors in the Punjab is 228 and that of trained midwives, nurse-dais and trained-dais, who are available for medical aid in maternity cases is 135, 294 and 793, respectively.

(e) With a view to ensure proper medical aid for women more especially in maternity cases the Punjab Government formulated a programme in 1925-26 which contemplated the provision of a first class women's hospital under a lady doctor at the headquarters of every district where such a hospital was not already in existence ; of a section for women under the charge of a woman sub-assistant surgeon at all tahsil headquarters hospitals and of a nurse dai or trained-dai at each of the outlying dispensaries. Owing to financial stringency the scheme has not yet been achieved in full.

**Mrs. Duni Chand** (Urdu) : Does the Parliamentary Secretary think that in such a large province as the Punjab such a small number of trained nurses is sufficient ?

**Deputy Speaker** : This is not a supplementary question.

**Mrs. Duni Chand** (Urdu) : I wish to draw your attention to the fact that on account of there being no trained nurses, cases are entrusted to the ordinary dais who are totally unfit for the job.

**Deputy Speaker** : I am sorry to say that this question is not a supplementary question.

#### REPORTS OF PROCEEDINGS OF PUBLIC MEETINGS IN THE PUNJAB.

**\*1880. Sardar Hari Singh** : With reference to the answer to starred question No. 754<sup>1</sup>, asked on the 10th January, 1938, will the Honourable Premier be pleased to state—

(a) the number and the educational qualifications of police reporters, respectively ;

(b) the number of those reporters among them who take reports in shorthand and those who report in longhand ;

(c) the number of reports of speeches in public meetings in the Punjab taken in shorthand and those in longhand since April, 1937; and

(d) whether or not the accuracy of these reports is invariably presumed by the Government as a matter of course?

**Sardar Sahib Sardar Ujjal Singh** (Parliamentary Secretary): (a), (b) and (c). To collect the information asked for by the honourable member will involve time and labour incommensurate with the results. For the honourable member's information I may add that only such officers are appointed as reporters who are considered suitable for the work.

(d) No.

**Lala Deshbandhu Gupta**: Is there any agency in existence to test the ability of these reporters?

**Parliamentary Secretary**: Government does satisfy itself when the reporters are appointed.

**Sardar Hari Singh**: What is the training given to the police reporter before they are let loose upon the public, i.e., before they are made to take down reports in the Punjab and thus let loose upon the people to play with their liberties?

**Lala Duni Chand**: Have cases come to the notice of the Government which would show that reporters appointed have been found to be incompetent to take reports?

**Sardar Hari Singh**: Is he aware of the fact that in 99 per cent. of the cases the reports are entirely wrong and fabricated?

**Parliamentary Secretary**: No. That is incorrect.

**Lala Deshbandhu Gupta**: Is there any test applied before they are employed? Do they undergo any examination?

**Deputy Speaker**: A question to this effect was put before and no answer was given.

**Dr. Gopi Chand Bhargava**: What is the number of reporters?

**Sardar Hari Singh**: Is there any examination held before their recruitment?

**Parliamentary Secretary**: No.

**Chaudhri Kartar Singh (Urdu)**: Is the Government aware of the fact that when public meetings are held in villages the ordinary constable getting Rs. 18 or so is engaged to report the proceedings?

**Deputy Speaker**: It is not a supplementary question.

**Chaudhri Kartar Singh (Urdu)**: Is the Government aware of the fact that a police reporter could not read the report correctly when called upon to do so in a court?

**Parliamentary Secretary**: I have no information on that point.

**Chaudhri Kartar Singh (Urdu)**: If this be a fact, is the Government prepared to hold a test for the reporters?

**Parliamentary Secretary :** The matter of appointing reporters is receiving the consideration of Government.

**Lala Deshbandhu Gupta :** Will the Government test the ability of these reporters by asking them to report the proceedings of this House ?

**Deputy Speaker :** Next question.

**Sardar Hari Singh :** I submit that there are still forty-five minutes more for questions and it is an important item. We may be allowed to put supplementary questions on this question.

**Deputy Speaker :** Very well.

**Master Kabul Singh (Punjabi) :** Is it a fact that in a sedition case the word 'ghaur' was read as 'ghadar' and that was the main cause of the case ?

**Parliamentary Secretary :** I am not at all aware of the information that the honourable member is trying to convey to the House.

**Master Kabul Singh (Punjabi) :** In a similar case in the district of Jullundur the word 'beri' (a fruit tree) was read as "wairi" (enemy). Is it a fact ?

**Parliamentary Secretary :** The honourable member is not seeking information but supplying information.

**Mian Muhammad Iftikhar-ud-Din :** Is it a fact that one of the tests of the ability of these reporters is the number of convictions that they secure against Congressmen ?

**Parliamentary Secretary :** Certainly not.

**Sardar Sohan Singh Josh :** May I enquire whether he has received any complaints in regard to the inefficiency of the police reporters ?

**Dr. Gopi Chand Bhargava :** What is the efficiency test of these reporters ? If there is none, how does the honourable member say that the argument that a man is considered efficient who has been able to secure a large number of prosecutions against Congressmen, is not right ? (Voices : He wants time). (Laughter).

**Deputy Speaker :** Next question.

**Sardar Hari Singh :** On a point of order. I want to bring to your notice that the Minister who is in charge of the department is not here and in his absence the Parliamentary Secretary who is giving answers should either be well prepared with the answers or the Minister himself should be present.

**Syed Amjad Ali Shah :** That is a matter of opinion.

**Sardar Hari Singh :** We want information and he is not competent to give it. Either the Minister should be here or the Parliamentary Secretary should be prepared.

**Deputy Speaker :** There is no way of getting an answer from either a Minister or the Parliamentary Secretary when he is not prepared to answer a question. This House has no power to elicit an answer from the Minister or the Parliamentary Secretary.

**Sardar Hari Singh :** I am bringing to your notice the inefficiency of the Parliamentary Secretary.

**Parliamentary Secretary :** The honourable member's remark is entirely unjustified. I have answered all the supplementary questions raised by the honourable member. It was only the last supplementary question put by my honourable friend to which no reply was considered necessary or desirable.

**PERSONS PROSECUTED BY THE PUNJAB GOVERNMENT FOR  
ALLEGED OBJECTIONABLE SPEECHES.**

**\*1881. Sardar Hari Singh :** Will the Honourable Premier be pleased to state—

- (a) the number of cases in which persons have been prosecuted by the Punjab Government for alleged objectionable speeches reported by the police reporters since April last ;
- (b) the qualification and rank of the reporter in each case, and whether the report in the case was taken in longhand or in shorthand ;
- (c) the number of cases in which reporters, while appearing as prosecution witnesses, were asked by way of test to take some report of the speech delivered by the accused in the court and the number of such cases in which they failed to report correctly ;
- (d) the number of convictions and acquittals in the original courts in the cases referred to in (a) above ; and
- (e) the number of cases in which appeals were filed in higher courts and the number of acquittals on such appeals ?

**Sardar Sahib Sardar Ujjal Singh (Parliamentary Secretary) :** (a) 24 (upto 23rd February, 1938).

(b) This information is not readily available and the time and labour involved in collecting it is not commensurate with the results.

(c) First part : two.  
Second part : one.

(d) Convictions : 13.  
Acquittals : 1.

(e) First part : Two.  
Second part : one.

**Sardar Hari Singh :** May I invite attention to part (b) of the question and the answer given ? In answer to (a) the Parliamentary Secretary stated that 24 prosecutions had been launched : I want to know in how many out of 24 cases, reports were taken in long hand and how many in short hand ?

**Deputy Speaker :** This is not a supplementary question.

**Diwan Chaman Lall :** May I draw your attention to part (b) of this question about qualifications and rank of the reporter in each case and whether the report in the case was taken in longhand or in shorthand ? It is not a supplementary question but it is a question which was substantive. The question is there. Will the honourable member please give a reply to it now ?

**Parliamentary Secretary :** The reply has already been given in reply to part (b), namely, that this information is not readily available and the time and labour involved in collecting it is not commensurate with the results ?

**Diwan Chaman Lall :** May I ask the honourable member whether in collecting this information regarding these 24 cases he has consulted the files of these 24 cases and whether any further effort is required to collect this information, because it is apparent on the file ?

**Parliamentary Secretary :** The information required was regarding the qualifications and rank of the reporters in each case.

**Diwan Chaman Lall :** The question now being asked of the honourable member is not regarding the rank and qualifications of the reporter. The question is a very simple one. If the honourable member has seen the files, will he kindly answer the question whether the reports were taken in longhand or in shorthand ?

**Parliamentary Secretary :** In part (b) the question asked was to state the qualifications and the rank of the reporters in each case.

**Diwan Chaman Lall :** Will the honourable member please direct his attention to the next portion of the question ?

**Parliamentary Secretary :** The complete reply to the whole question was that this information is not readily available and the time and labour involved in collecting it is not commensurate with the results.

**Diwan Chaman Lall :** Is the honourable member aware that it is not correct (shall I call it a terminological inexactitude ?) to state that the information is not readily available when all the records are before him ?

**Mian Muhammad Iftikhar-ud-Din :** Is it a fact that as the speeches are fabricated in the offices here therefore it is not necessary to give a reply whether the reports were taken in longhand or in shorthand ?

**Parliamentary Secretary :** Certainly not.

**Lala Bhim Sen Sachar :** May I know if the reports of the speeches are on the official record ?

**Parliamentary Secretary :** I am sorry I cannot answer off-hand. I will require fresh notice.

**Dr. Gopi Chand Bhargava :** May I know whether those reports and files are destroyed or whether they are in the record room ?

**Dr. Gopi Chand Bhargava :** Does the honourable member mean to say that he cannot collect the names of 24 people who appeared as witnesses from the file of the reports and find out whether the reports were taken in longhand or in shorthand ?

#### BABAR AKALI PRISONERS SUFFERING FROM TUBERCULOSIS AND SUCH OTHER DISEASES.

\*1882. **Sardar Hari Singh :** With reference to the answer to starred question No. 1024<sup>1</sup> asked on the 17th January, 1938, will the Honourable Minister of Finance be pleased to state—

(a) the number of prisoners who were suffering from tuberculosis and other fell and chronic diseases before admission ;

- (b) the circumstances under which infection found its way into and spread inside the jails ;
- (c) whether any further special steps are proposed to be taken in future to save the jail population from such infection ; and
- (d) when the proposal of special jail in a suitable climate for tubercular patients is likely to materialise ?

**The Honourable Mr. Manohar Lal :** I regret that the answer to this question is not ready.

**REMOVAL OF CHAUDHRI IBRAHIM FROM MEMBERSHIP OF MUNICIPAL COMMITTEE, SHEIKHUPURA.**

**\*1883. Lala Duni Chand :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that in July, 1936, the President, Municipal Committee, Sheikhupura, had recommended the removal of Chaudhri Ibrahim from membership of the municipal committee under section 16 (1) (e) of the Punjab Municipal Act on the ground that he had declined to remove the encroachment made by him ;
- (b) whether it is also a fact that the Divisional Inspector of local bodies, Lahore division, had also recommended exemplary punishment to be given to this member ;
- (c) whether any inquiry was instituted by the Deputy Commissioner, Sheikhupura, into the matter through the Additional Magistrate into the conduct of the said member ; if so, whether the Government will place a copy of the report of that officer on the table of the House ;
- (d) whether it is a fact that the said Ibrahim has not removed the encroachment up to this time ; if so, the action if any, the Government intends to take in the matter ?

**The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana :** I regret the reply to this question is not yet ready.

**Lala Duni Chand :** May I know if the question put has already been answered ?

**Minister :** No.

**Lala Duni Chand :** Is it not a fact that on this subject a number of questions were put by Dr. Gopi Chand and some of them were answered ?

**Mian Muhammad Iftikhar-ud-Din :** Would it not be better in future instead of our asking questions the Ministers should give whatever few replies they happen to have. This will save time when such few questions are replied.

**Minister :** Replies are always given, except in a few cases where the enquiry is a detailed one and information is not forthcoming, otherwise questions are always replied.

**Lala Duni Chand :** Is it not a fact that the Minister refuses to answer because it is inconvenient to answer ?

**Minister :** Not at all. It is a wrong allegation.

**Dr. Gopi Chand Bhargava :** Does it not prove the inefficiency of the subordinate staff for not securing the reply in such a long time.

PEONS OF JUDICIAL, EXECUTIVE AND REVENUE DEPARTMENTS.

\*1834. **Lala Duni Chand :** Will the Honourable Minister for Finance be pleased to state—

- (a) whether it is a fact that peons (chaprasis) of all judicial, executive and revenue departments get a fixed pay of Rs. 14 a month regardless of the period for which they may have been in service ;
- (b) whether it is also a fact that on retirement all of them get a fixed pension of Rs. 4 a month regardless of the time for which they may have put in service ;
- (c) whether it is a fact that they do not get any leave with pay ;
- (d) whether repeated representations have been made by them to the authorities concerned asking for improvement of their lot ; and if so, the action that the Government has taken or intends to take in the matter ?

**The Honourable Mr. Manohar Lal :** (a) Yes.

(b) Yes.

(c) No.

(d) Yes. Several representations have been received in the past, but financial reasons have not allowed favourable consideration. Increased expenditure under the Reforms now make it difficult to add substantial expenditure on this account. Government, however, will take the matter into consideration as early as possible.

**Lala Duni Chand :** In view of the admission by the Finance Minister, would he assure the House that the grievances of these unfortunate but very valuable servants of the Government will be taken into consideration and some sort of relief granted ?

**Minister :** How many questions rolled into one have been put to me ?

**Lala Duni Chand :** The Honourable the Finance Minister has been pleased to admit that invariably the salary of the peon is Rs. 14 and that he gets a pension of Rs. 4. Whether in view of this admission, will the Minister assure the House that the question of their grievances will be taken into consideration very soon and some sort of relief will be granted to them ?

**Deputy Speaker :** It is not a supplementary question.

**Lala Duni Chand :** Can he give any idea of the time within which this question will be favourably considered by the Government ?

**Minister :** I said as early as possible.



**Lala Duni Chand :** Does the Government admit that the case of these people is most just ?

**Minister :** I expect to give the matter early consideration.

**Lala Bhim Sen Sachar :** Is the Honourable Minister of opinion that the sum of Rs. 14 is sufficient for keeping body and soul together ?

**Minister :** Just depends.

**Diwan Chaman Lall :** Does the Honourable Minister think that the sum of Rs. 8,500 is sufficient to keep body and soul together ? (*Laughter*).

**Minister :** That also depends.

#### ZAILDARS IN AMBALA DISTRICT.

\*1885. **Lala Duni Chand :** Will the Honourable Minister for Revenue be pleased to state—

- (a) whether all zaildars in Ambala district are summoned to the headquarters of the district on the 1st of every month without being paid any allowance or travelling expenses ;
- (b) whether similar orders are enforced in other districts as well ;
- (c) whether there exists a feeling of resentment among the zaildars on account of the compulsory calls mentioned above ; if so, the action that the Government intends to take in the matter ?

**The Honourable Dr. Sir Sundar Singh Majithia :** (a) An enquiry has been made from the Deputy Commissioner.

(b) and (c) The duties of zaildars are detailed in rule 9 of the Rules under the Punjab Land Revenue Act. Government is prepared to attend to specific complaints.

**Lala Duni Chand :** In case the zaildars are summoned to the headquarters on any particular date, will the Government consider the question of paying them any travelling expenses ?

**Minister :** That question is for my honourable friend to answer. If he has got sufficient fund he can consider this question.

**Lala Duni Chand :** Is it not a fact that they are called always on the first of each month ?

**Minister :** It is not necessary to call them always, they are called sometimes.

**Lala Duni Chand :** Has the Government any right to call them to the headquarters on particular dates without paying them anything ?

**Minister :** Why not ?

**Mian Muhammad Iftikhar-ud-Din :** Is it not a fact that generally all the zaildars in the province are called by the Government to the district headquarters on the first of each month ?

**Minister :** My honourable friend had been a zaildar. Was he always called to the headquarters on the first of each month ?

**Mian Muhammad Iftikhar-ud-Din :** Yes.

**Minister :** Did you claim any travelling allowance ?

**Mian Muhammad Iftikhar-ud-Din :** No. I did not.

**Minister :** The honourable member has not received the power of attorney from zaildars to represent their case.

**Mian Muhammad Iftikhar-ud-Din :** Certainly, we have received the power of attorney from the whole population of the Punjab, not from the zaildars alone.

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ARMS LICENCE-HOLDER.

**\*1886. Lala Duni Chand :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that holders of licences for arms are required not only to get licences for protection of their lives and property but also for shooting of birds ; if so, the authority on which this is done ;
- (b) whether it is a fact that those who want licences only for self protection have been refused licences and in some cases their applications for renewing licences have been kept pending till such time as they apply for hunting licences also ; if so, the reasons therefor ?

**Sardar Sahib Sardar Ujjal Singh (Parliamentary Secretary) :** (a) The attention of the honourable member is invited to section 4 of the Punjab Wild Birds and Wild Animals Protection Act, 1933.

(b) Government are not aware of any such case.

**Lala Duni Chand :** When a licence of one kind is required, why is an applicant forced to take two kinds of licences ?

**Parliamentary Secretary :** I have already stated that the honourable member should study section 4 of the Punjab Wild Birds and Wild Animals Protection Act, 1933.

**Lala Duni Chand :** May I know how the honourable member takes protection behind that section ?

**Parliamentary Secretary :** The honourable member is a lawyer and he should know it better.

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HAIYSIAT TAX IN AMBALA DISTRICT AND IN KHARAR TAHSIL.

**\*1887. Lala Duni Chand :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that there have been loud and repeated complaints against the highhandedness practised in assessing haiysiat tax in Ambala district and particularly in Kharar tahsil ;
- (b) whether numerous representations have been made to the District Board, Ambala, and the Deputy Commissioner, Ambala, mentioning specific instances of unjust assessments ;
- (c) whether it is true that many persons without any income worth the name and unable to feed themselves have been assessed ;

(d) the number of forcible realizations of the haiysiat tax and of no realizations in spite of the issue of coercive processes of law ;

(e) the action that the Government proposes to take in the matter ?

**The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana :** (a) No, there was only one such complaint, from Tahsil Kharar, which on inquiry was found baseless.

(b) No.

(c) No.

(d) 68 warrants of arrest were issued for the realization of the haiysiat tax during the current year, out of which most of the defaulters paid the tax due before actual arrest.

(e) None.

**Lala Duni Chand :** May I know the data on which the Honourable Minister has given the answer ?

**Minister :** Reports from the local officers.

**Lala Duni Chand :** Will he kindly refer to those reports and see that hundreds of complaints have been made ?

**Minister :** Quite on the contrary, only one complaint was made and that was found baseless.

**Lala Duni Chand :** Will he conduct an enquiry if I give him a number of complaints in writing ?

**Minister :** How can an enquiry be conducted when the honourable member has got them in his pocket ?

**Lala Bhim Sen Sachar :** Will it be convenient for the Honourable Minister to mention the name of the officer who conducted the enquiry ?

**Minister :** I cannot name the officer. I have got the report from the Deputy Commissioner.

**Lala Bhim Sen Sachar :** Can he let us have an insight into the nature of the enquiry that was held ?

**Minister :** The enquiry was made by the official agency and the allegations were found to be false.

**Lala Bhim Sen Sachar :** Did that official agency record any statements of persons ?

**Minister :** The necessary procedure must have been followed.

**Lala Bhim Sen Sachar :** Is it within the knowledge of the Honourable Minister that the matter was gone into and that the statements of persons are on record ?

**Minister :** The local officers gave that information and I presume that all the necessary formalities must have been complied with.

**Lala Duni Chand :** Will the Honourable Minister again enquire from the Deputy Commissioner whether the complaints have not been made to him ?

**Minister :** How can I do so, when you have just told us that they are still with you ?

**Lala Duni Chand :** Will you again satisfy yourself ?

**Minister :** I am perfectly satisfied.

**Dr. Gopi Chand Bhargava :** Are you sure that they are not in the pocket of the Deputy Commissioner ?

**Minister :** Not to my information.

**Dr. Gopi Chand Bhargava :** Will you please enquire ?

**Minister :** There is no case for enquiry at present.

**Lala Deshbandhu Gupta :** In view of the statement of my honourable friend, that about a dozen of complaints were sent to the Deputy Commissioner—and he is prepared to substantiate that statement—will the Honourable Minister make enquiries from the Deputy Commissioner whether he has received those complaints or not ?

**Minister :** I am relying on the present information. If you want to send any more complaints, do so to the Deputy Commissioner.

### SHORT NOTICE QUESTIONS AND ANSWERS.

#### DISPUTES BETWEEN LESSEES AND TENANTS IN NILI BAR COLONY.

**Sardar Sahib Sardar Gurbachan Singh :** Will Government be pleased to state whether they are aware of the disputes that have arisen between lessees of Government land on temporary cultivation in the Nili Bar Colony and their tenants and what action they propose to take to restore normal relations between them ?

**The Honourable Dr. Sir Sundar Singh Majithia :** Government have just received from the Commissioner, Multan, his report of the results of the tenders for temporary cultivation in the Nili Bar Colony, which were opened in February.

They find that these tenders have risen to a figure that could not be paid without throwing on the tenants a burden, which, having regard to the present prices, is in the opinion of the Punjab Government excessive. They have therefore decided to offer the lots afresh subject to certain conditions. These are that the rent to be paid by the tenant shall not exceed—

- (1) a deduction by way of *kharch* from the whole crop, of not more than two seers per maund.
- (2) Batai at not more than fifty per cent.
- (3) Abiana to be paid by the tenant.
- (4) Half local rate and half acreage rate to be paid by the tenant.
- (5) Tenants shall be entitled to cultivate up to four acres per square per annum as fodder and to pay at their option therefor either batai at one-half or Rs. 25 per acre. Any further area laid down for fodder cultivation shall be by agreement between the lessee and tenant.
- (6) No other charges shall be made from the tenant except with the consent of Government.

The highest tenderers in the auctions held in February, 1938, will have the option of continuing their leases on these new conditions or of withdrawing without penalty. Should they withdraw, the lots will be put to tender afresh.

The rent to be charged in future by existing lessees will be subject to the same maximum and will take effect from this rabi. Those whose leases will terminate in the coming rabi will be given by way of compensation a remission calculated at twenty per cent. of the rabi instalment. Other existing lessees will be offered the alternative of continuing their leases with a twenty per cent. deduction or of withdrawing. If they withdraw, no penalty will be charged.

The exact cost to Government of these concessions over the next three years has still to be worked out. It may amount to as much as twelve lakhs.

Government are prepared, if necessary, to implement this decision by legislation, but hopes that the acceptance of the decision by all concerned will render this unnecessary.

**Sardar Hari Singh :** Will the Honourable Minister of Revenue be pleased to state—

(a) whether it is a fact that recently a deputation on behalf of the tenants of tahsil Pakpattan, district Montgomery, waited on one of the Parliamentary Secretaries and the Revenue Minister himself and narrated the grievances of forty thousand tenants on strike for the last one month against the high-handedness of local lease-holders ;

(b) if answer to (a) above be in the affirmative, the substance of their grievances as narrated by the deputationists and the answer given by the Honourable Minister to their representations ?

**The Honourable Dr. Sir Sundar Singh Majithia :** I think the information contained in the reply (above) to the short notice question of Sardar Gurbachan Singh contains everything that I could say on the subject.

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

## SUPPLEMENTARY ESTIMATES.

### GENERAL DISCUSSION.

**Mr. Speaker :** The House will first discuss the non-voted items and then proceed to discuss the supplementary demands.

**Sardar Hari Singh** (Kangra and Northern Hoshiarpur, Sikh, Rural) : Sir, the total demand presented in the third instalment of Supplementary Estimates is over 84 lakhs, and if we deduct the special demand for the constitution of the Development Fund amounting to Rs. 55 lakhs, then it amounts to Rs. 29,72 thousand and odd, and out of this amount a big slice amounting to Rs. 10,87 thousand and odd is non-voted. This is a portion of the supplementary budget which we may discuss only but we cannot say we shall not give this to Government.

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Going into details, I beg to draw your attention to item No. 1. of demand No. 1. You will find there that the pay of officers is as much as Rs. 15,520 non-voted, sanctioned originally, but in the supplementary estimate we are asked to give as much as Rs. 19,970. If you turn to the travelling allowance, you will find that the originally sanctioned amount is Rs. 2,850 and the supplementary estimate is Rs. 3,390. So the supplementary demand exceeds the original demand under this head by about Rs. 5,000. So, I would question the constitutional and financial propriety of making the supplementary grant exceed the original grant by as much as Rs. 5,000. As in Punjabi they say, '*darhi nalon muchchan wad gayan.*' We are asked to give the pay of special forest officer in the Jullundur division with effect from 20th March, 1937, and, secondly, the pay of an additional forest officer in the Rawalpindi division, with effect from 4th November, 1937. Here I would ask a pertinent question of the Finance Minister as to why this was not included in the original estimate, or failing that in the first or second supplementary estimates which we have already sanctioned. Are these forest officers imperial service officers or are they provincial service men, and are they Indians or Europeans? We are quite in the dark as to their qualifications and as to whether they are Indians or Europeans. Further, I would like him to throw light on the question whether he could not have men whose salary could be voted. The salaries of these officers are non-voted. Could he not have men from a cadre which would have decreased the non-voted item?

Then I would draw your attention to Grant No. 10 non-voted, Major Head 25—General Administration. Here we are presented with a demand for Rs. 60,160 non-recurring and it is stated in the note under the demand that that is "charged on the revenues of the province in accordance with section 250 (1) and (2) of the Government of India Act, 1935. This is wanted in connection with the pay of Punjab Civil Service deputy commissioners which has hitherto been classified as 'Voted Expenditure,' but has from 1st April, 1937, been declared 'charged on the revenues of the province.'

May I ask the Honourable Finance Minister to clear the point whether in view of the fact that it is merely a readjustment, why he could not include this in the original estimates when he knew that it would take effect from the 1st April, and if he could not include it in the original estimates why he could not include it in the first or the second supplementary estimates which we have already passed?

I would further draw the attention of the House to Grant No. 11—Major Head : 27—Administration of Justice, a non-voted item. Here it is as big as Rs. 1,98,260 under the head Administration of Justice. Here Rs. 26,540 are demanded for the pay of the 10th and 11th judges who have been made permanent with effect from the 30th March, 1937. I would like the Finance Minister to give us justification why the 10th and 11th judges were made permanent when there was no necessity for it. I want him to convince the House with justification for making these posts permanent with effect from this year of provincial autonomy. We want justification for the creation of these permanent posts and further for the high scale of salaries paid to these gentlemen.

Further I would ask the Finance Minister whether in view of the large amounts which constitute a drain on the revenues of the province which are paid in the shape of passages granted under the Superior Civil Service Rules to those officers who go to England; the Government has made any effort to approach the Secretary of State for India with a view to a modification of these rules or not. If it has not approached the Secretary of State then they have failed in their duty to the electorate.

Then there is travelling allowance under the head Law Officers. An amount of Rs. 1,120 is demanded for the Advocate-General for attending the session of the Assembly held at Simla last summer; and it is stated that it was not foreseen at the time of the presentation of the budget, that this item was coming up. May I ask why it was not foreseen? Was it not known to the framers of the budget that the budget session of the Assembly was going to be held at Simla in the summer? Were they hesitating as to whether the session was to be held at Simla or at Lahore? Why did the Honourable Minister wait so long till the fag end of the year? Why did he not include this demand in the first or the second supplementary estimates which we have already passed?

Under district and sessions judges we have the same story again. Mr. Speaker, I would draw your attention to the fact that here Rs. 1,500 are paid to an I. C. S., Mr. Kayani, as a reward for passing an examination in Punjabi. There is an equally preposterous item that is, Mr. Bryan, I.C.S., is paid Rs. 1,500 for passing interpretership examination in Punjabi and further on—it does not finish here—a reward of Rs. 380 is paid to another European I.C.S., for passing interpretership examination in Urdu. May I ask the Finance Minister if honourable members of this House are going to be paid anything for passing examinations in English or Punjabi or Urdu? Is Mr. Few going to be paid anything for passing examination in Punjabi? (Mr. E. Few: Hope so.) (An honourable member: Do you wish so?) I put it to the members of the Treasury benches whether this drain on the finances of the province is justified, whether these luxuries are justified, whether these rewards and prizes are justified, these preposterous rewards paid to I.C.S. and pampered services are justified, when the peasant of the Punjab is grinding in poverty and penury.

Then we come to Demand No. 7-Jails. We are told that the Finance Minister requires Rs. 2,840 to meet the demand for Lieutenant-Colonel Barker who has been granted extension of service. Lieutenant-Colonel Barker from all I have come to know about him is a very good gentleman, an amiable gentleman, a noble soul. Yet I want justification for giving extension to that gentleman. Further on, we come to Grant No. 17—Major Head: 38-Medical. It tells the same tale of extravagance and callous indifference to the tax-payer's capacity to pay. The conveyance of one man from Rangoon to Lahore has cost the Punjab peasant Rs. 1,000. An I.M.S. officer who goes to attend a meeting at Delhi costs the Government of travelling allowance Rs. 260. We are further told that our Minister requires Rs. 1,200 to be paid to the European Mental Hospital at Panchi—to another government. May I ask him, why should not an arrangement be made in our own hospitals, for the treatment of European patients? Considering all the non-voted items together we find that out of a total of

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about Rs. 10,87,000, a sum of Rs. 2,90,890 is to be consumed as pay of officers, as travelling allowance, and by way of other allowances and honoraria, by way of rewards and prizes for passing Punjabi examinations. The expenditure through the High Commissioner and Secretary of State—Indian money going to England—comes to Rs. 79,560. These are the salient points of the non-voted section of the budget that I would like to attack and I would request the Honourable Minister for Finance to convince the House on the various points raised.

**Dr. Gopi Chand Bhargava** (Lahore City, General, Urban): Mr. Speaker, before raising my voice of protest, though feeble, against the non-voted items which have been presented to us in the supplementary budget, I beg to submit that I raised this voice last time when the second instalment was put before us. I wish to remind the Honourable Finance Minister that in July last he assured us that he would try his level best to see that the supplementary demands were as few as possible and that he would make an effort to bring them to zero. Last time when the supplementary demands were put before us we thought that perhaps no more would be coming. But now we find that the third instalment has come and it is much bigger than the first and second combined together. We find that a large number of these fall under the head of non-voted items, if we exclude the item of 55 lakhs which it is proposed to be used for a special development fund. My honourable friend Sardar Hari Singh has asked for an explanation as to why these demands are put before us. I would like to make a few observations on these demands. The first is the Forest Department. Here one gentleman, a special forest officer was appointed on the 28th March, 1937, that is, before the financial year 1936-37 ended. According to the transitory provisions a provision must have been made for the pay of this officer by His Excellency the Governor before the general budget was put before us in July, 1937.

I fail to understand why this item was not included in the general budget?

**3 P. M.** The gentleman was appointed, he was working, he was drawing his salary and no provisions were made for his salary. *(At this stage Mr. Few interrupted.)* Mr. Few will have sufficient time to speak and I would request him to allow me to proceed.

**Mr. Speaker :** Will Mr. Few allow the honourable member to proceed?

**Dr. Gopi Chand Bhargava :** A man is appointed, he is in service before the financial year begins and before this ministry takes over charge. When the ministry took over charge they ought to have been told by the officer that such and such are the people in the pay of the Government and are drawing their salaries and allowances and these allowances should have been included in the general budget. To bring such an item now, however small it may be, is most objectionable from the point of view of the principle involved.

The second item, I would like to discuss, is on page 17. It is about the confirmation of the 10th and the 11th judges of the High Court. Sir, months ago we read in the newspapers that when the new Chief Justice took over charge of his office, he managed the High Court in such a way that all the



arrears were disposed of and we were given to understand that there was very little work in the High Court. In spite of all that we find that two judges have been made permanent. We thought that when the whole work had been disposed of and arrears had been cleared, the number of judges would be reduced and we would be relieved of at least some expenditure on the Administration of Justice. I also wish to bring to your notice a case—I am not going to discuss the merits of the case, for the case is pending in the High Court and has been pending for the last five months. The case was filed on a ten rupees stamp which could easily be tried in a lower court. The High Court by trying it themselves have deprived some people of their right of appeal against the judgment to that High Court.

**Finance Minister :** Is it not reflecting on the High Court in the discharge of their duties ? The High Court has taken over a case for trial themselves while the suggestion contained in the opinion of the Honourable Leader of the Opposition is that the High Court should not have done so.

**Mr. Speaker :** I would suggest to the honourable member not to reflect upon the judges of the High Court.

**Dr. Gopi Chand Bhargava :** I think I am justified in criticising it from the financial point of view. That is where we are concerned. It is we who are to pay the expenses.

**Mr. Speaker :** The conduct of the judges of the High Court and the Federal Court cannot be discussed by any member of this House.

**Dr. Gopi Chand Bhargava :** My point was different. I was not criticising the conduct of any special judge or any other judge of the High Court. I am just drawing your attention to a fact about a case which is going on in the High Court. I am not concerned with the conduct of the High Court Judges. I shall be the last person to do so.

**Mr. Speaker :** Who is following the procedure objected to ?

**Dr. Gopi Chand Bhargava :** The judges of course, but I am not criticising why they have done so. I am just telling you that this is being done and therefore public money is being wasted.

**Finance Minister :** That is the worst criticism that can be levelled against them—waste of public money in the discharge of their judicial duties.

**Mr. Speaker :** The honourable member is clearly criticising the conduct of the judges of the High Court, and casting reflections on them. This should not be done.

**Dr. Gopi Chand Bhargava :** I leave it there, but I think I can safely say that this expenditure of public money by making the two judges of the High Court permanent is not at all justified. This confirmation is not the conduct of the High Court, it is the conduct of the ministry. They should have refused to make them permanent. I submit that the work is very little and we should not therefore have made them permanent and we should have reduced the number of High Court Judges and saved the money of this province. (*Hear, hear.*)

If you turn to page 22 you will find that an I. M.S. officer having been granted extension of service—I am referring to the Inspector-General of Prisons—an excess of Rs. 2,840 is required under the non-voted items. I

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submit that we have got no right to extend the period of service of any of these officers. Before the extension was granted the gentleman was called back from leave. This man was transferred from the Punjab to the Government of India and I do not know why he took leave preparatory to retirement and when he was actually proceeding on leave a telegram was sent by Government and he was re-called. When he took charge of the office a recommendation was made for extension of his service. My belief is that no man is indispensable in this world however good he may be. Had he not been re-called, we would have been saved this amount and it would have given a junior man opportunity to serve. This officer was transferred to the Government of India and has to retire but he has been re-called and appointed here.

**Rai Bahadur Mr. Mukand Lal Puri :** Why was it done ?

**Dr. Gopi Chand Bhargava :** I do not know. It is for the Honourable Minister to answer, but I feel that inferiority complex was the reason. The other man was an Indian, or perhaps it may be that this officer was responsible for the effort to insult President Patel when he was in Ambala Jail and perhaps that is why this man is being preferred. This item, it is said is a very small one only a matter of Rs. 2,840. But it is a big one for us. It means one month's pay of an honourable minister. If we calculate the income of an ordinary Punjabi, then I submit, that it would mean the income of thousands of people. If these three thousand were to be spent on beneficent departments a great amount of service could be rendered to the people. I can only cite one example. If these three thousand were handed over to me, I could prepare Khaddi worth ten thousands and could give wages to the extent of 6 or 7 thousand rupees to the workers and still save these three thousand for further useful work. This is not a small amount as far as we are concerned. But then it is a question of principle. Why should a man be re-called from leave before extension is granted ? Therefore I submit that this item should not be passed.

Now we turn to page 27. It is stated that the excess is due to the increased expenditure relating to European Mental Hospital, Ranchi. The Punjab Government's share is paid in advance. If we look to the revised final budget which was handed over to us last time, we find that the Punjab Government budgeted Rs. 32,001 as their contribution to the Ranchi Hospital. My objections to this are two-fold ; first whether we ought to contribute for a hospital elsewhere when we are maintaining a hospital for such patients in our own province. I do not know why we should send any contribution to another Government for the maintenance of a mental hospital there. The second objection is, why should we contribute to a hospital which is denominational ? We ought to have hospitals, we ought to have arrangements for every class of people, in our hospital. Why should we differentiate between people in our medical treatment of Indians and Europeans ? We spend thousands on our own mental hospital here. If we look to the budget we will find that our budget was Rs. 2,90,007 and this money was to be spent on the mental hospital. Out of this 32,100 was to be contributed to the Ranchi Hospital. I know a large number of people who are Indians being treated in the Lahore Mental Hospital. Their number is much larger than the number of people treated in Ranchi. We

give away about one-eighth of the whole demand to that Ranchi Hospital. Therefore, I submit that it is high time that we should remove this differentiation. I know it will be argued that we make such a differentiation under the head 'Education' and we provide for education other than Anglo-Indian and European and for Anglo-Indian and Europeans. There are two departments. But we have to provide for that under the law. There is no such provision in the Government of India Act that we should provide for separate hospitals for Europeans as well as Indians. Some time ago there was a European Infectious Diseases Hospital maintained by the Lahore Municipal Committee. We raised objection against it and then it was said that this Hospital was meant for those who lived in western style. There should be no differentiation between the treatment of people who live in western style and those who live in eastern style; we should make provision without distinction of caste, creed or colour. Therefore, I raise my voice of protest against this item of contribution to the European Mental Hospital, Ranchi. The last is the demand under Police on page 43 of the Supplementary Estimates. Under this head the voted item is only Rs. 10 while the non-voted is Rs. 2,000. I know that the amount is very small but I beg to submit that the reason given for the maintenance of this police is the communal tension. I do not know whom to blame for this communal tension (*Premier* : Why not ?) but we have to pay for it.

**Dr. Shaikh Muhammad Alam:** They know it already who are to blame.

**Premier :** Also about Shahidganj.

**Dr. Gopi Chand Bhargava :** I submit that if there is no peace or tranquillity in the province, if the Government of the province are responsible for this, the Government ought to make arrangements to govern in such a way that there is peace and tranquillity. It does not lie in their mouth to blame us for preaching mass violence when they do it themselves. It is said that we disturb the peace. I do not think anybody can blame Congress for this communal tension. We people are those who are non-violent, who want to see peace and tranquillity established in this province. It is the Government officers and the Government itself who are responsible for the disturbance of this peace and tranquillity (*Hear, hear.*) They say that because there is no peace therefore they want police. They go on increasing the number of police to show that there is no peace in the province and thus have recourse to repressive laws and justify it. We were told in July last that the Premier would not tolerate any communalism in this province but even to-day in the month of March we find that the police is being maintained because there is communal tension. I am not one of those who say that the Government cannot remove it. If the Government desires, there will be no communalism in this province (*Hear, hear*) even for a minute.

**Premier :** I make you a present of Shahidganj affairs. I give you full powers and authority—you can settle it and I will abide by your decision and enforce it.

**Dr. Gopi Chand Bhargava :** I, therefore, think that this item should not be passed and we raise our voice of protest against it. Sir, I do not want to reply to what the Premier says about Shahidganj or consequent communal tension because this is not the occasion to do so. When the occasion comes I shall express my opinion and take up the challenge that he throws now.

**Mr. E. Few :** I only wish to say a few words. When I interrupted my honourable friend the Leader of the Opposition who is the leader of the Congress party, I was not inclined to give any offence. I was giving some information about the matter that he was talking about. If an officer or anybody is appointed for any special work for a particular period and if subsequently it is desired to keep him on, then it becomes a different matter and a supplementary demand is placed before the House. The next point is that the hospital at Ranchi is a curable one and patients are drafted from all over India to it.

**Dr. Gopi Chand Bhargava :** Will the Honourable Minister in charge of the Department kindly let us know the number of those cured in the Mental Hospital in Lahore ?

**Minister for Education :** Some cases get cured but I cannot give you the number off-hand.

**Dr. Gopi Chand Bhargava :** Thank you. Patients are cured in Lahore Mental Hospital also.

**Master Kabul Singh** (Jullundur East, Sikh, Rural) (*Punjabi*) : Sir, the demand now before the House comprises an item of Rs. 3,380 on account of language allowances to three European officers of the Indian Civil Service. They are to be paid this heavy sum merely for their learning Punjabi. In face of such a wastage of public money, it does not lie in the mouth of the Unionists to come forward and say that they are out to render every possible help to the poor masses of the province. We daily hear the Honourable Ministers, especially the Honourable Sir Chhotu Ram's high sounding speeches sympathising with the poverty-stricken and half-starved cultivators of the province. But, do these so-called protectors of the poor cultivators know that the *per capita* income of a kisan, as calculated by Professor Kartar Singh of the Punjab Agricultural College, Lyallpur, on a farm of 28 acres, is only 5 annas a day ? Proceeding on this calculation, I would submit that the heavy sum of Rs. 3,380 provided for three Indian Civil Service officers for learning Punjabi, must have been obtained by robbing 10,750 cultivators of their hard-earned money. Is this the sort of help that is being afforded by the Unionist to the half-naked and half-starved population of the Punjab ? After all what is the need of keeping these white elephants at our door ?

You had better employ those officers only who already know Punjabi and do away with those who do not know it. It is really strange that large sums of money are given away to foreigners for learning Punjabi while we who already know it are being prevented from speaking in Punjabi in this House. (*An honourable member* : You are speaking in Punjabi alright.) I want to make it clear that this section of the House is anxious to secure the right of making speeches in Punjabi. What a fun ? To spend Rs. 3,000 to enable European officers to learn Punjabi reminds me of a Punjabi proverb which runs as follows :—

جو (ان) دے کڑے ڈانگان دے کڑے

With these words I beg to oppose this demand.

**Premier** (The Honourable Major. Sir Sikander Hyat-Khan): Sir, I must confess that it is somewhat difficult for me to try to answer my honourable friend Sardar Hari Singh, because it appears that he has made heavy weather of some of the items through sheer ignorance of budgeting procedure or the technicalities of finance. I am not surprised to see that, because, we are not all financiers, nor do we know the technicalities of this rather complex subject. I am afraid my honourable friend the Leader of the Opposition also has made the same mistake because if he had asked the Finance Secretary he would have pointed out to him that all these demands now appear before you, because the Government wants to bring it to the notice of the House that certain expenditure, which had to be altered merely in shape under the Government of India Act or the rules framed thereunder, must come before the House. For instance, my friend opposite said, and I think my friend the Leader of the Opposition also said that one of the forest officers had been appointed in March, 1936, and asked whether the Government did not know that he had already been appointed. He also asked why the Government had now come before the House with a supplementary demand for his salary when the officer had been there for three years. Let me tell him that the officer had been employed since March, 1936, but the only difference is that formerly that amount was charged to the Forest Department because he was an officer of the Indian Forest Service and naturally his salary appeared in the budget of the Forest Department. These were the appointments of erosion officers, one in Rawalpindi and one in Jullundur division, and for administrative reasons and for accounting purposes they shall have to make book entries, making debit entry on one side and credit entry on the other side. There is no expenditure here about which my honourable friend need worry. It is a very simple thing, but as I say it is very technical. If my honourable friend had known the technicalities, as some of us know after years of experience, he would not have wasted the time of the House or put himself to all this worry and agony about so many thousands of rupees while nothing has been spent—

**Sardar Hari Singh**: It is only a minor point.

**Premier**: It is not a minor point: it is a major point. I want to disabuse the House that this was all merely due to his appalling ignorance with regard to budgeting methods.

**Sardar Hari Singh**: I know the procedure of budgeting.

**Mr. Speaker**: I would request the honourable member not to interrupt the Premier.

**Premier**: I may tell my honourable friend again that it merely means book transfer from one department to another. Similarly heavy weather has been made with regard to other items. If my honourable friend had read carefully the budget, he would have found that several of the items relate merely to book entries. It is only where there is a voted grant for which we have asked money, that we come before the House with a demand. My honourable friend, the Leader of the Opposition, said that the Finance Minister gave an assurance that so far as supplementary demands were concerned he would try to reduce them as far as possible and will not bring them before the House. My honourable friend must realise, as

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an experienced gentleman in his own profession—if not experienced in administration—how he can forecast what is going to happen to-morrow; and the number of these demands are considerably reduced. To say that there should be no supplementary demands I think again ignores the fact that we are after all human beings and we cannot possibly wait for a year. If there is an urgent necessity and we want to do some work of public utility and public service, should we wait before spending the money? That is what my honourable friend wants. I am afraid I cannot possibly accept this. I am prepared to join issue that if there is an urgent work and there is some urgent necessity then we should not wait for 12 years, as the Persian proverb says—

تا تریاق از عراق آورده شود مار گزیده مرده شود

(Dr. Gopi Chand Bhargava: I never said that.) The honourable member said that the Finance Minister had promised that the supplementary demands would be reduced to zero. If my honourable colleague had said that, I would have treated him in the same way as I have treated the Opposition (*Minister for Finance: Even worse.*) Yes, even worse. Supplementary demands are unavoidable. They mean that if you exceed the grant which is already sanctioned by the House, then you must come before the House for a further sanction with regard to the additional amount spent. Another supplementary demand is where we have incurred some new expenditure during the course of the year which did not appear in the budget because that, as I said, could not be foreseen. Do you mean to say we should not bring those demands before the House and should wait for another year? No. The proper course is that we should during the financial year bring forward that additional expenditure before the House so that the approval of the House is sought and obtained and the accounts regularised before the close of the year, otherwise my honourable friend must remember that it would become an 'excess grant' about which there was so much discussion. If we do not come before the House it would mean that we would be flouting the rights of the House. We do not want to hide anything. It is our duty to bring everything before the House. If these supplementary demands are not passed by the House then there will be grave financial technical difficulties. That is why before the close of the Financial year and especially the last instalment of the supplementary demands is the heaviest because everything possible is included in the last demand so as to square up the accounts before the close of the financial year. I feel I have made the position quite clear to my honourable friend: first, that the supplementary demands are unavoidable, and secondly, that, they do not represent amounts spent on something not necessary, but that they represent the amounts which could not be avoided and had to be spent unavoidably, and therefore the approval of the House is sought. As I have said accounting and technical considerations make it necessary for us to come before the House. Sometimes several thousands of rupees are required for some work but only a token demand of Rs. 10 is made so that the House should know what we are doing *inter se* between the departments and we make this perfectly plain. With regard to the Forest Department I have already made myself clear. Similarly with regard to the deputy commissioners. The pay of a deputy commissioner becomes non-votable when an officer

of the Provincial Civil Service officiates as such while the pay of Indian Civil Service officers is non-votable. It is travelling allowance which is voted.

A great deal of political capital has been sought to be made about these three ordinary items with regard to reward for passing the Punjabi examination. As my honourable friends opposite, who have read the Government of India Act and have been following the development of the present constitution carefully, would know, there are conditions and privileges with regard to this service on merits also. I think it is quite easy to justify this expenditure. Naturally we want to encourage everybody to know Punjabi and Urdu so that he can be more useful and more efficient. It is for that reason that we give reward to encourage persons to pass that examination quickly. (*Sardar Hari Singh*): Why do you not give us a reward? Who asked you to come here? Why do you want a reward for coming here? (*Interruption*). So far as this Service is concerned, we have got no hold. There is also a provision in the Government of India Act and if my honourable friends opposite carefully look at the Act, they will find that after 5 years, the whole thing is going to be considered and then it would be time for us to press our views. We cannot do it now. (*Dr. Gopi Chand Bhargava*: So you are helpless?) Unfortunately, I am equally helpless as my colleagues of the Congress provinces are, so far as that particular matter is concerned. We accepted office with our eyes open, knowing the limitations of the Act. After 5 years, the whole matter is going to be placed before a commission, and when the time comes, I think, my honourable friend opposite and myself would go hand in hand and try to press all points which we feel with regard to this service. (*Lala Duni Chand*: Now you go to jail together.) My honourable friend seems to be very fond of going to jail. Let me assure him that we did not get this provincial autonomy to go into jails but to do some good for the people.

A great deal was made of another point with regard to the Advocate-General's travelling allowance to Simla. My honourable friend opposite said, 'Why did you not anticipate this amount and put it in the budget?' The budget was presented to the House in July last. It was prepared in March, while we took office in April. We put as much money as we could into that budget for poor people and villagers. We gave remissions of about 25 lakhs. That was all we could do. We could not anticipate that a session was going to be held at Simla at that time. As you are perfectly aware, that decision was arrived at at a later date, and everybody was glad to enjoy the cold climate of Simla.

With regard to Colonel Barker's appointment, the position is this. Before Colonel Barker retired, a proposal had been put forward, I understand, by the Government of India to the Secretary of State that there were some European officers who were useful and who still possessed a great deal of energy and work in them and that it would be to the advantage of the service of the country if those officers could be given an extension. This is the proposal of the Government of India. I think my honourable friend perfectly realises that so far as his appointment is concerned, he went from here to the Government of India and this communication has been going on between the Government of India and the Secretary of State.

[Premier.]

Then he took leave in the hope that orders would be received that he should be re-appointed, because he had been promised the appointment and that, if the Secretary of State agreed, then this special officer would get that extension. Now the Secretary of State has decided to do so. It does not in any way injure the interest of any Indian. (*Interruptions.*) I think that my honourable friends opposite were trying to criticise on principle why a European had been appointed. (*Dr. Gopi Chand Bhargava:* Why was that man recalled?) That is what I am trying to explain. Even before he retired it was decided, not only in this province but in other provinces also, that a certain number of specially qualified Indian Medical Service officers should be retained. (*Dr. Gopi Chand Bhargava:* Why was he not retained by the Government of India?) Because they did not want him. (*Dr. Gopi Chand Bhargava:* Because he was inefficient.) No, no, he was acting there. When the permanent incumbent came back he had to revert.

Now, Sir, I come to the High Court Judges. My honourable friend opposite said, 'Why have two additional judges been appointed? The work has considerably decreased and it is a great burden on the revenues of the province.' We know that the Honourable Chief Justice worked very hard and made these judges work hard to clear off the arrears. But where have we asked for two additional judges? Nothing of the kind. My honourable friends perhaps do not know that formerly we used to have 14 or 15 judges. The only difference is that whereas formerly there used to be 9 permanent judges and 5 or 6 or 7 additional and temporary judges; now the number of permanent judges has been fixed at 11. It means that it cannot be increased under the Statute. Two of the temporary judges have been confirmed as permanent judges. No new appointment has been made. Heavens will not fall because of the appointment of these judges. As a matter of fact, formal sanction was received in April or May or June last and they were appointed with retrospective effect from 1st April. However, we will not have any temporary judges hereafter, but we can have additional judges in case of emergency and this can be done by appointing acting additional judges. At the moment, let me inform my honourable friends that there are only 11 judges instead of 15 or 16 who were working formerly.

**Malik Barkat Ali:** The criticism was that the work was not sufficient to engage even seven judges before these appointments were made.

**Premier:** My honourable friend practises in the High Court and he knows more about this than I do. If he thinks that there is not sufficient work, then let me have a note on this subject from him and we will move the Secretary of State to reduce the number of judges.

**Malik Barkat Ali:** That is the maximum strength.

**Premier:** Yes, that is the maximum. If my honourable friend can make out a case, we shall be glad to represent the matter.

Then my friend said something about the Ranchi Hospital. That contribution is not only made by the Punjab, but let me assure him that similar contributions are made by all the provinces, and as a matter of fact the brunt of the expense is borne by the Central Government. But I



think that the Government which makes a very large contribution is the Bihar Government, and I think that I would be very uncharitable if I take the same view as my honourable friend seems to take with regard to this contribution and suggest to the Bihar Government that this charitable contribution should be reduced or done away with, because after all it is a charitable contribution. But if and when the governments of other provinces say that they do not want to make this contribution and that this burden should rest entirely on the Central Government, we would be only too happy; and therefore unless the Central Government takes over the whole burden, it would be churlish of me to say that the Punjab Government could not pay this, while the Bihar Government and the Bombay Government were paying their share. As soon as they have stopped their contribution, then we will see whether we can in this matter follow the example of the other provinces. (*A voice*: Will you follow the Bihar Ministry in all things?) When he has learned that they have stopped, then he would be justified in coming to me. (*A voice*: Then you will try to follow them?)

**Mr. Speaker**: I would request the honourable members not to interrupt.

**Premier**: Now the last but by no means the least is the demand on which criticism has been made and that is a demand with which I am directly concerned, not only as Premier but also as Minister in charge and that is the grant for additional police. My honourable friends must have noticed that we are not asking for any money. We have merely put forward a token grant to continue that additional police. My friends are perfectly aware that during the two previous sessions on both occasions I appealed not only to members of this House but to people outside that they should help the Government in trying to improve the atmosphere and the situation in the country which would enable us to dispense with the police. My friends are also aware that with regard to this particular matter we have been taking on this additional police almost from month to month. It was first included in the budget for three or four months. Then it was extended up to August, and unfortunately since the situation had not improved, in fact I am sorry to say that it had considerably deteriorated in several respects, it was considered necessary to continue that additional police. Nobody would be happier than myself when the time arrives when we can do away with the whole of the additional police. I had intended to reduce it with effect from the 1st of April but that was not possible because many things happened, as my honourable friends know, by the time we presented our budget in June or July. Unfortunately several riots took place which made it impossible for me to take the risk of reducing the police. And what is the position now? The position, as you are aware, is fraught with grave danger. I mention only one incident and that is the Shahidgunj mosque question which is exercising the minds of both the Muslims and the Sikhs. I do not want to go into the merits of the case. There will be ample opportunity of our doing so, but I wish my honourable friend had not interrupted me when I said, what about Shahidgunj, and he said, why should not Government do away with Shahidgunj?

**Dr. Shaikh Muhammad Alam**: I did not. I said that the agitation was coming to your side now.

**Premier :** I do not quite understand what the honourable member means by that profound observation.

**Dr. Shaikh Muhammad Alam :** You may understand by it what you like. I said that the question is now coming to your side. I said that all the Muslims are not Unionists.

**Premier :** Does he mean to say that all Unionists are agitated over the matter and that they are trying to do propaganda with regard to it? Then he is not right. Every Muslim outside this House is exercised and concerned about it. (*Interruption.*)

**Mr. Speaker :** If any question is to be asked it must be asked through the chair.

**Premier :** They not only create heat in this House, but they engender heat outside the House which results in bloody riots. Some of my friends are very fond of interfering not with any ulterior motives but perhaps sometimes quite innocently and they put a match to the magazine or gunpowder which bursts. But I am not concerned with that. My honourable friend mentioned that the agitation is now coming over to my side. There was a time when the agitation was on his side, when he went about canvassing for votes from district to district, from town to town and from village to village.

**Mr. Speaker :** I would request the honourable member not to refer to the movements of any honourable member.

**Dr. Shaikh Muhammad Alam :** May I have the permission of the chair to make an explanation?

**Mr. Speaker :** That can be done at the end of the speech.

**Dr. Shaikh Muhammad Alam :** I was being interrupted while I was speaking with regard to that question. I merely wanted to point out that I am not responsible for that trouble.

**Premier :** Those people, I would not say my honourable friend alone, but those people who first roused the poor ignorant masses on this issue—

**Mr. Speaker :** That question is not now before the House.

**Premier :** I am talking about the additional police as to why it is required and why it should be retained, and Shahidgunj is one of the factors which is responsible for its retention. I will not be irrelevant. The moment I am irrelevant, you are at perfect liberty to call me to order.

**Diwan Chaman Lall :** I did not want to interrupt, but you will find in the Supplementary Estimates that there is no mention of Shahidgunj.

**Premier :** I was merely trying to point out that it is necessary to keep additional police because of these communal riots.

**An Honourable Member :** Sir, may I request you to protect the members of the House against personal reflections?

**Dr. Shaikh Muhammad Alam :** The Honourable Premier said just now, "not he alone but others also". Would that not be a reflection against me personally?

**Premier :** I am afraid this is a question of *Chor ki darhi men tinka*.

**Dr. Shaikh Muhammad Alam :** It is on the other side.

**Mr. Speaker :** That remark the Honourable Premier should withdraw.

**Premier :** I withdraw it. I was merely pointing out that the atmosphere is very tense unfortunately, and we are all very sorry that it is so. I was pointing out that it is not the Unionists on these benches who were responsible for accentuating the Shahidgunj agitation, and I was going to point out that there are people who went from town to town, from village to village arousing the feelings of their own community, and you know that when you try to exploit the religious feelings of the ignorant masses who are prepared to lay down their lives and to shed their blood to safe-guard their religion, what the result is. It merely means that they were trying to exploit at that time for their own personal purposes.

**Diwan Chaman Lall :** Join the Congress. (*Laughter*).

**Premier :** My honourable friend says, join the Congress.

**Mr. Speaker :** The honourable member should not have said so. The Honourable Premier need not reply to it.

**Diwan Chaman Lall :** I note your remark and withdraw the invitation. (*More laughter.*)

**Premier :** The honourable member has withdrawn it. But I am prepared to make an offer to the Congress. I make an appeal to the Congress that they should come forward and try to settle this question. (*Hear, hear*). It is their duty to do it. Why should not they come forward and act as arbiters between the two communities? They are in a position to do so. They say that they do not believe in communalism. If so, why do they not come in the open and say so? (*Hear, hear and applause.*) So far as I am concerned, I assure them that my services, wholehearted services day and night will be at their disposal if they want to do anything. (*Hear, hear and applause.*)

**Lala Deshbandhu Gupta :** Let the Unionist Government abdicate in favour of the Congress.

**Premier :** I am appealing to them now. Unfortunately the situation outside is very tense now. The ground was being prepared for months and months and unfortunately during the last election some of us decided to use Shahidganj as a plank in our programme. Now I think it is perfectly legitimate—I do not say it is not legitimate—but I say it was a most dishonest plank in the programme of any party to use religious belief and rouse the feelings—

**Malik Barkat Ali :** What about the members of the ministry?

**Dr. Sir Gokul Chand Narang :** May I request the Premier not to labour this point? It is obvious that police is necessary to maintain order. Why should he commit the same mistake of which he accuses others by labouring the point so much?

**Malik Barkat Ali :** May I ask this information from the Honourable Premier, whether it is true that some members of the ministry and some parliamentary secretaries of the present ministry were returned on the Shahidganj ticket? (*Hear, hear.*)

**Premier :** No, Sir.

**Mr. Speaker :** That question need not be answered and no further reference need be made to it.

**Premier :** That question has been reported and heard by all the members and if I do not answer, it might create an erroneous impression.

**Mr. Speaker :** If the Honourable Premier wishes to answer I have no objection.

**Premier :** So far as my colleagues of the progressive party and Khalsa National party are concerned, my honourable friends I think will concede that they could not possibly stand on the Shahidganj ticket.

**Dr. Shaikh Muhammad Alam :** Did they not write for help on that question ?

**Mr. Speaker :** I cannot allow an honourable member getting up and putting a question direct to another honourable member. I would request the honourable members not to do so in future.

**Dr. Shaikh Muhammad Alam :** May I ask, Mr. Speaker, the Honourable Premier, through you, whether he is aware of the fact that some members of his ministry did write letters to Ittihad-i-Milad and promised support to Shahidganj question and got their help ?

**Premier :** It is obvious that my friend and colleague Mr. Manohar Lal could not have asked for help in that direction. My friend, Sir Sundar Singh Majithia could not have stood on the Shahidganj ticket. With regard to my other three colleagues, let me tell him that every one stood on the Unionist ticket and succeeded on the Unionist ticket. Similarly, with regard to the parliamentary secretaries and other secretaries, either they came on the progressive party ticket or on the Khalsa National party ticket or the Unionist party ticket. Not one of them came on the Shahidganj ticket. With regard to their asking for help, I am not aware of any such thing. But it is quite possible that some of them might have asked help saying that they would do their best to solve the Shahidganj question and I think it is the duty of every honourable member to try to solve that difficult question. (*Hear, hear.*) But I am aware of one fact. At one time the solution of this question was almost within sight and I can inform this House on very reliable authority that that solution was thwarted by somebody who was trying to exploit Shahidganj for election purposes. If it had not been for that, probably that question would have been solved then and there. It was long before the case came up before the High Court. But unfortunately that opportunity was lost for personal motives, and Punjab is excited to a pitch which may take us, God alone knows, where.

**Mr. Speaker :** I request the honourable member not to discuss the Shahidganj question any more. It is enough to say that the retention of the police is necessary because there is some trouble about Shahidganj.

**Premier :** I was pointing out that nobody will be happier than myself if the situation improved and I would again appeal to my honourable friends opposite to help us in improving that situation and when there is peace and tranquillity and communal harmony in this province, let me give them this assurance on the floor of this House, I will not take a day longer to do away with the additional police which is posted there. (*Hear, hear and applause.*)

## SUPPLEMENTARY DEMANDS.

## LAND REVENUE.

**Finance Minister** (The Honourable Mr. Manohar Lal) : I beg to move—

That a supplementary sum not exceeding Rs. 26,270 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1938, in respect of Land Revenue.

**Diwan Chaman Lal** : Do I take it that the discussion on non-voted items is closed ?

**Mr. Speaker** : Not a single member rose to speak when I called on the Premier to speak.

**Diwan Chaman Lal** : It is a most important matter in regard to the non-voted portion of the budget—a budget which has been sprung upon us and includes several lakhs which is non-voted and I submit that the debate that we have had so far is not sufficient on this subject in order to get all points of view regarding this particular matter. There are technical matters to be raised, there are constitutional matters to be raised and matters on merit to be raised.

**Mr. Speaker** : When I called upon the Premier to speak, no other member got up to speak.

**Diwan Chaman Lal** : It is not necessary that when the Premier speaks it should close the debate. After all it is the Honourable Finance Minister's subject and any final speech must be made by him.

**Mr. Speaker** : A debate on any matter is taken to be closed when no one rises to speak or a closure motion is carried. I waited to see whether any member will rise to speak, but no one got up. It was then that I requested the Honourable Premier to speak.

**Premier** : May I remind you, Sir, that as a matter of fact I kept sitting, saying I would like to speak at the end and see whether any gentleman wanted to speak and eventually you called upon me to speak ?

**Diwan Chaman Lal** : Mr. Speaker, the charge was levelled against my honourable friend Sardar Hari Singh, the opener of this debate as well as against Dr. Gopi Chand, the Leader of the Opposition, by the Honourable Premier which charge could mean only this that both honourable members were completely ignorant of the procedure adopted by the ministry in regard to supplementary demands and being ignorant they had raised ignorant objections which he proceeded straight away to demolish. Now, Mr. Speaker, I do not wish and do not desire that language of this nature should be ignorantly employed regarding the ignorance of any particular man (*laughter*) and when I direct the Honourable Premier's attention to the actual basis of the remarks made by my honourable friends, he will agree with me that it is desirable that he should withdraw that charge made against the honourable members.

**Premier** : I did not make any charge against the honourable members. I only pointed out that we can all make mistakes.

**Diwan Chaman Lal** : He will realize what charge he made. The charge he made was this. " You do not know what financial procedure

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is and you do not go to my honourable friend the Finance Minister, the expert on these matters and do not consult him and therefore get up ignorantly to make a charge against us that this is a new type of expenditure that has been indulged in." I want to draw my honourable friend's attention to the fact that the charge of my honourable friend was this that a certain expenditure had been incurred and not merely taken out from one category on to another because of certain rules issued by the Secretary of State and not because of section 250 of the Government of India Act, but certain new expenditure had been incurred which my honourable friend denied had been incurred and to which my honourable friends here objected because they stated it should have come up before this House at the earliest possible moment. That was the charge and that charge is substantiated and I hope my honourable friend will realize that the statement he made was not correct. If my honourable friend will turn to page 3 of Supplementary Estimates, he will find, Pay of Officers—non-voted. The sanctioned grant for the current financial year under this primary unit is Rs. 15,520. The excess of Rs. 19,970 is due to the appointment of a special forest officer in the Jullundur division with effect from the 20th March, 1927. It is not a question of an item having been included in the previous budget as voted and as being converted into non-voted.

**Premier :** I have confessed several times on the floor of this House that I claim no powers of eloquence ; hence it is that so far as my honourable friend is concerned, I have several times failed to make myself clear. I said that it merely meant that this item had come from one part of the budget to another. This does not mean that there was any expenditure involved, for the simple reason that this officer is now being shown under the Revenue Department. If my honourable friend will see he will find out that he is a forest officer and in any case he would have been paid by the Forest Department if he had not been appointed here.

**Mr. Speaker :** What is the honourable member discussing ?

**Diwan Chaman Lall :** Demand No. 1.

**Mr. Speaker :** It has not been proposed yet from the Chair. The demand moved is—

That a supplementary sum not exceeding Rs. 26,270 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1938, in respect of Land Revenue.

**Diwan Chaman Lall :** If my honourable friend will look at it a little more carefully he will find that what I was saying is correct. The appointment was made on the 20th of March, 1927.

**Mir Maqbool Mahmood :** You will find that our discussion of the supplementary grants to-day is split up into two heads. First discussion of estimates of expenditure charged on the revenues of the province which we have already done and the second is with regard to other items and my point of order is whether in discussing the demand we are not re-raising discussion on the non-voted items and whether we should confine ourselves to the voted items.

**Mr. Speaker :** Speak only to the voted items.

**Diwan Chaman Lall :** I will take your decision in this matter.

**Premier :** Let me assure you that no new expenditure has been made because no new appointment has been made.

**Diwan Chaman Lall :** I am not worrying about new expenditure or new appointment. The question that arises is this. There is an item as far as surveys and settlement parties are concerned. That you will find on page 3. Item 2 says, "During the course of the year an extension of the term of operations, first up to 30th August and then up to 30th November, 1937, was sanctioned by the Government." But no reference to this was made in the last supplementary grants that my honourable friend the Finance Minister brought before this House. The matter touches the 30th of August to the 30th of November and we had a session here in the month of January. Why was not this matter brought up in the month of January?

**Premier :** If my honourable friend will allow me I shall explain. I do not blame him, because nobody is supposed to know this. There are several surrenders during the course of the year. Departments have to make surrenders and we call them surrenders and excesses. They have to surrender amounts which have not been spent by certain time and they ask for certain amounts if they exceed those already sanctioned and the final excesses and surrenders are received sometimes in February. They have to get accounts from the various districts which then go to the headquarters and then to the Accountant-General and it is then only that they come to us. The accounts could not possibly be ready by November or December or January. It was only when they were passed by the department here and approved by the Accountant-General that they come to the budget as final statement.

**Diwan Chaman Lall :** My honourable friend would be perfectly right in regard to what he says in regard to matters of procedure, etc., but let my honourable friend read paragraph 2. Provision of funds was thus made before the 30th of September. In August last the settlement officer applied for extension giving full details and Government sanctioned the continued employment of the necessary staff. If in the month of August, Government had the fullest details regarding this appointment and went to the extent of sanctioning this further extension why was not this brought up last September?

**Premier :** Because the amount of voted item over-spent was not known to the Finance Department then.

**Diwan Chaman Lall :** I am saying that in the month of August last it was known. In August last the settlement officer applied for extension.

**Premier :** He could not have given the actual figures. What he would have stated was that his work could not be finished in August, as originally sanctioned. It would have to go on till November, but instead of having 4 naib-tahsildars, and 12 kanungos and 60 patwaris, he would carry on with 2 naib-tahsildars, 5 kanungos and 10 patwaris. After that you have to see and find out in what grade of pay these naib-tahsildars have to be fixed and what was the scale of pay they were appointed on. Thus the final account does not come up with all these details for a long time after.

**Diwan Chaman Lall :** This is an expenditure which has been continued for two continuous years. Therefore full details regarding this expenditure

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were fully known. Whatever extra staff was required was already known. The fullest details regarding this expenditure were known in August last at the time when the Government actually sanctioned this particular expenditure.

**Premier :** Government had sanctioned up to August.

**Diwan Chaman Lall :** In August last the settlement officer applied for sanction giving full details and the Government continued the employment of the necessary staff beyond the dates of original sanction. My point is that at that time it was known what the amount was so far as the surrender was concerned. That is a matter for the department. We are not aware as to what the surrender position was or what the ways and means position regarding that grant was. I wish my honourable friend had given us enough information. They themselves are to blame for it. If the information supplied here is correct, then I submit that in the month of September full detail regarding this matter was known to the Government and this matter could have been brought up in a supplementary demand.

**Minister for Finance :** With your permission I would read the last sentence of this memorandum which runs thus :—

"A part of the expenditure required can be met within the grant and a supplementary demand of Rs. 3,030 (non-voted) and Rs. 26,270 (voted) is needed."

Now the fact that part of the expenditure can be so met within the grant, and we need come up here to demand only a part is a matter that comes to be known only later in the year.

**Diwan Chaman Lall :** If that is the position, may I say what an extraordinary proposition the Honourable Minister for Finance is laying down—that because the financial position can only be known at the end of the year, therefore a supplementary grant can only be brought forward at the end of the year. My honourable friend could have brought forward the supplementary grant in the month of January. To lay down that the surrender position can be known at the end of the year and because it can be known at the end of the year, therefore, at the end of the year supplementary grants can be brought forward, is an argument that belies the true position when we look at the previous conduct of my honourable friend.

**Premier :** With regard to supplementary demands I would, as a layman to a layman, try to make it quite clear. There are two kinds of supplementary demands. There is one demand about which we have got detailed estimates and we want to incur extra expenditure which has not been included in the budget and for which we want the approval of the House ; we come before the House and say, "we want so much for certain services, these are the detailed accounts of the services, would you sanction it ?". We further on say, "If you sanction we shall spend and if you don't sanction, we won't spend". There is another type of supplementary demand where the amount actually sanctioned is exceeded and we come to know of it afterwards. After that, a supplementary—or that extra demand—is put before the House, before the closing of the financial year, and it becomes a supplementary demand. If after the closing of the year it is brought before the House, then the Government can be justly criticised that it is excess demand and should have been brought to the notice of the House and it is for that reason that



these supplementary demands have to be put before the House in several instalments as they are required. With regard to the first category of those demands we have to come before the House as soon as we want that money and at the time we want that money. With regard to these we wait to the latest possible moment so that all the bigger accounts are in and once they are received we are in a position to bring the whole lot before the House to save the time of the House and to do any readjustment in the next year after the present financial year is finished. I think I have made it quite clear.

**Diwan Chaman Lall :** The honourable member is quite correct in his statement.

**Mr. Speaker :** Then why this discussion ?

**Diwan Chaman Lall :** The only reason why I am raising this point is—

**Sardar Sahib Sardar Gurbachan Singh :** I wish to know under what rule honourable members are allowed to make more than one speech. I think both the honourable members have already spoken five or six times on this same motion.

**Diwan Chaman Lall :** I gave way to the Premier when he wished to interrupt me and I was within my right in continuing my speech after the interruption. My honourable friend is perfectly right in the procedure he lays down. My point remains exactly what it was. I am raising it for the reason that the Honourable Minister for Finance is criticised with regard to the policy of bringing in supplementary budgets to be discussed on the floor of this House after the main budget has been presented. That policy of supplementary budget should be minimised as much as possible. Indeed he has come forward at a time when we are about to discuss the new budget. The financial year is over and he brings in the supplementary budget consisting of something like 84 lakhs for us to discuss in a few hours and wants sanction of the House for this discussion. What I submit is that he had ample opportunity at the time when he put forth the first supplementary budget. Why did he not bring in these items then ? The answer has been that because there has been certain surrenders, therefore, it could not be brought in earlier because it was not known when the surrenders would take place. I say that even in the month of August, September, October or November, or in the beginning of January the honourable member could have had his financial procedure expedited so as to have found out what the financial position was and could have brought in a supplementary demand. That is the criticism that I have to level against this particular grant.

**Premier :** I have made the position clear, but let me try to further elucidate the point and make it clear that so far as the surrenders are concerned, if my honourable friend thinks that the surrender as made be accepted, I say, "No", because when we receive request for additional expenditure we always ask them to put the question, "How much can you save out of your present grant ?" We say, "No, you must try to be within the grant already sanctioned". Unless it is absolutely necessary and essential for us to come before this House for extra money, we try to avoid it because we keep a vigilant and strict control over the various departments and the

[Premier.]

Finance Department is meant for that purpose. If they do not do it, it would not be worth its salt.

**Mr. Speaker :** Question is—

That a supplementary sum not exceeding Rs. 26,270 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1938, in respect of Land Revenue.

*The motion was carried.*

**Sardar Partab Singh :** But certain amendments stand in my name.

**Mr. Speaker :** All of them are out of order. Last time I gave a ruling in the words of May's Parliamentary Practice (page 536). Now I will quote from Campion (page 249). There it is stated—

"In the case of supplementary estimates and excess votes debate must be confined to the objects of the Vote under consideration (which may often be very narrow) and may not be extended to the other item included in the main estimate to which this is subsidiary or to the policy of the main estimate."

The honourable member's amendment is not restricted to the supplementary demand, but relates to the policy underlying the main estimate and is therefore out of order. With the exception of one or two amendments all amendments to the supplementary demands, of which some other honourable members have given notices, are also out of order for the same reason. (*Hear, hear from Treasury benches.*)

**Lala Duni Chand :** May I say a word, Sir ?

**Mr. Speaker :** What has the honourable member to say ? (*Interruption*) Order, order. I have given my ruling after a careful consideration, but if the honourable member is anxious to argue, he may do so.

**Lala Duni Chand :** I might for instance invite your attention to my cut motion on demand No. 5.

**Mr. Speaker :** But demand No. 5 is not under consideration now.

**Sardar Partab Singh :** I wish to explain a little. When I am taking up the question of malba in my cut motion, I believe that this settlement officer in Lahore comes under this grant.

**Mr. Speaker :** The settlement of malba is a matter which underlies the main grant.

**Sardar Partab Singh :** But this is one of his duties as a settlement officer.

**Mr. Speaker :** But he is not a settlement officer only for the period of extension. He has held that office for a number of years.

**Diwan Chaman Lall :** I do not think my honourable friend has made his position quite clear. I would refer you Mr. Speaker, to page 536 of May's Parliamentary Practice wherein it is stated —

"Debate on supplementary and excess grants is restricted to the particulars contained in the estimates on which those grants are sought and to the application of the items which compose those grants and the debate cannot touch the policy of the expenditure sanctioned, on other heads, by the estimate on which the original grant was obtained *except so far as such policy or expenditure is brought before the Committee by the items contained in the supplementary or excess estimates.*"

**Mr. Speaker :** The question is whether *malba* is covered by the supplementary demand : if so, the honourable member is welcome to move his amendment. But in my opinion it is not covered.

**Sardar Sampuran Singh :** It is covered by this as well.

**Mr. Speaker :** But it must be covered exclusively.

**Lala Duni Chand :** A certain amount has been asked for in connection with Lyallpur and Lahore settlement operations. I want to discuss the question of the consequences of settlement operations in the Lahore district.

**Mr. Speaker :** That is beyond the supplementary demand and, therefore, cannot be allowed.

**Raja Ghazanfar Ali Khan :** On a point of order. Demand No. 1 has already been passed. The amendment now under discussion relates to demand No. 1. Is it in order for any honourable member to discuss now an amendment which relates to the motion which has already been passed.

**Mr. Speaker :** No.

**Lala Duni Chand :** Your ruling is, if the question relates to the matter for which money is asked for, in that case he is within his rights.

**Mr. Speaker :** Yes.

**Lala Duni Chand :** This item includes the item which is asked for

**Mr. Speaker :** Either the honourable member does not understand me or I do not understand him. The matter, which the honourable member may move or discuss, must fall exclusively under the supplementary demand ; but if it falls under the main demand it cannot be moved or discussed. I will again read the authorities, already quoted :—

In the case of Supplementary Estimates and Excess Votes debate must be confined to the objects of the vote under consideration (which may often be very narrow) and may not be extended to the other items included in the Main Estimate to which this is subsidiary, or to the policy of the Main Estimate. (*Campion, page 243.*)

Debate on supplementary and excess grants is restricted to the particulars contained in the estimates on which those grants are sought, and to the application of the items which compose those grants ; and the debate cannot touch the policy or the expenditure sanctioned, on other heads, by the estimate on which the original grant was obtained, except so far as such policy or expenditure is brought before the committee by the items contained in the supplementary or excess estimates. (*May, page 536.*)

#### EXCISE.

**Minister for Finance** (The Honourable Mr. Manohar Lal) : I beg to move—

That a supplementary sum not exceeding Rs. 43,530 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1938, in respect of Provincial Excise.

**Mr. Speaker :** The demand moved is—

That a supplementary sum not exceeding Rs. 43,530 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1938, in respect of Provincial Excise.

**Lala Bhagat Ram Choda (Urdu) :** I beg to move—

That the total demand be reduced by Re. 1.

**Mr. Speaker :** I rule that the amendment is out of order. If the honourable member will satisfy me that it is in order, I will allow him to move.

**Lala Bhagat Ram Choda (Urdu) :** My object in moving this reduction is—

**Mr. Speaker :** First he has to satisfy me, then he can move his amendment.

**Lala Bhagat Ram Choda (Urdu) :** It is in the interest of the hill people that the ban on the hill opium should be lifted.

**Mr. Speaker :** This applies to the hill people and to the sale of hill opium. That is a general matter and falls under the main estimate and not under a supplementary demand.

*Corruption in the Excise Department.*

**Sardar Partab Singh (Amritsar South, Sikh, Rural) (Punjabi) :** I wish to oppose the demand. In doing so, I shall invite the attention of the Government to the fact that corruption is rampant and on the increase in the Excise Department. It is a matter of daily occurrence that the excise officers institute false cases in courts against innocent people. They extort money from poor shop-keepers. They intimidate and harass the public by making untimely raids on their premises.

I would like to quote an instance here of an excise official of the Lahore district. I do not consider it proper to disclose his identity and so, I will not mention his name here. I may tell the House that since the sale of the hill opium has been banned some of these excise officials have been so very watchful and in certain cases they have even discovered hill opium from the pockets of certain innocent persons. And this special watchfulness or vigilance on the part of the excise officials may be well explained by the instance which I am going to relate.

There is a lambardar, Karnail Singh by name. One day one of his children fell ill and he found it necessary to consult the medical officer in charge of the civil dispensary, Patti. When he reached Patti, an excise inspector who had not been on good terms with him for many years, employed two or three persons and managed somehow or other to arrest him with a supposed hill opium in his pocket while he was *en route* to his village with his sick child and wife.

**Raja Ghaznafar Ali Khan :** On a point of order, Sir. I would like to have your ruling whether a member is entitled to discuss the policy underlying a particular item, even when he wants to oppose that demand. I am personally of opinion that if honourable members are prevented from discussing the whole policy underlying a demand by moving a cut motion, surely the object is that they should not be allowed, under supplementary grants, to discuss the main policy. A member is entitled to make a reference to some other items, concerning some demand, which he thinks is a strong reason for his purpose to make a motion for discussing the principle underlying that demand, but his reason for opposing the whole demand, in my

humble opinion, is not justified. He can give reasons for opposing this particular item and the policy underlying this particular item in the supplementary demand.

**Mr. Speaker :** When an honourable member wishes to oppose or support a demand, it is open to him to assign any reason, sufficient in his opinion.

**Sardar Partab Singh :** I assure my honourable friend, Raja Ghazanfar Ali Khan, that the grounds on which I oppose this demand are very strong indeed. Just take the case of the lambardar who was taking his ailing son to town for treatment. The excise inspector, who was bent upon harassing him, overtook Karnail Singh *en route* to his village and arrested him on the charge of smuggling. When the village folk came to know of what had happened to lambardar, Karnail Singh, they approached the sub-inspector of police at Patti and sent in representations to the higher authorities and urged upon them the need of an independent inquiry. Fortunately for the lambardar it was found to the satisfaction of the police authorities and higher officers that the charge against him had been bolstered up, and consequently the case was withdrawn.

**Mr. Speaker :** Could it not have possibly occurred if this demand was not moved ?

**Sardar Partab Singh :** It would have occurred, but I say that the Excise Department would not get more opportunity by drawing a large sum of money.

**Mr. Speaker :** If this could have possibly happened even if this demand was not moved, considered and passed, then the honourable member's debate is irrelevant.

**Sardar Partab Singh :** But, Sir, I would just submit for the sake of bringing this matter to an end that the lambardar's son died after two days, for the lambardar was away and his wife could not secure any medical aid. The excise inspector's action had thus much to do with the death of the son. My submission is that either the sale of the opium of whatever variety, should be entirely prohibited, or the irksome restriction on the sale of the hill opium should be removed. The present policy of discriminating between the two varieties only provides greater opportunity for the excise inspectors to indulge in these corrupt practices.

**Mr. Speaker :** The question is—

That a supplementary sum not exceeding Rs. 43,530 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1938, in respect of Provincial Excise.

*The motion was carried.*

#### STAMPS.

**Minister for Finance** (The Honourable Mr. Manohar Lal) : Sir, I beg to move—

That a supplementary sum not exceeding Rs. 2,590 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1938, in respect of Stamps.

*The motion was carried.*

## TAXES AND DUTIES.

**Minister for Finance :** Sir, I beg to move—

That a supplementary sum not exceeding Rs. 3,570 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1938, in respect of other Taxes and Duties.

*The motion was carried.*

## IRRIGATION ESTABLISHMENT.

**Minister for Finance** (The Honourable Mr. Manohar Lal) : Sir, I beg to move—

That a supplementary sum not exceeding Rs. 23,910 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1938, in respect of charges on Irrigation Establishment.

**Mr. Speaker :** Demand moved is—

That a supplementary sum not exceeding Rs. 23,910 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1938, in respect of charges on Irrigation Establishment.

*Staff for acquisition of land for Haveli Project.*

**Sardar Hari Singh** (Kangra and Northern Hoshiarpur, Sikh, Rural) : Sir, I beg to oppose the demand under consideration. I want particularly to attack item No. (1) in this demand, concerning the employment of staff to study details of land to be acquired for the Haveli Project. The Honourable the Finance Minister wants us to give Rs. 1,000 during the year for the payment of the staff employed for this purpose. The note under this item says that the Government has, in the past, lost large sums of money because higher prices are awarded by judicial officers for all land taken up by the Government. So, for the acquisition of land for the Haveli Project, the Government wants to employ staff, and the details of work of the staff are given as—

“ To enable this Department to collect the necessary information and to represent its point of view it is necessary to employ the staff detailed in the annexed schedule.

The salient points which these men will check are :—

- (a) Classification of land as given in civil records and as at site.
- (b) Details of crops and their valuation.
- (c) Check of area where only ploughing has been done.
- (d) The details of mutations where lands change hands the actual cash paid is generally not what is reported and entered in the records.

Now I want the Government to tell me why it does not rely upon the patwari's records as to the classification of land where its own interest is concerned and why in the case of getting revenue from the peasants the patwari's record is trustworthy. The classification of land as given in civil records and as at site—here it is an admission from the Government's point of view that the classification of land as entered in the patwari's register may be different from the actual classification of land. When we raise a hue and cry that third class land is classified as first class land and that it cannot bear even four annas—land revenue per ghumaon is assessed at Rs. 4 per ghumaon—Government at that time turns round and says that the patwari's record is trustworthy. When it suits its own purpose Government appoints special staff to study the patwari's records and also to study the land at

the site and see whether the classification is right or wrong. When Government's own interest is concerned, then the patwari's record is not trustworthy. When it wants revenue from the people then the patwari's record is all right. No one can question it.

Now we come to details of crops and their valuation. When the people see that the crops are kharaba and the yield is very poor and the patwari is making wrong entries in the register and telling Government that the produce has been very poor this year, the Government says: No, the patwari's record is right; kharaba has been entered as kharaba, good crop has been entered as good crop and fair crop has been entered as fair crop. Then the patwari's record is trustworthy and reliable. But when it wants to acquire land then a special officer is employed to go to the villages and tell the people, this is the real class of your land and this is the real value of the crops, that this land is not yielding good crops, therefore you cannot demand Rs. 100 per kanal, we must pay you Rs. 20 per kanal. That is the way to rob the poor peasant of the Punjab.

Then come (c) check of area where only ploughing has been done and (d) the details of mutations where lands change hands the actual cash paid is generally not what is reported and entered in the records. This shows that the Government does not consider the records made by the patwaris in the register to be trustworthy and reliable when it wants to acquire land, but when the question of revenue is concerned then whatever the patwari's register says is all right and is gospel truth, and the peasants and the landholders are in the wrong. Now the patwaris' honesty is being questioned. What for?—To pay as little to the sons of the land as possibly can be paid and to get land from them for little or nothing.

**Lala Duni Chand** (Ambala and Simla, General, Rural): I rise to support Sardar Hari Singh. My reason briefly is that the Haveli Project is a very big project. Very big sums are going to be spent on this project from year to year for several years. We on this side want that every pice wrung out of the public is properly and honestly spent. Last year also I raised this question and the Honourable Minister for Finance took exception. I know that if the agents through whom this money is going to be spent were reliable and honest agents, I could say that the money would be safe in their hands. I can say that a very large majority of agents through whom this money is going to be spent are not reliable and honest. As Sardar Hari Singh has pointed out certain lands are going to be acquired under the Land Acquisition Act. You can well understand how some people will be robbed of the price of their land and how others will be given much more than the price of their land. I also know this that when Government or the agents of Government are in a position to bestow favours, all sorts of people, all sorts of favour-hunters gather round the authorities, and they try to get every kind of favour which they possibly can get. It is the bounden duty of Government to see that all the agents that they employ are honest agents. This can be done only if the greatest scrutiny and the greatest vigilance is exercised. It is a very laudable object, I do not deny that, and it is going to contribute to the increase of wealth in this province, I do not deny that. But I deny that all the money that is going to be spent on this project is going to be spent properly. If the Honourable Finance

[L. Duni Chand.]

Minister who is looking towards me, takes this work upon himself, if he devotes some time to see that all the money on this project is going to be spent properly, I shall thank him for that, but I doubt very much that the money placed in the hands of the agents will be spent properly. I doubt it very much whether he will be able to spend all the time and energy that is required in doing such a good work. It is for this reason that I oppose the demand.

**Mir Maqbool Mahmood** (Parliamentary Secretary): I have been surprised at the argument advanced by my friend Sardar Hari Singh in support of his opposition to this demand, that patwaris' records are not infallible and that more than once there have been occasions when we the Government have been asked not to rely on those records but Government have not yielded; and now when the question comes of Government paying the money themselves, they have started with this proposal of challenging the accuracy of the patwaris' records. If I understood the honourable member correctly, that was the main gist of his argument.

**Sardar Hari Singh**: Half correctly.

**Mir Maqbool Mahmood**: If I understood him correctly, both the negative and the positive aspects of his argument should compel him to support the demand that has been made with regard to this item. Nobody has claimed and I am sure my honourable friend the Revenue Minister will certainly not claim that the patwaris' records are always infallible, nor does the law give them any such sanction. The legal position is that the revenue records have the presumptions of accuracy, but they are liable to be rebutted and if anybody wishes to rebut he is always welcome to do so. But what is the position in regard to the demand in question? The Government has to buy certain lands and in the acquisition of lands we have fortunately or unfortunately to admit that it is certain that the influential people get the maximum out of these acquisitions and the poorer do not sometimes get a fair deal, and the result of such a proposal underlying this demand would be that there will be a double check on the patwaris' classification and there will be an opportunity to see that the poor peasants get a fair deal and that no undue advantage is shown to the richer classes or the big landlords in this matter. I submit that when my honourable friend opposite realises that the Honourable Revenue Minister wants this grant, it is not for himself, he will realise that the attempt underlying this demand is to save public money and to get the maximum out of the public funds spent in the name of public exchequer. I am sure nobody when he calmly analyses the proposition, will challenge the *bona fides* or the equities of the Government proposal. All that we want is to have double check and that when Government has to pay money on a certain basis for the value of the land and when thereafter it will not have the right of rebutting the accuracy of the revenue records, there must be a provision at the time for a double checking. That is the whole basis of the demand.

With regard to the second aspect of my friend's argument when he said that the demand in question will work against the zamindar, let me assure him, that it has nothing to do with it. In fact he will find that this provision is intended to save every penny of the public funds and utilise it for



the beneficent activities of the zamindars. I trust that I am not transgressing my limits or my rights when I say that the Honourable Revenue Minister and his department will be in duty bound to check several cases in which, because of the recommendations of this staff, any small peasant proprietor or any small holder of the land is paid lesser amount than is due under the ordinary revenue records. I would in this connection appeal to the Honourable Revenue Minister to see that in every case where a small peasant proprietor is to be allowed a lesser amount as the price of the land than is due, a close examination is given and the case considered sympathetically.

Now, with regard to the point raised by Lala Duni Chand, I am sure nobody in this House wants that there should be any favouritism or waste of public funds in the matter of giving contracts. (*Interruption.*) If there is any case where action is needed, if my honourable friends will only bring it to the notice of my friend the Honourable Revenue Minister, I am sure he will be the first to take action. It is unfortunately true, I have to say so to my shame, that whatever system you adopt a certain amount of corruption is rampant and it is the duty of all of us, my friends opposite and my friends on this side, to combine and to create public opinion to see that this is checked and I can assure my honourable friend that if he takes advantage of that very fair and very courageous circular of the Government that any five independent persons can come forward and say that corruption is existing Government will institute enquiry. (*An honourable member: Why not appoint a corruption officer?*)

**Lala Duni Chand :** Dozens of persons have complained and they are not being listened to.

**Revenue Minister :** They are being looked into.

**Mir Maqbool Mahmood :** My honourable friend is in the habit of—I speak with the respect which his age deserves—of stating things without definite facts. But I would tell him that if he were to give any specific instances of five independent persons, according to that circular, having made a request that an enquiry should be held and it has not been gone into, I am sure that in such cases it is not the fault of the Government. In fact I am in a position to state that there have been 17 cases recently where action has been taken by Government on such requests.

**Lala Duni Chand :** May I inform the honourable member that hundreds of complaints sent by a large number of people are being sent to the authorities and to the Government and they are not being listened to?

**Mir Maqbool Mahmood :** I feel confident that if my honourable friend will apply his legal acumen he will find that if such requests conform to the conditions of the circular every one of them would have been attended. But if interested persons come forward and make wild allegations which do not fall within the terms of the circular, surely he will not expect anybody to institute enquiries on such allegations. So far as the stopping of corruption is concerned, we are all agreed. So far as finding out all economies and all possible savings in the working of the department, all are agreed. I trust

[Mir Maqbool Mahmood.]

that after all this, nobody can object to the demand that has been made.

**Revenue Minister** (Honourable Dr. Sir Sundar Singh Majithia) :

Sir, I may be permitted to say that in the matter of expenditure to be incurred in acquiring the land in the Haveli Project, a sum of something like 89½ lakhs of rupees is involved. The price fixed in the project itself ranges from Rs. 60 to 250 an acre. It is to be understood that this amount does not include the land that we shall require for the distributaries that have to be built later on. The purposes of the acquisition are to make the weir and project that we have got in hand and the object is to make this weir as quickly as possible. With that end in view an acquisition officer has been appointed who acts like a court of law in assessing the award that is to be paid to the people for the acquisition of their land. The first step that is generally taken is that the acquisition officer gets his reports from the civil patwaris and makes his calculations and fixes the price that he has to award for the land acquired. But only one side of the picture is placed before him. The other side of the picture is not placed before him at all. What I mean to say is that the land owner is wide awake and he can protect his interest by putting forward all reasonable demands for the fixation of fair price for the land that he is going to give. It is well-known that the price for the acquisition of land is based generally on the prices that are current in the vicinity for the last five years. On that 15 per cent. for compulsory acquisition is added. It is right to say that when we are thinking of spending something like 89½ lakhs of rupees for the acquisition of land, leaving aside the question of distributaries, Government should take care to see that the money is well spent. I entirely agree with my honourable friend opposite when he says that the money should be properly spent. All care should be taken that where the interests of the owners of the land are safeguarded, the interests of the tax-payer from whose pocket so to speak this money is coming, are also safeguarded. Therefore the small staff that has been proposed is for the purpose of checking figures that have to be placed before the acquisition officer. That officer does not tell us what

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his award would be. But once an award is given there is no chance of his going back from the award. Therefore in the interest of the budget, in the interests of the province and in the interest of the tax-payer it is necessary that the other side of the picture must be placed before the acquisition officer. My honourable friend has said that many a people take advantage of it. I could agree with that. Advantage is always taken by putting up prices, sometimes by fictitious entries being made when the land changes hands simply for putting up prices. Therefore, it is absolutely necessary that if the interest of the tax-payer is to be safeguarded we must make thorough inquiry before we pay the price of the land. I am anxious that where the land holders themselves get a fair price for their lands, the Government should not be made to pay a higher price as it has been sometimes done in the past. In the past such an enquiry was not made and we had to pay the price that was fixed by the acquisition officer and sometimes a large amount of money was paid which could have been reduced and which could have been avoided if the check were there. The number of people who are disappointed is very small. We have one zilladar,

one munshi, 5 patwaris, one peon, and one khalasi and the total amount involved is Rs. 500 a month which surely my honourable friends should not grudge particularly because this is required to check that money is properly spent and it is not over-paid. I trust that the House will be convinced that the expenditure that we are putting forward is absolutely necessary.

**Mr. Speaker :** Question is—

That a supplementary sum not exceeding Rs. 23,910 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1938, in respect of charges on Irrigation Establishment.

*The motion was carried.*

#### IRRIGATION WORKS.

**Minister for Finance :** I beg to move—

That a supplementary sum not exceeding Rs. 4,81,200 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1938, in respect of construction of Irrigation Works.

*The motion was carried.*

#### JAILS AND CONVICT SETTLEMENTS.

**Minister for Finance :** I beg to move—

That a supplementary sum not exceeding Rs. 36,900 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1938, in respect of Jails and Convict Settlements.

*The motion was carried.*

#### EDUCATION (EUROPEAN AND ANGLO-INDIAN).

**Minister for Finance :** I beg to move—

That a supplementary sum not exceeding Rs. 2,000 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st of March, 1938, in respect of Education (European and Anglo-Indian Education).

*The motion was carried.*

#### PUBLIC HEALTH.

**Minister for Finance :** I beg to move—

That a supplementary sum not exceeding Rs. 92,180 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1938, in respect of Public Health.

*The motion was carried.*

#### VETERINARY.

**Minister for Finance :** I beg to move—

That a supplementary sum not exceeding Rs. 37,840 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1938, in respect of Veterinary.

*The motion was carried.*

## CO-OPERATION.

**Minister for Finance :** I beg to move—

That a supplementary sum not exceeding Rs. 1,11,610 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1938, in respect of Co-operation.

*The motion was carried.*

## PUBLIC WORKS DEPARTMENT, BUILDINGS AND ROADS ESTABLISHMENT.

**Minister for Finance :** I beg to move—

That a supplementary sum not exceeding Rs. 13,800 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1938, in respect of Public Works Department, Buildings and Roads Establishment.

*The motion was carried.*

## HYDRO-ELECTRIC SCHEMES—WORKING EXPENSES.

**Minister for Finance :** I beg to move—

That a supplementary sum not exceeding Rs. 64,500 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1938, in respect of Electric Schemes—Hydro-Electric Schemes—Working Expenses other than establishment.

*The motion was carried.*

## SUPERANNUATION ALLOWANCES AND PENSIONS.

**Minister for Finance :** I beg to move—

That a supplementary sum not exceeding Rs. 1,72,500 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1938, in respect of Superannuation Allowances and Pensions.

*The motion was carried.*

## COMMUTED VALUE OF PENSIONS.

**Minister for Finance :** I beg to move—

That a supplementary sum not exceeding Rs. 4,06,700 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1938, in respect of Payments of Commuted Value of Pensions.

*The motion was carried.*

## STATIONERY AND PRINTING.

**Minister for Finance :** I beg to move—

That a supplementary sum not exceeding Rs. 6,020 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1938, in respect of Stationery and Printing.

**Mr. Speaker :** Demand moved is—

That a supplementary sum not exceeding Rs. 6,020 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1938, in respect of Stationery and Printing.

*Viva voce examination by Public Service Commission.*

**Lala Duni Chand** (Ambala and Simla, General, Rural) : I want to utilise this occasion only for a very limited purpose. I rise to oppose this

demand and I only want to make one reference to a particular thing about which there is a good deal of concern all over the Punjab. It is the establishment of the Public Services Commission and its working. At the present moment I want to invite the attention of the House only to one feature of the working of the Public Services Commission. The Public Services Commission is an agency through which certain competitive examinations are being held. Recently the Provincial Civil Service (Executive Branch) Examination was held through the Public Services Commission. Of course the written papers are examined by distinguished and eminent men and I have got nothing to say about that but one thing that very much interferes with the results of this examination is that 200 marks are allotted to what is called *viva voce* examination. I am told that this *viva voce* examination is being conducted by the members of the Public Services Commission concerned.

**Minister for Public Works :** Why not ?

**Lala Duni Chand :** It is a most improper thing to do. I doubt very much whether all the members of the Public Services Commission are fully conversant with the various subjects so as to be able to conduct a *viva voce* examination.

**Mr. Speaker :** Will the honourable member please point out to which item of the demand his speech relates ? The demand is "Cost of paper required for various unforeseen items." The heading is "Stationery supplied from Central Stores—Printing paper and binding materials for Government Presses."

**Lala Duni Chand :** I invite your attention to item No. 5 on page 39 of the Supplementary Estimates. This will show that paper is required for the Public Services Commission. It has already been ruled by you, Mr. Speaker, that the Opposition can use any relevant portion of the grant as a basis of their speech.

**Mr. Speaker :** Will the honourable member please read the relevant portion ?

**Lala Duni Chand :** It is page 39 and the item referred to is No. 5 which runs as follows :—

"(5) Work of the new departments (Public Services Commission, Retrenchment and Resources Committee, Unemployment Committee and two Election Petition Commissions)."

By reason of the fact that some money is required for the Public Services Commission, the working of the Public Services Commission becomes a relevant fact to be discussed.

**Mr. Speaker :** The main thing involved in this grant is 'Stationery.' I do not think it would be right to contend that because stationery is for the use of a deputy commissioner, his actions as collector or in some other capacity can be discussed. Here the demand is for stationery for the use of the Public Services Commission. But that does not justify a discussion of the working of the Public Services Commission.

**Lala Duni Chand :** Is it not open to me to criticise the working of the Public Services Commission on an item, howsoever small, relating to the Public Services Commission in the supplementary demands ?

**Mr. Speaker :** No.

**Lala Duni Chand :** I am not moving my amendment. I am simply opposing the demand.

**Mr. Speaker :** Even when opposing the demand the debate must be relevant to the item.

**Lala Duni Chand :** I required light from the Chair and if that light is denied to me I sit down.

**Mr. Speaker :** The question is—

That a supplementary sum not exceeding Rs. 6,020 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1938, in respect of Stationery and Printing.

*The motion was carried.*

#### MISCELLANEOUS.

**Minister for Finance :** I beg to move—

That a supplementary sum not exceeding Rs. 55,12,200 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1938, in respect of Miscellaneous.

**Mr. Speaker :** Demand moved is—

That a supplementary sum not exceeding Rs. 55,12,200 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1938, in respect of Miscellaneous.

#### *Viceregal Darbar.*

**Chaudhri Muhammad Hassan** (Ludhiana, Muhammadan, Rural) :  
I beg to move—

That the item of Rs. 8,300 on account of Miscellaneous Darbar charges be omitted.

**Mr. Speaker :** But I will first take up amendment No. 5.

**Chaudhri Muhammad Hassan :** I beg to move—

That the item of Rs. 8,300 on account of Miscellaneous Darbar charges be reduced by Rs. 100.

I am constrained to move this amendment because I consider that it is sheer waste of public funds and public time in holding darbars under the circumstances when the Punjab is suffering from financial stringency as well as from other causes on account of which it is undesirable at the moment to hold such like darbars. The infection was carried through the Deputy Speaker and it affected the brain of the executive head of my district and a similar darbar was held and public time and money was wasted. We have had several darbars in our district after this darbar was held here. We had a darbar on 19th February, at 10-30 A.M. in the court compound, i.e., Commissioner's darbar and I know that the magistrates, who were holding their courts, were summoned to attend the darbar. The litigants present there were also summoned for that particular purpose and due to that the administration of justice was interrupted. The courts began work after 1 o'clock and the deputy commissioner, in pursuance of the policy of the Punjab Government, held that this darbar was necessary in order to please his divisional head so that he may not find any defects of administration so far as my district was concerned. I am sure that if His Excellency the Viceroy were informed about the poor state of the peasants so far as public debt was

concerned, so far as the financial position was concerned, so far as the starvation was concerned and so far as the hardships that they suffer at the hands of authorities in the collection of revenue was concerned, he would not have agreed to hold the Viceregal darbar at all.

It might be argued by the other side that it is a matter of Rs. 8,800 only. It is not a very great sum and it would have been inhospitable on our part not to have extended this hospitality on the occasion of the visit of His Excellency the Viceroy to Lahore. It would have been much better if the Government had considered it as their duty to take His Excellency the Viceroy to villages in order to acquaint him with what was happening in the villages, that the rural population was not free from indebtedness and that they were suffering from disease and starvation, that they were unable to pay their land revenue. I am sure the Punjab Government would have done its duty if it had told the zamindars that the representative of His Majesty the King had been brought to advise as to how to ameliorate the condition of the rural population. This was not done. Why was it not done? Because as soon as His Excellency the Viceroy expressed his desire to pay an official visit to the province, it was decided to hold a Viceregal darbar in Lahore in October, 1937 and probably this question was never discussed. It was the Punjab Government alone which decided that the only demonstration that they could hold on the visit of the Viceroy to Lahore was to show to him that the people of the province were prosperous. Certain persons from the districts were collected in the darbar to manifest to the Viceroy that the people of this province were happy and prosperous and that they had no grievance against the Government. It was quite out of place to hold the darbar like that and it should have been held in the open. The institution of darbars has been borrowed from the Moghul times which had significance of its own. The significance and character of the present darbars has changed. People are not allowed to explain their grievances before the authorities. When the darbar was held it would have been proper for the Punjab Government to have invited the people of the Punjab to lay their grievances in an open darbar and seek redress at the hands of the Punjab Government and the representative of His Majesty the King. It was not done. I will refer to my own district. There in my ilaqa several times it has been represented that there is absolute need of a rural dispensary. A rural dispensary could be run with this sum at least for a year, or a primary school in that ilaqa could have been run. This sum was wasted. It was extravagance, misuse of the public money with which the Punjab Government was entrusted. It is not proper at this stage that I should challenge members opposite who in season and out of season say 'we are the representatives of the public, we are the popular government,' but what they have done so far as this particular item is concerned—I do not know how many more items there would be which at the proper time we shall discuss—but so far as this item is concerned, I am sure the Punjab Government was not wise enough to spend such a large sum on the holding of the Viceregal darbar which brought about mischievous effect in the whole province. The deputy commissioners, the commissioners, tahsildars, naib-tahsildars, and the superintendents of police have all taken into their heads that they must hold darbars. What do they do in the darbars? My honourable friend over there knows what happened when he held a darbar; a large number of arrests were made.

[Ch. Muhammad Hassan.]

Again, on the 5th February when our deputy commissioner was holding the Basant darbar in the club, we were holding the political conference at which 12 members of this House were also present. When it was brought to his notice in connection with the meeting that proper arrangements were not made, he did not come; he was busy with the darbar. But on our return we found the darbar had serious effects on this political conference and about 11 arrests were made. On the 19th February the commissioner's darbar was held. There were several complaints against the administration of my district by members of the district board and a member of the Punjab Legislative Assembly who informed the commissioner that they wanted to discuss with him about the waste of public funds—

**Mir Maqbool Mahmood :** Is my honourable friend entitled to bring in all the categories of darbars in this discussion with regard to expenditure on the Viceregal darbar ?

**Mr. Speaker :** The word "relevancy" has a very elastic sense. If an able lawyer and speaker, like Mir Maqbool Mahmood, can make irrelevant things relevant, Chaudhri Muhammad Hassan also can make his arguments relevant, if he confines himself to certain aspects of the darbar and does not enter into unnecessary details.

**Chaudhri Muhammad Hassan :** For the information of my friend I may point out that I was relevant as I was discussing holding of the darbars.

Sir, I was pointing out that the members of the district board and some members of the Punjab Legislative Assembly wanted to discuss with the Commissioner how the district board funds were being wasted. The commissioner being satisfied with the arrangements of the darbar only said that he only wants to hear "*sab achha hai*" so far as this darbar was concerned.

While travelling in connection with my profession I passed through Amritsar, and according to the Urdu proverb :—

حلوائی کے خوانچے پر داد جی کی فاتحہ

was being repeated. So far as this darbar is concerned I know that several honourable members of the Ministerial party could afford to invite the Viceroy and hold the darbar at their residence. It was not proper for them to have held the darbar at public expense and for personal motives, in order to impress His Excellency that the influence which they wielded was such that no other party wielded in the whole province. Under these circumstances this item, small however it might be, has been spent inadvisedly on the preliminary arrangements for holding the darbar. Further more, I would submit that whenever any suggestion is made to them that such and such a town requires a dispensary, they say 'we have not got the money.' It does not then lie in their mouth to say that they can spend money on this demonstration simply to show to the public that they can approach the representative of His Majesty and can influence his decision. When asked for what particular purpose the Viceregal darbar was held, the Honourable Premier would say it is not in the public interest that that matter should be disclosed. If that could not be disclosed, then why should the expenditure be disclosed in the budget ?

**Premier :** Will you kindly read out your question and my reply ?



**Chaudhri Muhammad Hassan :** I will read it at the proper time.

**Premier :** The honourable member is quoting something which I never said.

**Chaudhri Muhammad Hassan :** Therefore I say that this holding of the darbar was quite unwarranted. It did not lead to anything good ; it rather led to the neglect of duty so far as administration of the province is concerned and so far as the heads of the police and district administration were concerned. They have got the licence to go to any place and hold darbar. I remember the superintendent of police of my district held a darbar at village Jalalpore, the residence of Sardar Gopal Singh (American) where zaildars were invited and they were explicitly asked to interrupt the proceedings of the conference.

**Premier :** I must protest against this kind of irrelevancy where my honourable friend is making allegations about darbars which have nothing to do with the subject under discussion. I think there must be a limit to irrelevance.

**Chaudhri Muhammad Hassan :** I am quite willing to accept any limitations imposed on me by the Honourable Speaker, but not any limitation that the other side imposes on me. If the Honourable Speaker orders me to stop the debate, I shall certainly sit down.

**Mr. Speaker :** The honourable member can refer, if he likes, to other darbars, but he should not discuss what happened in those darbars, as that would not be relevant.

**Chaudhri Muhammad Hassan :** After the darbar, which was held in pursuance of this darbar at Lahore, an interruption was created.

**Premier :** I must request the Chair to see that there must be a limit to irrelevancy. My honourable friend is discussing the details of a certain darbar. There is no such thing as a darbar being held in pursuance of His Excellency the Viceroy's darbar. He said that some interruptions were made there. I think it is very unfair.

**Chaudhri Muhammad Hassan :** Interruption took place in a political conference held in pursuance of a darbar, held in pursuance of His Excellency the Viceroy's darbar. I am referring to the effects of that darbar, which were produced on different things. One darbar was held at Lahore and another darbar in pursuance of that darbar, was held in Leel.

**Mr. Speaker :** If the honourable member means to say that this darbar gave an impetus to various people in the province to hold darbars at various places, then he is quite relevant. But he should not bring in what happened in those darbars.

**Chaudhri Muhammad Hassan :** I will not go into the details. I said that a bad effect of this darbar was exhibited in a darbar at Leel and a bad effect of that darbar at Leel was exhibited in a political conference at Gujarwal held quite recently.

**Mr. Speaker :** A political conference is not a darbar.

**Chaudhri Muhammad Hassan :** With due deference to the ruling of the Chair and the suggestion of the Honourable Premier, I would not discuss

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the proceedings of various darbars held in many districts. But I am certainly entitled to say about the bad effects produced by those darbars. I have said that my honourable friend Sardar Hari Singh probably asked a question whether it was or was not a fact that zaildars, lambardars, sufedposhes, etc., were invited to attend a certain darbar and the Honourable Revenue Minister stated that no such thing had come to his notice. Why should it come? Even if it comes to his notice, will the Punjab Government take any action? I am sure that they will not take any action. There was also a question whether those zaildars, lambardars, etc., who were summoned to attend the darbar, were paid any travelling allowance or whether they paid it from their own pocket? Invariably, I find that those lambardars, zaildars, sufedposhes, etc. who attend the darbars of deputy commissioners, pay the expenses from their own pockets, but after returning home, they make the money from their circles or from their *pattis*. This leads to corruption and neglect of duty, so far as zaildars, lambardars, naib-tahsildars, tahsildars, etc., are concerned. I think I am right when I say that that state of affairs will continue unless the Punjab Government make it clear that these darbars should cease. The effect of these darbars is terrible on the peasant, whose friends the Punjab Government claims to be. I, therefore, oppose this demand and suggest to the House that my amendment motion may be accepted.

**Mr. Speaker :** Demand under consideration, motion moved is—

That the item of Rs. 8,300 on account of Miscellaneous Darbar charges be reduced by Rs. 100.

(At this stage Chaudhri Kartar Singh stood up and said "Sir, I want to speak".)

**Mr. Speaker :** I may say for the information of the House that it is not parliamentary to stand up and say "Sir, I want to speak."

**Sardar Sohan Singh Josh** (Amritsar North, Sikh, Rural) (*Punjabi*) : Sir, the contents of page 41 (Supplementary estimates) reveal the fact that, when in October last His Excellency the Viceroy expressed a desire to visit the Punjab, the Unionist Ministry lost no time in deciding that a darbar should be held in his honour. I want to submit, Sir, that the Viceroy is a symbol of British Imperialism in India. The decision of the Unionist Party to hold a darbar was prompted by the desire of showing their loyalty and thus help in strengthening the hands of British Imperialism. The Congress ministries arranged no darbars when the Viceroy visited their provinces, for they have very wisely realised the fact that public money ought to be used for public good alone.

Here in the Punjab whenever the question of the good of the masses is raised, whenever it is required of the ministry to help the peasantry whose crops have been affected by hailstorms, we always hear the oft-repeated excuse—paucity of funds. (*Question*). The honourable members opposite question my statement. I submit that only recently we moved an adjournment motion for the purpose of discussing the failure of the Government to come to the aid of the peasants who had suffered in this way. What has been done in this connection? Again, the cotton crop this year has been

seriously damaged, so much so that the yield will be hardly one-quarter of the normal produce. Have the Government granted any remission in revenue ?

Sir, during the general discussion of the budget we shall have occasion to expose the methods by which an increase in revenue has been brought about. A few days back we had a brief discussion on the question of the Punjabi language. We wanted that Bills should be translated into Punjabi as well for the benefit of those who speak this language. This was a question of a few hundreds of rupees ; but the Government could not accept our proposals on the ground that it would entail extra expenditure, while they can quietly afford to spend public money to the tune of Rs. 8,300 on mere luxuries. They have no funds for the public utility services but they are prepared to spend thousands on entirely useless things.

What sort of Ministry this is, I am at a loss to understand.

**Raja Ghazanfar Ali Khan** (Parliamentary Secretary) : At the outset I must make it clear that what I am going to say on this question should be considered to be my personal views representing a zamindar constituency. Before we start discussion of this item, let us clearly understand what is the idea underlying a darbar as it is generally understood by the zamindars. As a matter of fact the difference between a meeting and a darbar to my mind is that a darbar is generally presided over by an official of a very high position and where probably more formality is observed in the proceedings than in the case of ordinary meetings. When His Excellency the Viceroy expressed his wish to pay his first official visit to the Punjab, we the zamindars, particularly the representatives of zamindars who hold His Excellency Lord Linlithgow in very high esteem, thought that some appreciation must be expressed by the Government on our behalf for the great services which His Excellency has rendered to the rural people and the zamindar community. We are not unaware of the fact that it is to a very great extent due to the personal influence of Lord Linlithgow that almost every private society, every private individual, every provincial government, every municipality and every district board has started to take interests in the welfare of the zamindars. Take the serving of free milk to the school children. The health of the school children was bad enough even before the present Viceroy came to India, but nobody ever thought of supplying milk free to the poor children of schools. Similarly he encouraged the improvement of cattle throughout the country and paid more heed to the welfare of the zamindar community who have no press in their hands but pay their contribution to the exchequer. All this was not considered by any Viceroy with the same attention as by His Excellency Lord Linlithgow. Therefore we thought that it was only natural and most essential for the zamindar community who are always generous and broad-minded to appreciate any person or any party that has done them a good turn, that they should not mind spending this small sum of Rs. 8,000 to express their appreciation in a practical form to the Viceroy.

We were under the impression that this little service or appreciation will give His Excellency an impetus in his attempts which he is making to ameliorate the lot of the millions of people in the rural areas. It was merely an expression of our sentiments towards him and an appreciation of his work.

[Raja Ghazanfar Ali Khan.]

and sympathy towards us which I think none on this side of the House would grudge. Therefore it is a different matter to try to make a political stunt of every reasonable thing. And then who has lost? Are there any lambardars and zaildars who are complaining why this money was spent on the Viceroy? Not only this, but these occasional darbars give us a very great opportunity of meeting each other. I know that several old leading members of the leading families from Dera Ghazi Khan, Ambala, Gurgaon and Multan who were provincial darbaries or divisional darbaries came to the darbar and they said that they were happy that they had an opportunity of meeting each other and of exchanging thoughts with each other. Therefore let me have no hesitation in making a frank confession that so far as this question is concerned, there is a distinct difference of vision from which those members sitting opposite look at this question and we on this side look at it. We are frank enough to confess or appreciate if any person has done good to us, and I am surprised that such sentiments should be missing on the opposite side. It was His Excellency the Viceroy, who, we all know, took such a liberal view of the political questions and the constitutional questions in this country that the Congress Party were able to come and occupy the ministerial benches in seven provinces. (A voice: It was because of our own power). If I were to quote Mahatma Gandhi as to what he said about His Excellency the Viceroy as to the liberal view he had taken to work the Constitution, I am sure some of my friends opposite would repent having taken up that attitude.

Then it was not very long ago that His Excellency the Viceroy interfered with the well-known Abattoir Scheme. It was His Excellency the Viceroy who came to the rescue thinking that in consideration of the sentiments of a large number of Indians he was prepared to ignore the loss of sixty or seventy lakhs of rupees wasted on the scheme. He said that he would rather waste crores of rupees than injure the sentiments of Indians. Here is a person with such noble sentiments and with such noble aspirations. He pays his first official visit to this place. Could there be any one who would reasonably object to having a darbar in his honour and spending Rs. 8,800 on that darbar? If objection is taken to the regard and respect shown to the Viceroy by holding a darbar, then I may point out that even the greatest leaders have gone and seen the Viceroy and exchanged their feelings and have shown as much respect as we have shown. The darbar gave an opportunity to the zamindars of the province to come to Lahore and see the Viceroy.

**Diwan Chaman Lall :** Could the Viceroy not do so without a darbar?

**Raja Ghazanfar Ali Khan :** If my honourable friend were in charge, he might have devised some better means of providing the Viceroy with an opportunity of meeting the zamindars. I think the Government were probably not so original as Diwan Chaman Lall. They thought that the best and the safest way was to hold a darbar where the zamindars could meet the Viceroy.

**An Honourable Member :** May I ask the honourable member whether the other provinces held darbars when the Viceroy visited those provinces?

**Raja Ghazanfar Ali Khan :** I am not sure, but I have no doubt that if he had visited Sind, a darbar would have been held, because the circumstances there are the same as in the Punjab inasmuch as there too there are a large number of zamindars. So far attention was being paid to urban areas, and His Excellency is the first Viceroy who has paid attention to rural areas. I may also remind the House that a darbar was held by the Government of the North-West Frontier Provinces during the Congress Ministry. (*Voices : No, no.*) If my honourable friend can positively tell me that no such expenditure was incurred there, I will believe him, but I can assure him that a darbar was held by His Excellency the Governor after the Congress Ministry came to power in the North-West Frontier Province. (*Voices : But no member of the Ministry attended the darbar.*) At that darbar sanads were awarded. If the Ministers did not attend the darbar that is immaterial, because the money was spent all the same. If my honourable friends' objection is why so much money was spent on the darbar, I could have understood the force of the argument. But the question is why the darbar was held. My answer is that it was held even in a Congress province. Therefore, I would tell my honourable friends sitting on the opposite benches that this is not a matter upon which they should try to carry on a propaganda against the Government, because, after all, the Punjabis can see through the game. They can see that the attempt is to alienate the sympathies of the Viceroy who is so much interested in the welfare of the zamindars of the country and particularly of the Punjab. I would request them not to press this motion.

**Chaudhri Kartar Singh** (Hoshiarpur West, General, Rural) (*Urdu*) : Sir, I have risen to oppose this item of Rs. 8,300 provided to meet the miscellaneous darbar charges. Before I proceed with my speech, I would like to point out, that so far as the personality of His Excellency the Viceroy is concerned, we do respect and honour him. Now Sir, the demand under consideration, that is, Rs. 8,300 have been spent by the Punjab Government on repairs of the fort in connection with darbar arrangements. I may submit that this fort on which this amount of Rs. 8,300 has been spent is that unfortunate place where well-wishers of the country are confined. I, therefore, very strongly oppose this item of Rs. 8,300.

The second point that I would like to raise in this connection is, that it has been stated in the Supplementary Estimates for 1937-38 that as soon as His Excellency the Viceroy expressed a desire to pay an official visit it was decided to hold a Viceregal darbar in the Punjab. So far as I know this has become a practice with the British Government that whenever a Governor-General wants to visit a place, it is generally given out that His Excellency desires to visit that place. The same was the case here. Furthermore, it was the earnest desire of the Unionist Party to invite His Excellency the Viceroy to the Punjab and to hold a darbar in his honour. The object of holding this darbar was twofold. In the first place the Unionist held this darbar with a view to assure His Excellency the Viceroy of their loyalty. Secondly, there was another object for holding this darbar. Every honourable member of this House is fully aware that the danger of another big European war is becoming more and more apparent. In fact, I can say that the war clouds are actually gathering together on the political horizon of Europe. This darbar was simply held to assure His Excellency the Viceroy

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that the zamindars of the Punjab were prepared to render all possible help to Government in the future war. There was one very strange thing about this darbar and that is, that the Punjab Ministry selected a *bania* to serve as a mouthpiece for the zamindars. It was really strange to find that Unionist Ministry selected a *bania* to represent the zamindars of the Punjab. May I inquire who had given them authority to give an assurance to His Excellency the Viceroy that in the next war the Punjab zamindars would help the Government willingly and cheerfully?

Again it is stated that His Excellency the Viceroy has great sympathies with the Punjab peasantry and therefore he decided to pay a visit to the Punjab. I may submit that His Excellency the Viceroy has not only to take care of four crores of people, but he is responsible for the welfare of 36 crores of people. As a matter of fact he is the Governor-General of India and every part of the country under his rule is equally dear to him. He could not like one province more than another. The only conclusion that we can draw from this is that the Punjab Ministry held the darbar merely to make a show of their loyalty.

The Honourable Chaudhri Sir Chhotu Ram is always in the habit of remarking that there is Jat ministry in power in the Punjab. He has also remarked that His Excellency the Viceroy has special and particular love for the people of this province. May I inquire from him whether His Excellency the Viceroy has the same amount of sympathy with the untouchables which he is expressing with the zamindars of the Punjab? It is not correct to say that His Excellency the Governor-General has special regard for the zamindars of the Punjab. As a matter of fact the British people require recruits for the future war so that they should fight for them and uphold their prestige. This was the main purpose for which the darbar was held in the Punjab.

Again, I may submit that the Punjab Ministry sometimes describes itself as a ministry of the zamindars, sometimes as a Unionist ministry and sometimes as a Muslim League ministry. I fail to understand whether it is a Unionist, Muslim League or a zamindara ministry. But this ministry has dared to assure His Excellency the Viceroy that the zamindars would shed even their last drop of blood and would be prepared to fall victims to the war gases of the enemy and become fodder for their guns, in the cause of England. I can assure the honourable members over there that this time the zamindar would never go to fight for a cause which is essentially not their own. (*Cheers from the Opposition benches*). I appeal to Chaudhri Sir Chhotu Ram and I wish he would pay some heed to it that if he has got some influence over the poor zamindars, he should not urge upon them to get themselves recruited in the army to be shot down by the German and Italian guns.

Raja Ghazanfar Ali Khan has remarked that the Congress ministries were also prepared to hold such darbars. Our honourable friends over there are fond of holding darbars and arranging *shikar* parties. (*Interruptions*) May I inquire from the honourable members opposite whether a *shikar* party was not arranged to which His Excellency the Governor was invited. All this goes to show that it was the desire of the party in power to hold this darbar and they themselves invited His Excellency the Viceroy

to come over here. I, therefore, very strongly oppose this item and ask the House to reject it in toto.

**Sardar Kartar Singh** (Lyallpur East, Sikh, Rural) (*Punjabi*): Sir, my honourable friend Raja Gazanfar Ali Khan has stated that it was essential for the zamindar community that they should do a good turn and express their appreciation to His Excellency the Viceroy for the great work he has done in order to ameliorate the condition of zamindars of this country and therefore it was quite justified to spend this sum on the holding of a darbar. I submit that it is merely a waste of public funds to hold a darbar in honour of a Governor-General who deprives the people of their just rights. He is the same Governor-General who the other day opposed the release of political prisoners in the United Provinces and Behar with the result that the Congress ministries had to resign and a great feeling of resentment was created throughout the length and breadth of India.

**Mr. Speaker**: The honourable member should not reflect upon the Viceroy or the Governor-General. He should withdraw his remarks.

**Pandit Shri Ram Sharma**: If a man praises the Viceroy and another says that the praise is not justified, is that also a reflection?

**Mr. Speaker**: Our standing order 29 is:—

A member while speaking shall not reflect upon His Majesty the King Emperor, reflect upon the Governor-General or His Majesty's Representative in the exercise of his functions....."

**Lala Deshbandhu Gupta**: Any policy initiated by the Governor-General can surely be criticised.

**Mr. Speaker**: Whether a certain remark amounts to a reflection is a question of fact in each case. So, I cannot lay down any general rule. The honourable member should withdraw his remarks.

**Lala Deshbandhu Gupta**: In this particular case the honourable member was only referring to the policy of the Governor-General.

**Mr. Speaker**: The personality of the Viceroy should not have been brought in at all. In my opinion a reference to him was uncalled for. Therefore, I request the honourable member to withdraw his remark.

**Lala Deshbandhu Gupta**: It was for the other side to refrain from showering praises on the Viceroy.

**Mr. Speaker**: I appreciate the ingenuity of the honourable member but it does not follow that because a certain man praises a certain person, the honourable member must deprecate him (*laughter*).

**Pandit Shri Ram Sharma**: Certainly if the praise is unjustified.

**Mr. Speaker**: Is not that a reflection?

**Pandit Shri Ram Sharma**: I cast no reflection.

**Mr. Speaker**: Will the honourable Sardar Kartar Singh, please withdraw his remarks?

**Sardar Kartar Singh**: I withdraw.

Sir, in days gone by durbars of this kind used to be held not for the sake of displaying splendour and power, but were held for the benefit of the subjects who on such occasions expected to have their grievances redressed. But here the case is

[S. Kartar Singh.]

quite reverse. Public money has been squandered mercilessly on a darbar from which no benefit has accrued to the public at large. It is possible that a few big persons might have benefited from it. I may submit that it was but a demonstration of slave mentality on the part of those who were responsible for holding the Viceregal darbar. It would not be out of place to mention that our zamindar brethren can easily be placated. In our day to day life we find that if a person introduces a zamindar to a deputy commissioner or any other official, the zamindar feels much obliged to him, but here in the Viceregal darbar the big zamindars were introduced to the highest authority in India, the representative of His Majesty the King Emperor. It is but natural that they should be grateful to the Government and in recognition of that they may be prepared to render all possible assistance to them in times of need. As a matter of fact it is the Government who really benefited from this darbar because they were able to earn the gratitude of the zamindars so easily. But strictly speaking I think the result of this darbar amounts to nothing. It did not in any way prove beneficial to the tax-payers, it was rather an extra burden of eight thousand rupees on the revenues of the province.

Besides, a very interesting thing has come to light. The Unionist Party have been crying themselves hoarse in the past that a non-zamindar could never be their representative. I fail to understand the somersault they made in selecting a non-zamindar as their spokesman at the time of presenting an address to His Excellency the Viceroy. It is gratifying to note that the Unionist Party have begun to regard those persons who possess land, as zamindars. I wish they may be declared so by means of an enactment. But I do not think Government will ever have the courage to bring forward a measure of this kind or will ever recognise them to be zamindars.

**The Honourable Chaudhri Sir Chhotu Ram :** Is the honourable member prepared to recognise them as zamindars?

**Sardar Kartar Singh :** Sir, I may also point out the real object that was in view of those who were responsible for holding the Viceregal darbar. They wanted to make their way smooth for obtaining recruits for the war which appears to be imminent.

**The Honourable Chaudhri Sir Chhotu Ram :** But you will not offer your services.

**Sardar Kartar Singh :** Besides, my submission is that although the amount spent on the Viceregal darbar is not a very big one, yet it is the small amounts which when taken together constitute a big sum. We should take care of pennies and pounds will take care of themselves. I, therefore, submit that Government should always have at heart the betterment of the people and they should refrain from utilising public funds in putting up a show in order to enhance their prestige, power and dignity. I, therefore, urge upon the honourable members the desirability of rejecting the demand now before the House. With these words I strongly support the cut motion under discussion.

*An honourable member drew the Speaker's attention that no member had spoken from the ministerial benches.*



**Pandit Shri Ram Sharma:** Is it parliamentary to point out to the Speaker that such and such a person should be allowed to speak?

**Mr. Speaker :** No.

**Chaudhri Ram Sarup** (Rohtak Central, General, Rural) (*Urdu*) : Sir my honourable friend, Chaudhri Kartar Singh, while claiming to be the representative of the zamindars, remarked during his speech that zamindars would refuse to join the army in the future World War. I may be permitted to say that the statement made by my honourable friend is absolutely incorrect. I am afraid he has developed this cowardly mentality because of his association with the Opposition. I may assure him that zamindars are not cowardly (*hear, hear*). They rather regard this remark as an insult and a slur on their high reputation for making sacrifices for the honour of their motherland. I may also point out that the united efforts of the honourable members on the opposite benches cannot do the same amount of good to zamindars as has been done by the exertions of the Honourable Chaudhri Sir Chhotu Ram (*hear, hear*).

Besides, my honourable friend and some other members of the Opposition tauntingly remarked that in the Viceregal darbar the zamindars selected a non-zamindar to be their spokesman to ventilate their grievances. I may submit that they took the right step in doing so, because when a disinterested person pleads the cause of another, his words carry much weight with the higher authorities. Again, my honourable friend Chaudhri Kartar Singh styled himself as the true representative of the zamindars. My submission is that a big bellied person like him can never be regarded as their representative (*laughter and cheers*) because his physical appearance indicates that he has gathered so much fat by sucking the blood of the innocent zamindars (*renewed cheers*). A true representative of the zamindars would never physically look so. In support of my submission I can safely cite the case of the Honourable Sir Chhotu Ram who, in spite of the fact that he has become a minister is so thin and lean. He is in fact the true representative of the zamindars. With these words I close my speech.

**Master Kabul Singh** (Jullundur East, Sikh, Rural) (*Punjabi*) : Sir, I fully endorse the view expressed by my honourable friend Sardar Sohan Singh Josh that the Viceregal darbar was nothing but a demonstration of the British Imperialism by means of which the Unionist Government attempted to make a show of their power and grandeur. I wonder how with this slavish mentality of the Unionist, Raja Ghazanfar Ali Khan can accuse the Congress that the ministries in Bihar and the United Provinces depend for their existence on the sweet will of the British Government.

**Raja Ghazanfar Ali Khan :** On a point of personal explanation. I never said "United Provinces and Bihar." I said, "all the seven governments in the Congress provinces."

**Master Kabul Singh :** If that were so, the Governors would not have been pained to discover that Congress ministers were proving to be hard nut to crack. The Congress have won the provincial autonomy through sacrifices but the Unionists have got it by humbly beseeching the Governor with folded hands.

(Master Kabul Singh).

Another argument that was advanced in favour of holding the Viceregal darbar is that the present Viceroy is so noble and sympathetic that he feels great pleasure in offering cups of milk to school boys. Let us examine this statement in the light of our own experience. When he visited Jullundur, the only blessing that was bestowed upon the poor cultivators of the *ilaga* was that they were required by the sturdy henchmen and agents of the British Government to neglect their work in connection with harvesting and cultivation of crops in order to welcome the representative of their King. The Honourable Sir Chhotu Ram collected the 'Chumars' and other poor people to swell the crowd. But what was the result? The big landlords with their high flown 'turras' assembled in order to give wrong impression of the prosperity of the *ilaga*. Another blessing which the Viceroy bestowed upon the poverty-stricken masses of the country was that for every mile that His Excellency travelled, the poor tax-payers had to pay Rs. 30 towards his travelling expenses. His visit was sought by those who wished to acquire new land or title but the poor people had to suffer for the greed of these big people. This reminds me of a Punjabi proverb which runs as follows—

ذنی خصم کرے دھتورا چٹی بہرے (Interruption).

**Mr. Speaker :** There should be no interruption.

**Master Kabul Singh :** Raja Ghazanfar Ali Khan has referred to the province of Sind. But I will make it clear that we do not regard Sind as a stronghold of free thinking people. Had the Viceroy visited that province, he would have been received there with perhaps greater pomp and show.

**Raja Ghazanfar Ali Khan :** What about the North-West Frontier Province ?

**Master Kabul Singh :** I admit that His Excellency the Governor of that province held a darbar there but the Congress ministry was prompt enough to protest against it.

Now, I come to the charge of cowardice that has been levelled against us by Chaudhri Ram Sarup who said that Congress opposes the recruitment to the Imperial army because they are too cowardly to fight in a battle field. Let me hasten to remove his misunderstanding. Bravery does not lie in fighting for the foreign domination of one's own country. On the contrary it lies in fighting against such foreign domination.

**Raja Ghazanfar Ali Khan :** Would it not be an act of bravery to fight for China?

**Master Kabul Singh :** I hold that true and heroic valour lies in patriotism as was shown by Bhagat Singh and Dutt, who, in the prime of their youth, laid down their lives in the cause of their country. They suffered, so that, you may be able, one day, to occupy these chairs. It would be sheer ingratitude on the part of the Unionists to strengthen the bonds of slavery with the help of that power which was won for them by the patriots who died for the freedom of the country. I would remind Chaudhri Ram Sarup that we are not cowards. We have been fighting for the liberation of the country, we are still fighting and shall continue to fight in future for the freedom of our motherland.

Again, I fail to understand why the Unionist Government made the school boys stand under the burning heat of the sun on the occasion of the Viceroy's visit to Lahore. Who knows if some of those boys who were made to behave like slaves, might become Bhagat Singhs and Duttas?

**Mr. Speaker :** What has that to do with the sum of Rs. 8,800?

**Master Kabul Singh :** I want to point out that the reckless expenditure of Rs. 8,000 constitutes an act of misappropriation of public funds on the part of the Government. The hard earnings of the poor cultivators should not have been spent on the luxuries of a darbar, when the zamindars were crying for remissions due to the failure of their crops.

**Minister for Revenue :** Does my honourable friend know that we have already granted a lot of remissions to the zamindars?

**Master Kabul Singh :** We do not understand what you say.

**Minister for Revenue :** You will never be able to understand it.

**Master Kabul Singh :** We are not seekers of titles and land and we have no wish, therefore, to cultivate the art of slavery.

Again, by holding the Viceregal darbar in the Lahore Fort the Government has injured the feelings of the public. Nowadays this Fort is being used as a judicial lock-up. This action on the part of the Government made us feel the striking contrast between the splendid display of the darbar on one hand and the helplessness of the poor prisoners on the other. The budding youths of our country who courted arrests simply because they sought independence for their motherland are confined there. They are to-day behind the bars for they had in their hearts an intense love for their country.

The Government would have been well advised to request the Viceroy to pay a visit to any village rather than make a state entry into the Punjab. It would have been better if the Viceroy had been served with *missi roti* rather than with a state dinner. It would have been much better if our pitiable condition had been brought home to the Viceroy rather than introduce to him big landlords and capitalists of our province. The item of Rs. 8,800 is not a very small sum. The Government has been guilty of wasting the public money on the occasion of the visit of the Viceroy. I am at a loss to understand what useful purpose has been served by this darbar. It is an open secret that thousands of police officials were requisitioned from every part of the country for this occasion. It is said that from Lahore to Delhi after every mile there were posted several police constables to keep vigil over the railway line. During the days of Viceregal visit to the Punjab the police was secretly watching the movements of all the political workers of the province.

**Mr. Speaker :** How is that remark relevant ?

**Master Kabul Singh :** Sir, I may be allowed to say that a sum of Rs. 8,800 has been wasted on a mere show of splendour. And we are not unaware of the fact that the present ministry has wasted this sum simply to procure certain posts of Extra Assistant Commissioners for their sons. They had certain personal interests in view in holding the darbar in question. Sir, I may point out to the Government that the expenditure incurred on the

(Master Kabul Singh).

said darbar is an unjustifiable burden on the provincial exchequer, I therefore, strongly disapprove the expenditure in question and support the motion moved by my honourable friend Chaudhri Muhammad Hassan.

**Chaudhri Jalal-ud-Din Amber** (West Central Punjab, Indian Christian) (*Urdu*): Sir, I beg to be excused for reciting here a couplet of Ghalib which runs as follows:—

ہر ایک بات پہ کہئے ہو تم کہ تو کیا ہے  
تمہیں بتاؤ یہہ انداز گفتگو کیا ہے

An objection has been raised by my honourable friend opposite that the Unionist party had no right to give assurance, on the occasion of the Viceregal darbar to His Excellency the Viceroy on behalf of the rural population of the province that they would help the British Government with men and money in case of a prospective war. But at the same time the Opposition party admits the position that the Unionist party forms the majority party in the Assembly and represents the rural population of the province. When the fact, that the Unionist party commands absolute majority in the House, is indisputable, the party was perfectly well within its rights to assure His Excellency the Governor-General on behalf of the community it represents in the Assembly. Sir, we should not ignore the fact that the poor agricultural classes of the Punjab are anxiously waiting for the opportunity of serving the Government in the future war. I make bold to say that if to-day the Government were to make announcement for recruiting, cent per cent. of the agriculturists of the Punjab would offer themselves to be enlisted for the army.

**Chaudhri Muhammad Abdul Rahman Khan**: Will the honourable member please state frankly whether during the last war, when he was acting as a tahsildar, recruits offered themselves voluntarily or under compulsion? (*laughter*).

**Mr. Speaker**: Order, order.

**Chaudhri Jalal-ud-Din Amber**: Sir, now the times have changed so much so that even Mahatma Gandhi has declared that the people may get themselves enlisted in the army to serve in Spain, Abyssinia and China.

**Begum Rashida Latif Baji**: On a point of order, Sir. To fight for a slave country is a sort of sacrifice but to get enlisted in the army for the cause of a ruling nation is but a labour (*cheers*).

**Chaudhri Jalal-ud-Din Amber**: It is not a point of order, Sir. The honourable lady member is at liberty to look at this matter from any point of view she likes. It is her own look-out. We must, without any hesitation, take such measures as we consider to be in the best interests of the country. We must try to keep peace and maintain order not only in our own motherland but also in other countries even at the risk of our own lives.

Sir, I am definitely of the opinion that the expenditure incurred on the Viceregal darbar was quite justified. On occasions of such darbars it is but proper and necessary to spend a few thousands of rupees. I fail to understand how this action on the part of the present Government can be

considered objectionable. My submission is that everything has its advantages as well as disadvantages. If we have spent a certain amount of money on that august occasion, we have also derived a good many benefits by holding the said darbar. His Excellency the Viceroy represents His Imperial Majesty in India, and it is an indisputable fact that His Majesty the King Emperor has always been above party politics. It was, therefore, incumbent on us to offer due reception to the representative of such a kind, just, impartial and benevolent king as ours. (*Interruption*). Our children in schools daily read books on history in which they find a good many events of rebellions, mutinies, political unrest and riots that took place in other countries. The more they compare the conditions prevailing in our country with those of other countries the more they would appreciate the benefits of the British raj.

I do not think it an inexpiable sin to offer homage to the representative of His Imperial Majesty in India. It is quite consistent with the traditions of our country to hold darbars on such occasions. I am, therefore, of opinion that the present Government has done its duty in holding the Viceregal darbar in honour of the representative of such a gracious King. Our sentiments are rightly expressed in a couplet :—

خدا رکے سلامت با کرامت فضل سے اپنے  
شہ عالم پناہ حاتمے دین قصور عظام کو

With these words I very strongly oppose the cut moved by my friend Chaudhri Muhammad Hassan.

*At this stage the Assembly adjourned till 2 P.M. on Thursday, 3rd March, 1938.*

F2

1917

1. The first of the following is a list of the names of the persons who have been appointed to the various positions in the office of the Secretary of the Board of Education for the year 1917.

2. The second of the following is a list of the names of the persons who have been appointed to the various positions in the office of the Secretary of the Board of Education for the year 1917.

3. The third of the following is a list of the names of the persons who have been appointed to the various positions in the office of the Secretary of the Board of Education for the year 1917.

4. The fourth of the following is a list of the names of the persons who have been appointed to the various positions in the office of the Secretary of the Board of Education for the year 1917.



1917

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# PUNJAB LEGISLATIVE ASSEMBLY.

2ND SESSION OF THE 1ST PUNJAB LEGISLATIVE ASSEMBLY.

Thursday, 3rd March, 1938.

The Assembly met at the Council Chamber at 2 P.M. of the clock. Mr. Speaker in the chair.

## STARRED QUESTIONS AND ANSWERS.

REPRESENTATION OF MR. D. C. NARANG, PROPRIETOR, "HINDI BHAWAN."

**\*1888. Dr. Gopi Chand Bhargava :** Will the Honourable Premier be pleased to state—

(a) whether he has received a representation from Mr. D. C. Narang, Proprietor, Hindi Bhawan, regarding a confidential police report against his press ; if so, the action the Government has taken or intends to take on the said representation ;

(b) whether it is a fact that the said Mr. D. C. Narang is being so coerced owing to his political views ?

**Parliamentary Secretary (Sardar Sahib Sardar Ujjal Singh) :** (a) *First part.*—Yes.

*Second part.* No action has been taken, nor is any action contemplated.

(b) No.

**Dr. Gopi Chand Bhargava :** May I know the reason for punishing this man?

**Parliamentary Secretary :** It is not in the public interest to disclose the reason.

**Dr. Gopi Chand Bhargava :** May I know what is not in the public interest ? Is it that the man is being punished and you do not want to tell him this?

**Parliamentary Secretary :** I have nothing to add to what I have already stated.

**Diwan Chaman Lall :** May I ask the honourable member as to what he means by 'No action has been taken,' and whether it was a matter that has been considered by him, and if so, on what grounds?

**Parliamentary Secretary :** The matter presumably must have been considered by the Honourable Premier and he did not think it desirable to take any action on that representation.

**Diwan Chaman Lall :** May I ask the honourable member whether he is aware of the fact that the matter has been considered by the Honourable Premier or not? It is not a question of mere presumption.

**Parliamentary Secretary :** No order is passed by the Honourable Premier without fully considering the matter.

**Diwan Chaman Lall :** Then why do you say 'presumably'? If it has been considered, then on what grounds was it rejected?

**Parliamentary Secretary :** I have already said that the Government is not prepared to disclose the grounds or reasons on which that representation was rejected.

**Diwan Chaman Lall :** May I ask the honourable member whether it is a fact that the Education Department receives publications of this particular press without any hitch or hindrance? Is it not in the public interest to disclose this fact? Since the Education Department has not declared a ban against this press, why should the University declare a ban against it?

**Diwan Chaman Lall :** May I ask the honourable member if he is unaware of the full facts of the case? If so, can he give us a reply when he has made himself familiar with the facts of the case?

**Parliamentary Secretary :** If the honourable member gives notice of the question regarding the points that he has raised just now, an enquiry will be made and the reply will be given on the floor of the House.

**Dr. Gopi Chand Bhargava :** Is this matter not included in the representation?

**Parliamentary Secretary :** The particular points raised by my honourable friend Diwan Chaman Lall, are not contained in the original question.

**Diwan Chaman Lall :** May I ask the honourable member whether he has read the question or not?

**Parliamentary Secretary :** The question has been properly read and the answer is also properly given.

**Diwan Chaman Lall :** May I ask the honourable member whether he has read the representation referred to in this question and whether that representation does not contain the allegations that I am making on the floor of the House?

**Parliamentary Secretary :** I have nothing to add to what I have already stated.

**Diwan Chaman Lall :** May I ask the honourable member whether he is suspected of being guilty of an invidious distinction drawn against this press merely on political grounds?

**Lala Deshbandhu Gupta :** Will the honourable member please place that representation on the table of the House?

**Parliamentary Secretary :** It will serve no useful purpose.

**Diwan Chaman Lall :** Will the honourable member permit me to place that representation on the table of the House?



**Lala Duni Chand :** Is it true that the books of this firm have been banned because some of the relations of the proprietor of this firm are Congressmen ?

**Parliamentary Secretary :** It is not true.

**Diwan Chaman Lall :** Will the honourable member not make himself aware of the facts, before he answers this question on the floor of the House ?

**Parliamentary Secretary :** Unless the honourable member gives due notice, it is not possible for any member of Government to be aware of these facts.

**Diwan Chaman Lall :** May I ask the honourable member whether due notice was not given of this question which refers to the representation ? Why has he not read the question ?

**Parliamentary Secretary :** Whatever matter was raised in the question has been replied to. I have nothing more to add.

**Diwan Chaman Lall :** May I ask the honourable member whether he is not prepared to reply these supplementary questions which arise out of this question ?

**Lala Duni Chand :** What was the reason for banning this press ? Is it because some of the relations of the proprietor are Congressmen ?

**Parliamentary Secretary :** I have already said in part (b) of the answer that that is not so.

**Dr. Gopi Chand Bhargava :** May I know whether whatever was stated in the representation was found to be correct or not ?

#### ENLISTMENT OF PATWARIS FROM ILAQA BEIT AND DHAYA, DISTRICT LUDHIANA.

**\*1889. Chaudhri Muhammad Hasan :** Will the Honourable Minister for Revenue be pleased to state—

(a) whether it is a fact that a school for the training of patwaris is to be opened shortly at some place in the Ludhiana district ;

(b) whether any proportion has been fixed for enlistment of candidates for patwarship so far as Beit and Dhaya ilaqa in the said district are concerned ; if so, what and if not, why not ?

**The Honourable Dr. Sir Sundar Singh Majithia :** (a) No.

(b) No. The enlistment of candidates for the post of patwari is made in accordance with the instructions laid down in paragraphs 3.6 and 3.7 of the Punjab Land Records Manual.

**Chaudhri Muhammad Hassan :** Is the Honourable Minister aware of the fact that the financial condition of the residents of this place is very poor ?

**Minister :** That does not arise out of this question.

**Lala Duni Chand :** Is it true that in this respect Ambala district sails in the same boat with Ludhiana district ? There is a similar ilaqa in Ambala district.

**Minister :** May I ask how it arises out of this question ?

**Mr. Speaker :** That question does not arise.

**Pandit Shri Ram Sharma :** Is it a fact that this is kept in view at the time of recruiting patwaris ?

**Minister :** Patwaris are generally appointed from the district of their residence, unless there is somebody suitably qualified who is a resident in that district though he belongs to another district.

**Pandit Shri Ram Sharma :** Is it a fact that in a particular district special attention is also given to certain ilaqs, like Beit ?

**Minister :** That does not arise out of this question.

#### PATWARIS IN THE LUDHIANA DISTRICT.

**\*1890. Chaudhri Muhammad Hassan :** Will the Honourable Minister for Revenue be pleased to state—

(a) the names of those patwaris, their educational qualifications and their home districts, who have been employed as such by the Collector of the Ludhiana district and by the present revenue assistant ;

(b) whether it is a fact that some of the patwaris belonging to other districts are being recommended for the post of a kanungo in preference to those belonging to the Ludhiana district ; if so, the grounds on which the outsiders are being preferred ?

**The Honourable Dr. Sir Sundar Singh Majithia :** (a) A statement is laid on the table.

(b) No.

*Patwaris employed by the Collector, Ludhiana, during the time of the—*

PRESENT REVENUE ASSISTANT.	LATE REVENUE ASSISTANT.		
No.	Name.	Educational qualification.	Home district.
	1. Indar Singh ..	Matric. ..	Rawalpindi (has now taken residence at Ludhiana).
	2. Rattan Chand ..	B.A. ..	Ludhiana.
	3. Muhammad Yusuf	Upto Matric. ..	Do.
	4. Krishan Gopal ..	Matric. ..	Do.
	5. Ranjit Singh ..	F.A. ..	Do.

## LUDHIANA DISTRICT BOARD AND PREVENTION OF MALARIA IN BEIT.

**\*1891. Chaudhri Muhammad Hassan:** Will the Honourable Minister for Education be pleased to state—

- (a) the arrangements for the distribution of quinine in the Beit ilaqa ;
- (b) whether it is a fact that the Beit ilaqa generally for major portion of the year suffers from malaria ;
- (c) whether any particular measures have been adopted by the District Board of Ludhiana for the prevention of malaria in Beit so far ; if not, the measures that Government propose to take in future in this connection ;
- (d) the total expenditure that the Ludhiana District Board incurs on sanitation annually for the area under its jurisdiction ?

**Parliamentary Secretary** (Mrs. J. A. Shah Nawaz): (a) Public health staff on malaria duty and vaccinators visit all the villages in the Beit ilaqa to ascertain the prevalence of malaria and to distribute quinine according to requirements. Quinine is also distributed through the members of the District Board, panchayats and school teachers of the ilaqa.

(b) The Beit ilaqa suffers from malaria mainly during the autumn months. Relapses of malaria contracted during that season occur throughout the year.

(c) District Board arranges for anti-malarial measures each year in Beit ilaqa these include destruction of mosquito larvæ and quinine distribution.

Government has spent Rs. 1,78,000 on canalisation and improvements to the Budha Nala with the result that mosquito breeding has been greatly reduced in that area.

(d) The District Board, Ludhiana, spends about Rs. 1,000 on sanitation each year. A sum of Rs. 1,537 has been provided for this purpose for the year 1938-39.

WITHDRAWAL OF POWERS BY MEMBERS OF LUDHIANA  
DISTRICT BOARD.

**\*1892. Chaudhri Muhammad Hassan:** Will the Honourable Minister of Public Works be pleased to state whether it is a fact that a resolution relating to the withdrawal of powers by the members of Ludhiana District Board from the official chairman was not allowed by the chairman to be discussed in a meeting of the district board ; if so, the reason therefor ?

**The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana:** Yes, because powers once delegated under section 19-A of the Punjab District Board Act, 1898, cannot subsequently be withdrawn.

**Chaudhri Muhammad Hassan:** Is there any prohibition under the District Board Act?

**Minister:** I have already answered.

**Chaudhri Muhammad Hassan :** Has the Honourable Minister read the section? That section is quite silent about the withdrawal of powers.

**Minister :** My reply is based on legal advice.

**Chaudhri Muhammad Hassan :** The Punjab District Board Act simply delegates power and there is no mention in it about the withdrawal at all. In the circumstances when a district board has power to delegate powers to certain officers, has not that district board power to withdraw those powers?

**Minister :** It is a question of opinion. The honourable member can hold any opinion he likes. My reply is based on the advice given by legal advisers.

**Chaudhri Muhammad Hassan :** Did you consult the learned Advocate General?

**Minister :** Not necessarily.

**Sardar Kapoor Singh :** Is the reply based on the advice of the Advocate-General?

**Minister :** It is based on the advice of legal advisers to Government.

**Chaudhri Muhammad Hassan :** Who are they?

**Minister :** The Legal Remembrancer.

**Chaudhri Muhammad Hassan :** Will he please lay on the table the advice given by the Legal Remembrancer?

**Chaudhri Muhammad Hassan :** The body which has the power to make rules can unmake those rules. Does he accept that principle?

**Minister :** The position stated by me is according to the law as it stands at present.

**Chaudhri Muhammad Hassan :** Who was the Legal Remembrancer?

**Dr. Gopi Chand Bhargava :** Will the Honourable Minister please lay the report of the Legal Remembrancer on the table?

**Minister :** That does not arise, and it is unnecessary to do so.

**Dr. Gopi Chand Bhargava :** Is it confidential?

**Dr. Gopi Chand Bhargava :** Is it not in the public interest to lay it on the table?

**Dr. Gopi Chand Bhargava :** How does he feel that it is not necessary?

**Minister :** I have already explained that it is the Legal Remembrancer's opinion. I am afraid the honourable member is not a lawyer nor am I.

**Dr. Gopi Chand Bhargava :** I am a better lawyer than you are (laughter).

**Lala Deshbandhu Gupta :** Does the Honourable Member realise that it raises a question of principle? It is a very important issue because it will affect the whole administration of local self-government in the province. Will he refer the question again to the Legal Remembrancer?

**Mr. Speaker :** That is not a supplementary question, but a request for action.

PERSONS CHALLANED UNDER SECTION 34 OF POLICE ACT IN LAHORE.

**\*1893. Chaudhri Kartar Singh :** Will the Honourable Premier be pleased to state —

- (a) whether it is a fact that police has recently challaned some persons under section 34 of the Police Act for keeping chairs and benches in bazars in front of their shops in the area under Lahore municipality ;
- (b) if the answer to the above be in the affirmative, the number of such cases in Lahore in calendar years 1936 and 1937 ?

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

(b) In 1936—129.

In 1937—86.

ARREST OF HAZARA SINGH.

**\*1894. Sardar Hari Singh :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that one Hazara Singh was arrested recently by the police at Rawalpindi ;
- (b) if the answer to (a) above be in the affirmative, whether it is a fact that he was arrested on the authority of warrants issued against him in connexion with Bala Singh murder case of district Hoshiarpur and which had by the time of his arrest become defunct ; if so, what action Government propose to take in the matter ?

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

(b) Does not arise.

SCHEDULE OF AREAS FOR HOUSES IN THE CIVIL STATION, LAHORE.

**\*1895. Rai Bahadur Binda Saran :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that even before the revised schedule of areas for houses on different roads of the civil station proposed by the Administrator, Lahore municipality, was sanctioned by the Government it was already given effect to by the local authorities ; if so, reasons for the same ;
- (b) whether it is a fact that even the nominated members of the Lahore Improvement Trust were not consulted in the framing of the new schedule ; if so, reasons for the same ?

**The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana :** I regret a reply to this question is not yet ready.

AGREEMENT ABOUT CALLING OF AZAN AT RAJA JANG.

**\*1896. Malik Barkat Ali :** With reference to the reply given to question No. \*1617<sup>1</sup> asked on 27th January, 1938, will the Honourable Premier be pleased to state—

- (a) whether the agreement stated to have been entered into between the Sikhs and the Muslims of Raja Jang on the occasion of the communal disorder in the village about 15 years ago, under which the Muslims of the village undertook not to say their prayers loudly and publicly, was in writing or merely oral, and whether this agreement was reached in the presence of officials, and if so, the names of those officials ;
- (b) whether the Government has made inquiries to find out whether this agreement has been reached voluntarily and of their free volition by the Muslims of Raja Jang ; and if not voluntarily, whether the Government intends to take any action to undo the effect of the agreement ?

**The Honourable Major Sir Sikander Hyat-Khan :** I regret that the answer to this question is not ready.

CALLING OF AZAN AT RAJA JANG.

**\*1897. Malik Barkat Ali :** Will the Honourable Premier be pleased to state whether he is aware that the Muslims of Raja Jang are not permitted by the Sikhs of that village to call out *azan* publicly and loudly in their mosques and whether he intends taking any action in the matter ?

**Parliamentary Secretary (Sardar Sahib Sardar Ujjal Singh) :** The attention of the honourable member is invited to the answer to question No. \*1617<sup>1</sup>, asked by him in the last session of the Assembly. The position will be examined.

**Malik Barkat Ali :** The information asked for is whether the Muslims of Raja Jang are not permitted by the Sikhs of that village to call out *azan* publicly. I want an answer to that question. There is nothing in the answer referred to which can be stated to be an answer to this question.

**Parliamentary Secretary :** If the honourable member will read the reply to question No. \*1617<sup>1</sup>, it will be quite clear to him that the answer to this question is given.

**Malik Barkat Ali :** Will he kindly refer to that portion of the reply on which he is relying as an answer?

**Parliamentary Secretary :** I am sorry I have not that question and its reply with me at present.

**Malik Barkat Ali :** Then how was he in a position to give that answer?

**Parliamentary Secretary :** When this answer was prepared, the answer to question No. \*1617<sup>1</sup> was before the Government.

## BEGAR.

**\*1898. Malik Barkat Ali :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that *begar*, to some extent, is still in force in some of the villages of this province ; if so, the further steps that Government intends taking to make it clear that no *begar* service of any kind shall ever be taken anywhere in this province ?

**The Honourable Dr. Sir Sundar Singh Majithia :** *First part.* Government has no information.

*Second part.* Orders already exist.

**Lala Duni Chand :** Is there any proposal before Government to make *begar* an offence?

**Minister :** If my friend puts forward a bill that question will be considered.

**Lala Duni Chand :** I want information as to whether there is any such proposal before the Government.

**Minister :** If the proposal had been before Government, I would have given you the information.

**Lala Duni Chand :** Does not the Honourable Minister think that so long as *begar* is not an offence, it will continue?

**Minister :** That is a matter of opinion.

**Lala Duni Chand :** Has Government issued any circular making it clear to the authorities to desist from taking *begar*?

**Minister :** If the honourable member reads the reply to the second part of the question, he will find that instructions have already been issued.

**Lala Duni Chand :** Will Government lay those instructions before the House ? Is it true that those instructions have proved infructuous ?

**Minister :** That is a matter of opinion.

**Pandit Shri Ram Sharma :** Does the Government contemplate any steps other than prosecution to put an end to *begar*?

**Minister :** It is for the people affected to decide, not for me to decide.

**Pandit Shri Ram Sharma :** I want to know whether there is any measure other than prosecution under consideration of the Government to put a stop to *begar*?

**Minister :** As I have already stated the remedy is in the hands of those who are suffering from *begar*.

**Pandit Muni Lal Kalia :** Do Government consider complaints when they are received?

**Minister :** When they are made they are duly considered.

**Pandit Muni Lal Kalia :** During the last eleven months has Government considered any complaint?

**Minister :** I have not any diary on hand to give you that information.

**Pandit Muni Lal Kalia :** Is the Honourable Minister's memory so short that he does not remember whether any complaints have been considered by Government during the last eleven months?

**Minister :** There is no question of memory in this.

**Sardar Partab Singh :** The Honourable Minister has replied to the first part of the original question that there are no complaints about *begar* in the villages. Will he kindly state whether he has made the statement without reference to paper?

**Minister :** My friend has not read the reply. I said, Government has no information about the question.

**Sardar Partab Singh :** Does it mean that Government has not received any complaints regarding *begar*?

**Minister :** If complaints had been received by Government, we would certainly have looked into them.

**Sardar Partab Singh :** Is it not the duty of Government to protect the villagers against *begar*?

**Minister :** Unless people come and make complaints, no action can be taken.

**Sardar Partab Singh :** I want to know whether Government instructions have been observed from time to time.

**Minister :** My friends have opportunities to bring those complaints to the notice of Government. If they do so, I will look into them.

**Pandit Shri Ram Sharma :** I want to know whether the Government intends to take action other than expecting the complainants to go to court for prosecution against those officials who take *begar* from poor villagers?

**Pandit Shri Ram Sharma :** May I know whether it is a fact that when complaints about *begar* are made the authorities ask the complainants to submit properly stamped applications?

**Minister :** No.

**Sardar Hari Singh :** May I enquire whether any members of the scheduled castes sitting on the Unionist benches have ever approached the Honourable Minister in regard to *begar* taken from their community by the subordinate officials?

**Minister :** None of my friends on this side ever approached me on this matter.



COMMUNAL REPRESENTATION IN INDUSTRIAL SCHOOLS.

**\*1899. Malik Barkat Ali :** Will the Honourable Minister for Development be pleased to state the number of Hindu, Sikh, and Muslim teachers in the industrial schools of the province, including government industrial institutes of all kinds, together with the total amount of pay drawn by the Hindu, Sikh and Muslim staffs of the said schools, respectively ?

**The Honourable Chaudhri Sir Chhotu Ram :**

(i) Hindus ..	..	..	..	121
Muslims ..	..	..	..	152
Sikhs ..	..	..	..	80

(ii) The labour involved in collecting the information with regard to pay would be disproportionate to the results achieved.

NUMBER OF MUSLIMS, SIKHS, HINDUS AND CHRISTIANS IN RAJA JANG.

**\*1900. Malik Barkat Ali :** Will the Honourable Minister for Revenue be pleased to state—

(a) the total population of village Raja Jang, tahsil Kasur, district Lahore ;

(b) the number of Muslims, Sikhs, Hindus, Christians and others in the population of Raja Jang ?

**The Honourable Dr. Sir Sundar Singh Majithia :** (a) 7,589.

(b) Muslims ..	..	..	..	3,884
Sikhs ..	..	..	..	2,511
Hindus ..	..	..	..	799
Christians ..	..	..	..	845
Others ..	..	..	..	N/A

ESTABLISHMENT OF A COMMITTEE AT RAJA JANG.

**\*1901. Malik Barkat Ali :** Will the Honourable Minister for Public Works be pleased to state whether there is any intention on the part of Government to constitute a municipal committee or small town committee at Raja Jang ?

**The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana :** No such proposal is under consideration.

POLICE AND MILITARY STATIONED IN THE VICINITY OF SHAHIDGANJ MOSQUE.

**\*1902. Malik Barkat Ali :** Will the Honourable Premier be pleased to state—

(a) the exact strength of the military and the police that was stationed in the vicinity of the Shahidganj mosque on the night between 7th and 8th July, 1935 ;

[Malik Barkat Ali.]

- (b) the exact time when the orders to station the military and police as mentioned in (a) above was given ;
- (c) the exact time when the demolition of the mosque was begun on the night between 7th and 8th July, 1935 ;
- (d) the number of days that the military and police mentioned in (a) above remained stationed at the locality ;
- (e) the number of days that the demolition of the mosque continued ;
- (f) the orders given to the military and police as to the scope of their duty on the occasion, namely (i) whether they were ordered to prevent Muslims from approaching the Shahidganj mosque while it was being demolished, and (ii) whether they were also ordered to prevent demolition of the mosque ;
- (g) the date on which the military and police mentioned in (a) above were removed from the locality ;
- (h) whether since the removal of the military and police mentioned in (a) above, any police force has been stationed in the vicinity of the Shahidganj mosque, and if so, from what time to what time, and what has been its strength ?

**Parliamentary Secretary** (Sardar Sahib Sardar Ujjal Singh): I regret the answer to the question is not ready.

**Malik Barkat Ali:** When will it be ready ?

**Parliamentary Secretary:** I cannot give the honourable member any exact date.

#### SOLUTION OF SHAHIDGANJ MOSQUE.

**\*1903. Malik Barkat Ali:** Will the Honourable Premier be pleased to state whether the Government intends taking any action to solve the Shahidganj tangle, and if so, indicate the nature of the action contemplated ?

**The Honourable Major Sir Sikander Hyat-Khan:** The matter is receiving careful consideration. At the moment I can only say that efforts that are being made in certain quarters to press the claims of rival communities are only likely to make a satisfactory solution less easy to obtain.

#### CASES BEFORE HIGH COURT.

**\*1904. Dr. Gopi Chand Bhargava:** Will the Honourable Minister for Finance be pleased to lay on the table a statement showing the number of cases pending in the High Court, Lahore, on 1st January, 1935, the number of new cases filed and number of cases decided and the balance of undecided cases during years 1935, 1936 and 1937, separately ?

**The Honourable Mr. Manohar Lal:** A statement is laid on the table.

*Statement showing the Institution, Disposal and Pending File of the High Court of Judicature at Lahore for the years 1935, 1936 and 1937.*

Serial No.	Description of cases.	PENDING FILE ON			INSTITUTIONS.			TOTAL FOR DISPOSAL.			DISPOSED OF DURING THE YEAR.			PENDING AT THE END OF THE YEAR.			REMARKS.
		1st Jan-uary, 1935.			1936.			1935.			1936.			1937.			
		1st Jan-uary, 1935.	1st Jan-uary, 1936.	1st Jan-uary, 1937.	1935.	1936.	1937.	1935.	1936.	1937.	1935.	1936.	1937.	1935.	1936.	1937.	
1	Murder References	77	77	80	283	256	278	360	333	358	283	263	303	77	80	55	
2	Criminal Appeals	319	325	359	1,427	1,432	1,388	1,746	1,757	1,747	1,421	1,398	1,463	325	359	284	
3	Criminal Revisions	242	188	213	1,734	1,807	1,796	1,976	1,905	2,009	1,788	1,782	1,784	188	213	225	
4	Regular 1st Appeals	936	267	206	332	303	252	1,268	570	458	1,001	364	242	267	206	216	
5	Regular 2nd Appeals	716	386	483	1,353	1,487	1,464	2,069	1,873	1,947	1,683	1,390	1,492	386	483	455	
6	Letters Patent Appeals	93	30	63	168	165	159	251	195	222	221	132	183	30	63	39	
7	Miscellaneous Civil Appeals..	278	193	201	677	730	688	955	923	869	762	722	692	193	201	197	
8	Civil Revisions	237	222	296	909	902	1,056	1,146	1,124	1,351	924	828	1,106	222	296	245	
9	Original Regular Suits	19	86	111	145	293	256	164	379	367	78	268	197	86	111	170	
10	Miscellaneous Original Suits..	2	6	4	12	7	16	14	13	20	8	9	18	6	4	2	
	Total	2,919	1,780	2,016	7,030	7,382	7,352	9,949	9,162	9,368	8,169	7,146	7,480	1,780	2,016	1,888	

## NUMBER OF HIGH COURT JUDGES.

**\*1905. Dr. Gopi Chand Bhargava :** Will the Honourable Finance Minister be pleased to state the number of Honourable Judges of the High Court during the years 1935, 1936 and 1937, separately ?

**The Honourable Mr. Manohar Lal :**

				<i>Permanent.</i>	<i>Temporary Additional.</i>
1935	..	..	..	9	3
1936	..	..	..	9	2
1937	..	..	..	11	..

## EXPENSES INCURRED FOR A HIGH COURT JUDGE AND THE ESTABLISHMENT.

**\*1906. Dr. Gopi Chand Bhargava :** Will the Honourable Finance Minister be pleased to state the expenses which are incurred as pay, allowances, etc., of a High Court Judge and the necessary establishment under him ?

**The Honourable Mr. Manohar Lal :** I regret that a reply to this question is not yet ready.

## PAY AND ALLOWANCES OF REGISTRAR, HIGH COURT, LAHORE.

**\*1907. Dr. Gopi Chand Bhargava :** Will the Honourable Premier be pleased to state the pay and allowances, if any, of the Registrar, High Court, during the years 1935, 1936 and 1937 and during the current year, and whether any increase has been made in them ; if so, why ?

**Parliamentary Secretary (Sardar Sahib Sardar Ujjal Singh) :** A statement showing the pay drawn by different officers who have held the post is laid on the table. Previous to October, 1935, the pay of the post was the superior time-scale pay of the Indian Civil Service subject to a maximum of Rs. 2,000 *plus* overseas pay *plus* special pay of Rs. 150 per mensem. In October, 1935, the maximum was removed and the special pay abolished, and the post was included in the cadre of district and sessions judges. The reason for this change was the desirability of appointing to the post a comparatively senior officer who could do more responsible work.

**Dr. Gopi Chand Bhargava :** What is the other work which has been entrusted to the Registrar ?

**Parliamentary Secretary :** I want notice.

*Statement showing the pay drawn by the Registrar, High Court, Lahore, during the years 1935, 1936, 1937 and 1938.*

Name of Officer holding the post.	Period for which he held the post.	Pay drawn.
1935.		
Mr. T. B. Creagh Coen, I.C.S.	From January to May ..	Rs. 800 (grade pay) plus Rs. 350 acting allowance plus Rs. 150 special pay.
Mr. K. C. Webb, Deputy Registrar, High Court.	From June to October ..	Rs. 1,000 plus Rs. 150 special pay.
Mr. H. A. C. Blacker, I.C.S. ..	From November to December.	Rs. 2,200 (grade pay) plus Rs. 150 special pay plus Rs. 150 Judicial allowance.
1936.		
Mr. H. A. C. Blacker, I.C.S. ..	January .. ..	Rs. 2,200 (grade pay) plus Rs. 150 special pay plus Rs. 150 Judicial allowance.
Mr. H. A. C. Blacker, I.C.S. ..	From February to June ..	Rs. 3,000 (grade pay as 1st grade District and Sessions Judge).
Mr. K. C. Webb, Deputy Registrar, High Court.	July .. ..	Rs. 1,000 plus Rs. 150 special pay.
Mr. H. A. C. Blacker, I.C.S. ..	From August to December	Rs. 3,000 (grade pay as 1st grade District and Sessions Judge).
1937.		
Mr. H. A. C. Blacker, I.C.S. ..	From January to April ..	Rs. 3,000 (grade pay as 1st grade District and Sessions Judge).
Mr. K. C. Webb, Deputy Registrar, High Court.	From May to July ..	Rs. 1,000 plus Rs. 150 special pay.
Mr. H. A. C. Blacker, I.C.S. ..	August .. ..	Rs. 3,000 (grade pay as 1st grade District and Sessions Judge).
Mr. K. C. Webb, Deputy Registrar, High Court.	From September to October	Rs. 1,000 plus Rs. 150 special pay.
Mr. S. L. Sale, I.C.S. ..	From November to December.	Rs. 2,250 plus Rs. 150 Judicial allowance.
1938.		
Mr. S. L. Sale, I.C.S. ..	From January to February	Rs. 2,250 plus Rs. 150 Judicial allowance.

PERSONS ON CROWN AND DEFENCE LISTS, ETC., OF THE LAHORE  
HIGH COURT.

**\*1908. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Finance Minister be pleased to place on the table of the House a total list, communitywise, showing *Ahmadis*, if any, as a separate community and as distinct from the Muslims; and of the persons whose names are on the Crown and defence lists of the Lahore High Court and also on the editorial staff of the Indian Law Reports, Lahore Series, published by the High Court, Lahore, stating also who among them are notified agriculturists and who are not?

**The Honourable Mr. Manohar Lal :** The information pertaining to the members of a community within a community is not available and it is not proposed to compile information on these lines.

**Chaudhri Muhammad Abdul Rahman Khan :** I have not been able to understand a single word of what the Minister has said. Kindly have it translated into Urdu for my benefit.

**Mr. Speaker :** The next question.

AMOUNT EARNED BY OFFICIAL LIQUIDATORS, ETC., APPOINTED BY  
THE LAHORE HIGH COURT.

**\*1909. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister for Finance be pleased to place on the table of the House a list, communitywise, showing *Ahmadis*, if any, as a separate community, distinct from Muslims, and stating also the total sum or sums that each person has earned or realized as his remuneration in each year, as official liquidator and joint assistant official liquidator and special or assistant special official receiver appointed by the Lahore High Court during each year since 1933 giving also the rules governing their appointments?

**The Honourable Mr. Manohar Lal :** This information pertaining to the members of a community within a community is not available and it is not proposed to compile information on these lines.

**Malik Barkat Ali :** Will the Honourable Minister please see whether he has really replied to the question? If the number of *Ahmadis* cannot be shown separately, the statement in regard to the other communities could be prepared. The honourable member only wanted the figures of the *Ahmadis* separate from the Muslims.

**Minister :** If that be the intention of the question, the information could be compiled.

**Mian Abdul Aziz :** Did the Honourable Minister care to enquire from Qadian, because they have a register?

COMMUNAL REPRESENTATION IN STAFF OF PEOPLES' BANK AND  
COMPANIES WOUND UP UNDER THE ORDERS OF THE LAHORE  
HIGH COURT.

**\*1910. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister for Finance be pleased to state the total number of members of each community separately employed in the office of the

Peoples' Bank of Northern India in liquidation and in the other companies which have been wound up by the orders of the Lahore High Court and which are under the official liquidator of the Peoples' Bank of Northern India as their official liquidator, giving also a list of the counsels, who have been doing the High Court work of the Peoples' Bank of Northern India (in liquidation) stating whether there has ever been any Muslim among them and stating further the total sum hitherto paid to the matter of liquidation of the Peoples' Bank of Northern India in respect of High Court work to the counsels and the total of the total monthly sums which become due as salary every month to members of each community separately in the office of the Peoples' Bank of Northern India and its allied offices?

**The Honourable Mr. Manohar Lal :** The liquidator is appointed by and is responsible to the High Court; and I cannot undertake to answer questions regarding the exercise of his functions.

**Diwan Chaman Lal :** May I ask the honourable member as to why he is unable to give us information regarding his functions?

**Minister :** Because the person is appointed by the High Court and not by the Government.

**Diwan Chaman Lal :** May I ask whether the High Court is part and parcel of the Government or not?

**Minister :** Government answers questions about matters in which it has direct responsibility as government.

**Diwan Chaman Lal :** May I have your ruling, Mr. Speaker, regarding this particular matter which is of very great importance to us, whether the Government can evade their duty in answering questions relating to the High Court or to the administration of the High Court, when such questions do not contravene the provisions of our rules or the Government of India Act, whether the Government's responsibility for the High Court is not supreme and whether they should not answer questions relating to the office bearers engaged by the High Court? I ask your ruling regarding this point.

**Mr. Speaker :** It is for the Honourable Minister to answer a question. I have no power to extort an answer.

**Diwan Chaman Lal :** I do not desire to question the authority of the Government not to answer a question, if they do not choose to answer it, but what I am raising is entirely different. That has nothing to do with not answering that question, because they do not feel competent to answer but because they say that this is a matter which cannot be the concern of the Government and therefore they are not answering it. May I ask your ruling regarding this whether we are competent to put a question regarding the administration of the High Court or not? They can say we refuse to answer, but can they take up their stand on a constitutional issue that it is not primarily the concern of the Government and therefore no answer can be given to it? That is a very important constitutional issue and you would recall we had a long debate on this matter on the last occasion when the rules were being discussed relating to the primary concern of the Government.

**Mr. Speaker :** What has the Honourable Minister to say?

**Minister :** Where the responsibility *qua* a particular appointment is with the High Court, the Government does not propose to enter into the merits or otherwise of that appointment.

**Diwan Chaman Lall :** May I take it then that the power and authority of this House acting under your Speakership are going to be limited merely by a statement made by the Honourable Minister to the effect that the concern of the Government is only in respect of primary matters? I request your ruling on this point whether this is a matter of primary concern of the Government, the matter of the appointment of the official liquidator in the High Court. It is an official appointment whether made by Agency A or Agency B of the Government. It is a matter for the Government and it is primary concern of the Government in regard to that appointment being made. Can we be robbed of the right to interpellate the Government in regard to these matters merely because the Honourable Minister thinks that it is his opinion that the matter is not the primary concern of the Government?

**Mr. Speaker :** May I request the learned Advocate-General to enlighten the House on the point under discussion?

**Advocate-General (Mr. M. Sleem) :** The Honourable Finance Minister has said that he did not propose to go into this question and I suppose no question of law really arises at this stage. It is for the Honourable Minister to decide whether he will answer any question or not.

**Dr. Sir Gokul Chand Narang :** On a point of order. We have not been able to hear anything of what the learned Advocate-General has remarked. May we request him to speak a bit louder?

**Advocate-General :** The Honourable Minister for Finance has said that he did not propose to go into this question. That is a matter entirely for him to decide.

**Mr. Speaker :** That is not what he said. He said something different.

**Advocate General :** I understood the Honourable Finance Minister to say that as it is a matter where the appointment is made by the High Court, the Government did not want to go into the matter and therefore, the honourable member did not furnish a reply to that question. That is a matter entirely for him to decide.

**Dr. Sir Gokul Chand Narang :** But he says it is not.

**Minister :** May I read my reply again? The question was as regards the exercise of his functions by the liquidator and since the functions were laid on him by the High Court, my exact words were therefore I am unable to answer questions regarding the exercise of his functions by the liquidator.

**Malik Barkat Ali :** May I request the Honourable Finance Minister to kindly say whether this question at all deals with the exercise of his powers by the official liquidator or that the question simply seeks certain information as to the number of persons, communitywise employed by the liquidator, the list of counsel engaged and the amount of pay drawn, information which can certainly be obtained from the liquidator's office or High-



Court? The question does not in any manner discuss the merits or demerits of the appointment, it only asks for certain information on a question of fact.

**Diwan Chaman Lall:** Apart from the question of fact if I have your indulgence I would like to raise a little matter in regard to this. If the interpretation given by the Honourable Finance Minister is going to be considered correct, it will be open to the Government to refuse to answer any question relating to any department of the Government by merely stating that a particular.....

**Mr. Speaker:** According to Malik Barkat Ali's exposition of question 1910, the question of the honourable member becomes hypothetical. Let us first see whether that question does arise out of question 1910. Has the question been answered?

**Minister:** Yes, Sir, the reply has been given.

**Lala Deshbandhu Gupta:** The question arises out of the reply given by the Honourable Minister.

**Malik Barkat Ali:** May I further ask the Honourable Minister whether he made any attempt at all to call for this information.

**Minister:** We addressed the High Court on this question.

**Malik Barkat Ali:** May I know if the High Court refused to furnish the information?

**Minister:** That will again proceed in the direction as to how the High Court acted in a particular matter.

• **Diwan Chaman Lall:** This is a very serious matter of violation of the liberties of this House, the rights and privileges of this House and if the interpretation of the Honourable Member is correct there is no earthly reason for the Opposition sitting here and wasting time, if the Honourable Minister can spring a verdict like this on the House and rob this House of any control whatsoever of a very important branch of the administration. If the Honourable Minister can quote any ruling and precedent of the House of Commons, any proposition which can debar this House from going into the details of administration of a Government department, then we would be satisfied at any rate that he has authority on his side, but he has no authority whatever, merely his own *ipse dixit* and it is a very serious matter and a grave violation of the rights and privileges of this House.

**Malik Barkat Ali:** May I know whether the High Court refused to furnish the information? If that is a fact that raises a very important question because as I submitted originally we are not discussing in this question the merits or demerits of any appointment made by any official; all that we ask for is merely information pure and simple as to the number of men or counsel engaged and the amount of fee paid, only matters of information which have nothing to do with the control or the powers of the High Court, or any person appointed by the High Court.

**Mr. Speaker:** Under what rule are the official liquidators appointed?

**Malik Barkat Ali:** They are appointed under the Indian Companies Act and we are not discussing that the High Court appointed A or B.

**Mr. Speaker:** Are they appointed by the High Court?

**Malik Barkat Ali :** The official liquidator is appointed by the judge whether he is a sub-judge or a judge of the High Court who is in charge of that liquidation work. Undoubtedly he is appointed by the judge, but his staff is never appointed by any 'sub-judge' or any judicial officer. It is really appointed by the liquidator and it is appointed by no judge. The functions of the judge are merely executive and administrative.

**Diwan Chaman Lall :** And we pay for it.

**Minister :** The Government does not pay anything and the arrangements are entirely made by the liquidator.

**Malik Barkat Ali :** We want information pure and simple.

**Chaudhri Kartar Singh (Urdu) :** On a point of order, Sir. I beg to draw your attention to a very simple fact. In case a liquidator who has been employed by a court destroys or damages the rest of the property after selling the whole property in liquidation, whether a member of this House would be permitted to bring this matter before the House. May I further submit that if a liquidator gives away or presents a part of the property in liquidation to the authority who has employed him as a liquidator, then are we allowed to put questions about it for the sake of information?

**Malik Barkat Ali :** May we have the answer from the Minister for Finance?

**Minister :** I cannot carry the matter any further. Government has no responsibility or concern in the matter.

**Mr. Speaker :** His answer, if I understood him rightly, is that liquidators are not appointed by Government; that they are appointed by judges; that they are not paid from the provincial revenues and that, therefore, he is not in a position to collect the required information.

**Minister :** That is right.

**Malik Barkat Ali :** Did the High Court refuse to give this information? That is the question that I want to put to the Honourable Minister. Was it refused or was it not refused?

**Dr. Gopi Chand Bhargava :** May I know whether the Official Liquidator of the Northern India Peoples' Bank is working under the direct supervision of the High Court or not?

**Minister :** Under the general supervision, yes.

**Dr. Gopi Chand Bhargava :** When he is working under the direct supervision of the High Court, why can't we get this information?

**Minister :** What is meant by "direct supervision"?

**Malik Barkat Ali :** My question remains unanswered. Did the High Court refuse to furnish information or did it furnish information?

**Minister :** I do not propose to go into this matter.

**Malik Barkat Ali :** It is an important question of the rights and privileges of this House. We want certain information and that information is one of pure and simple fact. We do not in any manner seek to challenge or discuss the High Court. The information ought to be given to the

members of this House. The Honourable Minister may say "I refuse to answer the question" but he cannot take shelter behind the plea that the matter concerns the High Court. If he wants to take shelter like that it is for you to give a ruling whether this matter really involves a discussion of the exercise of its judicial powers by the High Court. Is it open to the Minister to refuse to answer this question on the ground that the matter relates to the High Court?

**Mr. Speaker :** I have already ruled that according to parliamentary practice a minister may refuse to answer a question without assigning any reason or that he may say that it is not in the interest of the public that a question should be answered.

**Malik Barkat Ali :** True, but if he gives a reason we want to discuss that reason. He will be certainly within his right in refusing to answer and keeping quiet but if he gives a reason and that reason is manifestly perverse and untenable and unentertainable, then it will be within the powers of the House to appeal to you whether this reason which is advanced is constitutionally tenable or not.

**Lala Deshbandhu Gupta :** Will you be pleased—it may be to-morrow or sometime after—to give your considered ruling on the matter as to whether he has the right to refuse to answer a question on that ground? Since this practice is likely to be repeated in answering other questions, I would request you, Mr. Speaker, to give your careful consideration to the matter and then give your ruling.

**Mr. Speaker :** It is for the Honourable Minister to re-consider the whole thing.

**Diwan Chaman Lall :** What is the actual position? This is an important thing.

**Minister :** This question is under our consideration.

## SUPPLEMENTARY DEMANDS.

MISCELLANEOUS (*concluded*).

*Viceregal Darbar.*

**Mr. Speaker :** The Assembly will now resume discussion on the Supplementary Demand in respect of Miscellaneous.

**Shrimati Raghbir Kaur** (Amritsar, Sikh Women, Rural) (*Punjab*) : Sir, I rise to oppose the item of Rs. 8,300 provided for meeting the miscellaneous darbar charges. I may submit that this money which the Government are squandering away on occasions like this, is the outcome of the hard work of those people who toil in the bitter cold of the winter season and in the burning heat of the summer. It does not in any way give any credit to our Government that they should fritter away the hard earned money of its people. I may submit that our ministers are big landholders. They have never ploughed with their own hands. They have never irrigated their lands with their own hands either in the cold or in the summer seasons. In view of these facts it is very difficult for them to know with what difficulty the zamindars earn their livelihood and pay land revenue to the Government. Instead of holding the Viceregal darbar, it would have been:

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much better if they had taken His Excellency the Viceroy to the villages and brought to his notice the miserable plight of the half naked and underfed children of the villagers. But our ministers did nothing of the sort and badly failed in representing the zamindars. Further, they never even suggested to his Excellency to visit the villages.

Besides, I may submit that when the Viceregal darbar was held at Lahore I was at Amritsar. I left Amritsar for Lahore. As soon as our train reached Lahore, I found that there were something like 16 C. I. D. people standing in front of our compartment. I was surprised. I inquired from one of my comrades, "What is this all about?" The whole C. I. D. of our province has come over here." He replied that the Viceregal darbar was going to be held on that day at Lahore. Those C. I. D. people have been brought to Lahore with the object that if any well wisher of the country happened to come there, they should keep a close watch over his activities.

Again, when I reached near Bradlaugh Hall I came to know of the fact that Udai Singh Radatt was ordered to leave Punjab and to remain outside its boundaries at least for one year. I wonder why the Government feared danger from that young man and ordered him to go out of the province at once. These are the "glorious deeds" of this zamindar Government. They honour those who are the cause of the poverty of this country and oppress and expel the sons of the soil.

Now Sir, as regards the poverty of the people of this country I will make my point clear by citing an example. There was one man at Jhelum. He had some children. That poor fellow and his children were dying of hunger. He went to a sahuakar and begged some sort of help. He told him that his children were dying of hunger and so he should give him some help. The sahuakar refused to help him and the result was that he committed suicide by drowning himself in the river Jhelum.

**Minister for Development :** What a humane sahuakar ?

**Shrimati Raghbir Kaur :** I submit that it is the duty of the party in power to provide work for the unemployed and to ameliorate their condition. The squandering away of public funds on such darbars is not at all justified. Honourable members over there would say that whenever we of the Opposition make speeches, we do say something against the Honourable Chaudhri Sir Chhotu Ram. I may assure them that we do not pass remarks against him out of any ill-will, but we do so because we find those remarks called for. I cite for instance the case of my own district. I mean Sheikhpura district. When the Honourable Chaudhri Sir Chhotu Ram toured that district, he addressed a meeting of the villagers at the village Isherke. The poor peasants of that place requested the Honourable Minister to grant relief to them, but to their utter disappointment the Honourable Minister expressed his Government's inability to comply with their request on grounds of financial stringency. May I know whether his much vaunted sympathy for zamindars exists outside the Assembly Chamber also or ends here ?

Sir, when I visit the villages of Sheikhpura district, I feel pained to see my sisters much in trouble on account of abject poverty. It is a thousand pities that in spite of the fact that they work very hard, they are unable to get good food. They do not possess even a pair of shoes. Besides, the children of the poor peasants are in a very miserable plight. They seldom get milk. They regard dry bread and mango pickle as their nectar and ambrosia. Honourable members of the House, who are very rich, cannot for a moment imagine the extent of difficulties of these poor people. Their children are provided with buttered toasts, fruits and all sorts of luxuries; I would ask them to look at the children of the poor labourers, who are brought up under the shade of the baskets of their parents by the roadside. I am constrained to say that whenever we request the Government to adopt certain measures for the amelioration of the poor, we are given the stereotyped reply of financial stringency. We will point out to them during the discussion on the budget that such surpluses as can safely be found should be spent on the betterment of the poor.

Besides, the Unionist Government have always been proclaiming from house tops that theirs is the zamindar government and that if you support them, you in fact promote the cause of the zamindars, if you pay a tribute to them, you in fact pay a tribute to the zamindars. But my submission is that this is all idle talk unless Government do something practical to mitigate the troubles and hardships of the zamindars. Again, so far as I think, the object of holding this darbar was to get a pledge from the innocent zamindars to the effect that they would be prepared to send their tall and sturdy young sons to war. I may point out to the Government that people cannot be placated with darbars of this kind, so long as their ills remain unredressed. But when I find that my honourable brothers here draw fat salaries and travelling allowances to the tune of five thousand rupees, my hope to get remission in land revenue fades away.

In connection with the cut motion under discussion I am reminded of a Punjabi proverb—

اُو جاز پر ادنیوں کمر بار تھا کہ پر کوئی ہتھ نہ لائیو

which aptly applies to this case. It is usually said that the zamindars control the purse of the province. But if the question of ameliorating their miserable condition comes before the Government, the strings of the purse are tightly fastened. Again, if His Excellency the Viceroy wishes to pay a visit to the Punjab, Government can afford to provide ample money for holding a darbar in his honour. With these words I strongly oppose the demand now before the House.

**Chaudhri Muhammad Abdul Rahman Khan** (Jullundur, North, Muhammadan, Rural) (*Urdu*): Sir, a heated debate has been going on in the House since yesterday between the Opposition and the Government party over the item of Rs. 8,300 which has been spent on the Viceregal darbar held in the Lahore Fort. In my opinion the views of both the parties are correct. My honourable friends on this side say that Government is guilty of wasting public money, while the Government party argues that the money has been well spent. But if Government had brought forward a motion straight away that a sum of Rs. 8,300 should be wasted, the Opposition might not have opposed it so vehemently. In this case apparently the amount

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has been spent on holding a darbar in honour of His Excellency the Viceroy, but in reality it has been wasted on a darbar to which the poor could not have any access. Again, the restrictions relating to the darbar were such as made it extremely difficult for a poor person to have access to it. For instance, there was a provision according to which it was essential for every person attending the darbar to wear a certain uniform costing Rs. 150. But I may point out to the honourable members that the poor can hardly afford to purchase a loin cloth (*laughter*). I may further add that whosoever went there with country shoes on, even if it were a costly pair, was asked to put them off before attending the darbar. But anybody wearing a shoe worth three rupees could move about freely. I was one of those humiliated persons who were asked to put off their shoes. Besides, my submission is that when His Excellency has already an income of four to six lakhs of rupees, I fail to understand why such show of power and splendour was needed. Strictly speaking, the object of holding this darbar was because of the imminence of a world war. His Excellency thought it advisable to prepare the sturdy Punjabi zamindars for it beforehand. So he came and promised them to grant squares of land if they would help the Government in times of need. The zamindars were pleased at the offer and gratefully accepted it and promised to supply recruits.

I think that the darbar should have been held in a common-place like a village *tukia* beside a pond of stagnant water where  
3 P. M. mosquitoes abound and spread malaria in the whole village. The attention of His Excellency should have also been drawn to *katcha* roads that are so bumpy that carriages have to go jolting and shaking the passengers. But what actually happened was that His Excellency's car passed on tarred roads, over which an additional layer of sand was put so as to let the car pass very smoothly. By the way, I may point out that these roads are made so even and clean that a villager might be tempted to eat his meals placed on them, because he can never expect his kitchen to be so neat and tidy.

I am constrained to remark that it is not fair on the part of the Government to waste the hard-earned money of the poverty-stricken kisans in order to provide such luxurious journeys to His Excellency when the tax-payers themselves have to go trudging along *kutchra* paths and take their carts through dangerously neglected roads for want of funds. Sir, you are fully aware how strong the country-made carts are, but, believe me that our roads are so rough and rugged that the wheels of these carts are very often broken while passing on them.

Now turning to the question of the darbar itself, I want to tell you that it was essential for those attending it to come in a proper uniform. But it would have been more consistent with his reputation as a great friend of the zamindars if the Viceroy had allowed them to appear before him in their true colours. In that case His Excellency would have been pained to see an old man, half-naked, half-starved, in fact a skeleton and his appearance, not his tongue, would have spoken volumes for his poverty and stunted growth. His Excellency would have been moved to pity and tried to make arrangements for provision of clothes, food and medical aid to the poor Punjabis.

It is often claimed that the present Viceroy is really a well wisher of the poor kisans, and is, in consequence, very popular among His Majesty's subjects. If that is so, why did he need the protection of police at every mile of his journey? In fact, it was the lack of popularity and the danger of an assault by the discontented public that necessitated elaborate police arrangements on the occasion of his visit. This being the stern reality, there was absolutely no need of holding the so-called darbar. His Excellency should have remained in his palace and saved the tax-payers from the hardship of supplying a large sum of eight thousand rupees for this purpose. But I want to make it clear that if the darbar had to be held in the interest of the province, we would not have minded this expenditure, nay, we would have gone even to the length of laying down our very lives for the sake of making His Excellency's visit and journey as comfortable as possible. As the purpose of holding this darbar was to strengthen the position of the Unionist and thereby make the Punjabis bow before British Imperialism, we take it that the sum spent on it has altogether been wasted.

Another point which agitates my mind is that so long as our honourable friends remain among the Opposition they profess to be great patriots, but the moment they go over to the Ministerial benches their patriotism melts away into nothingness. In this connection I am reminded of the case of Dr. Sir Gokul Chand Narang and the Honourable Chaudhri Sir Chhotu Ram. Dr. Gokul Chand Narang's activities as a minister were, as we all know, quite anti-national. (*A voice* :— The honourable member should not refer to another honourable member by name.) The government of the white race is like the white silver rupee. Whosoever touches the white rupee, his hand becomes blackened and whosoever joins hands with this white bureaucracy his conscience dies and becomes vicious. Adverting to the Viceregal darbar, I fail to understand why the Fort was repaired when the Government House was good enough for the purpose of holding a darbar. The flatterers could have assembled there and exchanged their views concerning recruitment to the imperial army and distribution of titles and lands among the toadies.

So far as recruitment is concerned, I may be allowed to say that nobody in this country is willing to sacrifice his own kith and kin for the sake of the British. I am making this remark on the basis of my personal experience because I also used to supply recruits to Government during the Great War. Whenever we recruited persons without their consent, we were subjected to severe criticism and abuses by their parents. However, if the Viceroy had come here to announce that, henceforward, the Indian soldiers would also receive the same amount of pay as the British soldiers, that is, Rs. 90 a month and not Rs. 13 or Rs. 18 which they get at present, we could have persuaded ourselves to accord a most hearty welcome to His Excellency. It appears, therefore, that His Excellency the Viceroy had come here to promote and encourage recruitment for the defence of England and not for the safety and welfare of India. Under these circumstances, it was against the best interests of the country to hold the darbar at the cost of the poor tax-payers.

Sir, I would like to assure you that we would not have objected to the holding of the Viceregal darbar at Lahore had His Excellency the Viceroy enquired from the executive authorities of the Punjab as to whether

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the province is enjoying the fruits of the so-called peace and prosperity prevailing in it. It would have been better if His Excellency had been pleased to make some efforts towards the removal of corruption among the Government servants. If it is true that His Excellency the Viceroy is very much sympathetic towards the agricultural classes of our country, it would have been politic on his part to issue instructions to the authorities to the effect that in future at the time of collecting land revenue the agriculturists should not be oppressed.

Sir, had the Government taken any step towards the eradication of corruption in the Punjab we would have gladly voted even 20 thousand rupees for the Viceregal darbar, because we know it full well that in our province the tahsildars and thanedars receive illegal gratification to the extent of 8 or 10 thousand rupees even in a single day. I am perfectly confident of the fact that in case of removal of corruption even an expenditure of 20 thousand rupees would have been a blessing in disguise for the poor agriculturists of our province. Generally speaking everybody says that the agriculturists are dying of starvation; they are half naked and they have got absolutely nothing to keep body and soul together. But it is a pity that nobody is prepared to help them in the true sense of the word. With these words I very strongly object to the demand in question.

**Khan Bahadur Nawab Muzaffar Khan** (Attock North, Muham-, madan, Rural): Sir, I had no intention of speaking on this motion, but various misstatements and misrepresentations that have been made about this ordinary motion have elicited this short speech from me.

Various things have been brought into this matter—things which had absolutely nothing to do with the darbar. The party that was held in the evening has been discussed, recruiting has been discussed, the War has been discussed in very great detail. You have said that an able lawyer can by his ability make an irrelevant thing relevant, but I thought we had a still abler lawyer at the helm of affairs, and yet he has not—.

**Lala Bhim Sen Sachar**: On a point of order. I am afraid the words of the honourable member are liable to be interpreted as a reflection on the Chair. They are definitely so, because the honourable member has stated that a certain gentleman by his ability has introduced irrelevant matter and although you are abler than that gentleman, you have not checked that member in his irrelevance. We record our strong protest against the remarks of the gentleman opposite.

**Mr. Speaker**: On the other hand my position is this. Let anything be said about me. As a Speaker I must be very thick-skinned. But one thing I may add that almost all members, specially the occupiers of the Government benches, do not give me that help to which, as occupant of the chair, I am entitled. As to what Nawab Muzaffar Khan has said about irrelevancies, I do not take any notice of them, for, after all, I am one and you are 174—I am 175th. Sometimes I may not have noticed particular things. It is the duty of the occupants of the Government benches to invite my attention to every irregularity or irrelevancy, but if they do not, I am still liable to be accused of inattention or negligence but I think I am to be helped.



**Premier** (The Honourable Major Sir Sikander Hyat-Khan): You Sir, are very vigilant. It sometimes happens that you are engrossed in studying some point and then some irrelevancies may escape your notice. I hope, however, that irrelevancies indulged by the opposite side will not create a restriction on this side, because most of those irrelevancies are such that unless they are replied to effectively they might create mischief outside. Only allow us to answer those points which although irrelevant have been made from that side.

**Khan Bahadur Nawab Muzaffar Khan**: The simple question is, what is a darbar? After all it is a meeting to which various sections of the community are invited. It is really open to those invited to come or not to come. Those of you who attended the darbar know that it was attended by thousands. It is wrong to say that only a few people on the top were there. I have been Mir Munshi to Punjab Government, and I can say that invitations were issued to honourable members, lawyers, members of municipalities and various other people. Although it is a relic of the old Moghul days, still it has its usage and its advantages.

**Lala Duni Chand**: It is a gathering of varieties of loyalists.

**Khan Bahadur Nawab Muzaffar Khan**: It has its advantages as I was saying from the point of view of the various sections of the community. I must also point out that it has disadvantages as well. I mean to say that although the British Government when they came tried to reform the old system it still has some defects. According to the old system each darbari who came to the darbar had to present a rich nazar to the Emperor. That has been done away with since the advent of the British Raj. Though there has been great improvement in these darbars, I as an Indian felt that there is still further room for improvement. For instance, I felt that it would have been much better if His Excellency the Viceroy instead of receiving those nazars had shaken hands with the various people and had had a word with them.

I see absolutely no objection to this demand, and I think this small item of a few thousands should not have been objected to on the various grounds.

**Pandit Shri Ram Sharma** (Southern Towns, General, Urban) (*Urdu*): Sir, the debate over the item of darbar charges has been going on since yesterday and my honourable friends opposite have said much in its favour. (*Interruption*). I admit that my learned friend has, in his brief speech, stated the merits and demerits of the darbar which in my opinion are in the ratio of hundred to one.

These darbars are the relics of the past age. But now times have changed and modern India is quite different from old India. It is a matter for surprise that unlike other provinces of India the Punjab is still unchanged and is just the same as it was some centuries ago. In this unchanged Punjab we see many things that existed in the past and with them we see the same old loyal feelings and devotion of the subject to their foreign rulers. (*Interruption*). I would be too glad if I am interrupted by the Honourable the Premier or the Honourable Minister for Development. You may object to such interruptions but I would certainly welcome them.

[Pandit Shri Ram Sharma.]

These darbars are held with the sole purpose of making an ostentatious show of stately splendour and grandeur in which the loyalists find ample opportunity to give vent to their loyal feelings. The honourable members of the Unionist Party should be grateful to the Opposition, for by opposing the demand in question it has afforded them a further opportunity to give further proofs of their loyalty. But for the cut under discussion, we would not have heard of such delightful and pleasant speeches about loyalty and the holding of such darbars. Yesterday, at the fag end of the day an honourable member supported the action of the Government in holding the darbar so vehemently that we were reminded of the old conception of loyalty.

Sir, I would like to point out that the demand in question is not the only sum spent on the occasion of the Viceregal darbar at Lahore. I am definitely of the opinion that the landed aristocracy of the Punjab must have spent thousands of rupees on the said occasion. But it is a great pity that a large portion of this money has gone to foreign countries.

My honourable friend Raja Ghazanfar Ali Khan remarked that since His Excellency the Viceroy was a great well-wisher of the zamindars, it was the duty of the zamindars of the Punjab to express their gratitude to him. I am afraid I might unwittingly make an undesirable remark about His Excellency the Viceroy in this connection, but I must say that there does not seem to be any truth in the above statement. To say that the darbar was held to promote the interests of the zamindars is incorrect. The object of holding the darbar was two-fold. In the first place it was held to strengthen the hands of British Imperialism in India and secondly it was to serve as a means of rallying together the disintegrating forces of the Unionist Party.

In the sphere of international politics, the British lion is degenerating into a jackal. Mr. Eden's resignation is an instance on this point. He has resigned as a protest against his Government's submission to the policy of Hitler and Mussolini.

**Mr. Speaker :** The honourable member is going too far. Will he please speak to the motion ?

**Pandit Shri Ram Sharma :** The darbar was not held in the interests of the zamindars. It was held primarily with the idea of regaining the prestige of the Unionist Party which was on the decline. Again, it was just a part of that party propaganda which the Unionists are carrying on in so many forms. One is the expenditure of Rs. 8,800 on the darbar and the other is that big processions were taken out on elephant in honour of the Honourable Premier on the occasion of his recent visit to Sonapat. And still another form of their propaganda is that lathi charges are being made in the presence of the Minister for Development.

**Minister for Development :** This is a misstatement. No lathi charge was made in my presence.

**Pandit Shri Ram Sharma :** The Honourable Minister says that no lathi charge was made in his presence. May be, but the fact is that lathi charge did take place and consequently eight persons were arrested. We of the Opposition oppose the darbar on the ground that it is a part of that

propaganda which is being carried on to keep the party intact. It is so often asserted that the Unionist Party is in a very strong position.

**Mr. Speaker :** The honourable member is irrelevant.

**Pandit Shri Ram Sharma :** I have finished my argument. But so far as the object of the darbar goes, it is absolutely wrong to say that it was held to afford an opportunity to the poor zamindars to approach His Excellency the Viceroy and to place their grievances and troubles before him. Those who attended the darbar had nothing in common with the zamindars. They were all wealthy *raises* who had only the promotion of their own ends in view.

**Premier :** They were the representatives of the people.

**Pandit Shri Ram Sharma :** The so-called benefit derived by the zamindars is that the sum of Rs. 8,300 which had been earned by the sweat of their brow was recklessly spent on the lavish arrangements of the darbar, and a large part of it has gone to foreign countries. Another supposed benefit that is derived by the zamindars is that a slave mentality has once again come to play a prominent part in politics in these days of freedom ; a mentality which stands in our way of attaining independence. No good can accrue from these darbars for the persons attending such darbars are those who live in palatial bungalows and are rolling in wealth. They evince no sympathy for the poor zamindars. They have no time for devising means for the uplift of the poor. They simply live a life of luxury and ease by exploiting the poor. The darbar was held for such persons alone. The poor do not require such processions and darbars. Their dire need is that their burden of taxation be lightened. The corrupt practices of *begar* and bribery should be abolished. And if their crops fail, remissions should be granted to them. They should be granted *taqavi* loans to better their agricultural conditions. These and not the darbars will benefit the poor zamindars. We are opposed to these darbars on the score of their being absolutely useless as the means of promoting their welfare. They create a slave mentality. The sum of Rs. 8,300 is not a big one ; the use to which it has been put is improper. There was a possibility of His Majesty King George VI visiting India but he has graciously proclaimed that because the expenditure on account of the provincial autonomy being introduced in the country has already increased, he does not like to further burden the Indian Exchequer. It is very sad to think that when His Majesty could think of our financial difficulties and postpone his visit our Government did not take this fact into consideration. But they seem to forget everything in their craze for party propaganda. With these words I support the *cut* motion now before the House.

**Sardar Sahib Sardar Ujjal Singh** (Parliamentary Secretary): It is a matter for regret that my honourable friends sitting opposite should have objected to the expenditure of a small amount of Rs. 8,300 incurred by the Government in giving a befitting welcome to His Excellency the Viceroy on his first official visit and in honouring him in a manner worthy of the representative of His Majesty the King Emperor.

**Mian Abdul Aziz :** Is that a proper expenditure of the province ?

**Sardar Sahib Sardar Ujjal Singh :** It is apparent from the explanatory note supplied to the honourable members that this supplementary demand was not entirely spent in connection with the arrangements of the darbar. A part of this amount was spent on repairing the building of the Fort. The occasion of the Viceregal visit was availed of by the Government in putting into reasonable state of repairs the old historic building of the Lahore Fort. I believe honourable members will surely not take any objection to that. Then only a small part of this sum of Rs. 8,000 was spent in connection with the actual arrangements of the darbar. All sort of irrelevant matter were brought in by some of the speakers in connection with this motion. It has been said, our province is very poor, the peasantry is groaning under a heavy burden of debt, the cultivator stands in great need of relief in taxation. I submit that it is all true, but may I say, has not the Government taken sufficient steps in that connection? Is there any province in India which has done more in giving relief to the zamindars by means of debt legislation and otherwise than this province? (*hear, hear*).

**Diwan Chaman Lall :** What about the moratorium in the United Provinces?

**Sardar Partab Singh :** The Parliamentary Secretary is speaking on the question of debt legislation in this province and outside. May I enquire whether he is relevant?

**Sardar Sahib Sardar Ujjal Singh :** I was only making a passing reference in respect of some of the speeches delivered yesterday.

**Diwan Chaman Lall :** Then pass on.

**Sardar Sahib Sardar Ujjal Singh :** I was only saying that Government had done all in its power to help the needy cultivator.

**Diwan Chaman Lall :** It is a wonderful Government!

**Sardar Sahib Sardar Ujjal Singh :** Government gave remission to the extent of 32 lakhs last year. No credit was given to it by the other side but it is contended that this small sum of Rs. 8,000 should also have gone towards remission of taxation. Surely we should have a sense of proportion. Eight thousands have been spent in connection with the arrangement of darbar and the honourable members opposite are objecting to it on the ground of poverty. The Viceroy is well-known for his sympathy for the cultivator. He has a soft corner in his heart for the zamindars. He has done more than any viceroy that has set his foot on this blessed land of ours in helping the needy cultivators. We cannot forget the services rendered by Lord Linlithgow as Chairman of the Royal Commission on Agriculture.

**Mr. Speaker :** I request the honourable member to avoid repetition.

**Premier :** It is very relevant.

**Mr. Speaker :** But it is repetition.

**Sardar Sahib Sardar Ujjal Singh :** Sir, I did not say a word that had been said before by me.

**Mr. Speaker :** But what others had said before you.

**Sardar Sahib Sardar Ujjal Singh :** No one mentioned anything about the Royal Commission on Agriculture.

**Sardar Hari Singh :** What about the Joint Parliamentary Committee ?

**Sardar Sahib Sardar Ujjal Singh :** The honourable members opposite should have been specially thankful to His Excellency the Viceroy who came to the rescue of the Congress in most difficult situation and at a very difficult time.

**Sardar Partab Singh :** He is again irrelevant.

**Sardar Sahib Sardar Ujjal Singh :** And only recently he has not allowed any false notions of prestige to stand in his way in bringing about a compromise between the Government and the Congress ministries.

**Sardar Partab Singh :** Can the honourable member discuss these points ?

**Sardar Sahib Sardar Ujjal Singh :** It is relevant as the darbar has connection with the Viceroy's visit. I rather feel surprised that my honourable friends sitting opposite should object to giving a befitting welcome to an august personality like Lord Linlithgow. It has been stated that the darbar has done great mischief. I fail to understand how this darbar has done any mischief to the province. One of the honourable members stated that a good deal of money was spent by those gentlemen who attended the darbar and it was a waste of money. I submit that this remark was least expected from the honourable members opposite. If any wealthy person who can afford to spend has spent any money, it naturally goes to the pockets of small men and those people who preach socialism should welcome any such amount spent by wealthy persons.

**Diwan Chaman Lal :** Poor understanding of socialism.

**Sardar Sahib Sardar Ujjal Singh :** No, Sir, I understand it very well. Any amount spent in railway fares goes back to the coffers of the State. His Excellency the Viceroy visited every institution in Lahore and it always happens that when any high official visits a small town or a village people are alert and whatever shortcomings there are in any district or any village, those shortcomings are removed. In my belief such visits of high personalities give a fillip to all good movements in the place and on that account I think that this Viceregal visit ought to have been welcomed. The purpose of the darbar was only to present to the Viceroy the leading zamindars of the province—men who have been doing yeoman service to the province, to the country and King Emperor. I trust the House will reject the cut motion.

**Munshi Hari Lal (South-Western Towns, General, Urban) :** Many speeches have been delivered on the floor of this House and many arguments have been advanced for or against the motion. I would put certain questions to the Treasury benches and I would stop for an answer to those questions. They demand that an item of Rs. 8,800 should be sanctioned. This expenditure was incurred for the darbar in anticipation of sanction of this House. When they come forward and ask for the sanction of the House, it is absolutely necessary for them to justify the expenditure. What good followed from the Viceregal darbar that was held ? What useful purpose did it serve ? What was the object of holding this darbar ? If the purpose was to honour the Viceroy, surely it is of no use to the tax payer. In the explanatory note we find the following words—

In connection with this function it was necessary to incur expenditure on preliminary preparations and on necessary repairs, etc.

[Munshi Hari Lal.]

What does this 'etc.' indicate? Does it mean decoration? Does it mean expenditure on flags and buntings? What does this word after all mean? Of course it suits the Treasury benches to say Rs. '8,800 only.' It may be an arithmetical use of 'only' but the word 'only' is suggestive and significant. Do they consider this amount as small? If such is the idea, then let me be bold enough to dispel it from their mind that the item of Rs. 8,800 is not considered a small amount. It can feed thousands for a month or for more than a month. This item of Rs. 8,800 represents the sweat, the labour, the hunger, the despair of the millions of this province. It is the money that has flown out of the pockets of toilers in the town, the labourers in the field, and of the peasants of the land. This is not a small amount and this should not be considered as small. Many of the honourable members on the Treasury benches have been pleased to remark that this is after all a small amount. Look at the item from a poor man's point of view. Look at the item from our point of view and you will come to feel that this is not a small item. It is as big as a month's salary of two or three ministers. If you are working under the impression that this is a small amount, I may then tell you that the rate-payers outside—the public outside—do not share your views. They resent it and they think it an insult to be told that this amount is small. I enquire if this was the only expenditure that was incurred in connection with the Viceregal darbar or is there any other expenditure as well? This may be a part of the money that has been spent in connection with that darbar. It is possible that much more might have been spent. Then look at this item from that aspect. On looking upon it in this light you will feel the gravity of this item. The public entertains the idea that in addition to this amount much more must have been spent which is not before them. I ask, when the Viceroy visited this province, did the Treasury benches, did those who are fond of these darbars, place before him the actual condition of the province? Mind, Sir, that the tables of expenditure and receipts do not show the prosperity and the contentment of the people. It is something else. You have to go beyond your budgets to find out whether the people are contented or not. Did the Viceroy come to know of the illiteracy that prevails in this province? Of course an address was presented to him wherein it was mentioned that if the war breaks out, our services would be offered, but was it pointed out to him that in times of peace the military expenditure is extravagant? Was it not the duty of the Treasury benches or of those who are fond of these darbars to bring to his notice the real condition? Was he made aware of the excessive taxes that are imposed upon the poor people of the province? Was he aware of the miserable condition of the people in the villages? (*Minister for Development*: It is repetition).

**Mr. Speaker** : The honourable member is repeating arguments advanced by other honourable members?

**Minister for Revenue** : But only in English, Sir.

**Munshi Hari Lal** : If the idea is to show the prosperity of the province by holding these stately ceremonials, then this is fundamentally wrong and this cannot appeal to the tax payers. The people outside look upon these darbars as mere pompous pageants that add to the misery of the poverty-stricken and the starving population of the province. We must all try to

stop these darbars. Though they have been handed down to us by the old Government, yet the sooner they are done away with the better.

**Mian Sultan Mahmud Hotiana** (Pakpattan, Muhammadan, Rural) (Urdu): Sir, I oppose the amendment now before the House. So many speeches have been delivered for and against it that nothing is left now to be said about it. If one says anything about it there is the danger of repetition of arguments already advanced by the previous speakers. I would therefore content myself with only citing an instance in order to make my point clear. Suppose a member of the Assembly visits a village and the head man of the village decorates his house and invites his brothers there and they tell their difficulties to the members and entertain him, do you think that the headman has committed a sin? Similarly I submit that the representative of His Majesty the King Emperor visited our province. We invited all our brother zamindars to come and see him. We introduced them to him and they in their turn stated their difficulties and necessities before him. These are the simple things for which we have been condemned and which are the theme of the speeches that have been delivered since yesterday. We are termed as flatterers and squanderers of public money.

**Sardar Sohan Singh Josh**: What are you doing now?

**Lala Deshbandhu Gupta**: Does the honourable member mean that Punjab is the constituency of His Excellency the Viceroy? (Laughter.)

**Premier**: Yes, the whole of India is his constituency.

**Mian Sultan Mahmud Hotiana**: Sir, one of my honourable friends opposite was pleased to remark that His Excellency the Viceroy could not grant interviews to any of the representatives of the poor. I may inform him that when Pandit Jawahar Lal Nehru visited Lahore, no cultivator could get any opportunity because Dr. Gopi Chand, Diwan Chaman Lal and others were constantly accompanying him. If any poor person had wanted to see him in order to tell him his difficulties he would not have got a chance of seeing him. When an eminent person like Pandit Nehru could not afford opportunity to every poor person to see him, I fail to understand how my honourable friend could expect His Excellency to grant interviews to any and every individual. I may point out to them that we who are provincial darbaries represent the poor. We were introduced to His Excellency and were given an opportunity to interview him.

Besides, another honourable friend enquired as to what we have done in connection with the land revenue. My submission is that we, who are the true representatives of the zamindars, have rendered all possible assistance to them. We have already appointed a land revenue committee which is going into the matter thoroughly. Its labours cannot be expected to finish in a day, for land revenue is a very vast subject. When that committee's report is published, honourable members will find that recommendations of far-reaching consequences have been made in favour of the zamindars.

**Sardar Sohan Singh Josh**:

تا تریاق از عراق آورده شود مار گزیدہ شود

**Mr. Speaker**: No interruptions please.

**Mian Sultan Mahmud Hotiana :** Sir, it has been repeatedly pointed out from the opposite benches that we held the Viceregal darbar with the sole object of paying encomiums to His Excellency the Viceroy. They have dubbed us as flatterers. I may submit that His Excellency does not at all need flattery.

**Mian Muhammad Iftikhar-ud-Din :** But you do want to be flattered.

**Mian Sultan Mahmud Hotiana :** It took His Excellency three hours to interview those who were introduced to him. The manner in which he interviewed the zamindars indicated that he was their greatest friend. With these words I strongly oppose the demand now before the House.

**Dr. Sant Ram Seth** (Amritsar City, General, Urban) (*Urdu*) : Sir, We have been discussing this demand since yesterday. The debate clearly points out that there are two parties belonging to two different schools of thought. One party insists upon the fact that the Viceregal darbar—

**Khan Bahadur Captain Malik Muzaffar Khan :** May I know whether the honourable member is speaking in Urdu or English ?

**Dr. Sir Gokul Chand Narang :** He is speaking in Urdu just as the members of the Unionist Party speak.

**Dr. Sant Ram Seth :** I was submitting that on the one hand there is a party which insists upon the fact—

**Mr. Speaker :** I would request the honourable member to speak either in Urdu or in English.

**Sardar Hari Singh :** Sir, it is a mixture of English and Urdu.

**Dr. Sant Ram Seth :** Sir, I know English, but I have not sufficient command over it to give expression to my views before the House. Besides, I know Urdu as well as Hindi and therefore I shall speak in a mixture of all the three languages (*laughter*). Sir, I was submitting that two parties exist in the House. One party vehemently protests against the expenditure incurred in holding the Viceregal darbar, in the Punjab. I belong to that party. May I know why this darbar was held? How was it needed? Does not the Ministry of the province realise that by inviting His Excellency the Viceroy to the Punjab, it has wasted several thousand rupees of public money? (*Voices : The honourable member is repeating the argument already advanced.*)

**Mr. Speaker :** The honourable member should not repeat arguments advanced by other speakers.

**Dr. Sant Ram Seth :** It is quite clear that the object of the Ministry in holding the Viceregal darbar was to secure titles of Knighthood, Khan Bahadurships and so forth for their Unionist members.

**Minister for Development :** Give us something new. You are merely repeating what has already been said by others.

**Dr. Sant Ram Seth :** By inviting His Excellency the Viceroy our Ministry perhaps wanted to tighten the bondage of slavery. May I enquire from the Honourable Premier whether he is prepared to spend the same amount of money on the reception of Mahatma Gandhi, that has been spent in holding a darbar in honour of His Excellency the Viceroy? If not, we



are justified to say that the members of the Unionist Party are only flatterers, and they wanted to seek some favours from His Excellency. With those words I close my speech.

**Mr. Speaker :** The question is—

That the question now put.

*The motion was carried.*

**Premier** (The Honourable Major Sir Sikander Hyat-Khan): Sir, I will be very brief because after all the subject under consideration is in itself so insignificant that I think it has been a sheer waste of the time of the House to have had such a protracted debate on this small item of expenditure. As my honourable colleague the Finance Minister points out, if we were to collect the amount which has cost the province in discussing this small item, it would be probably more than what is under consideration. It was a small item and I hope that apart from any other consideration, mere decency demanded that this item should not have been criticised. After all, this expenditure was incurred in connection with the visit of His Excellency the Viceroy of India. Viceroy means representative of the King Emperor. Nobody can deny the fact that the present Viceroy and the present King Emperor have got direct connection with this country as a representative and as King Emperor respectively. Can anybody deny that? No. Now, all of us who have come into this House have taken an oath of allegiance of loyalty to the King Emperor and his heirs and successors. I am certain that my honourable friends opposite have taken that oath of allegiance in the fullest possible light and realisation of the fact that they were taking an oath of allegiance to their King Emperor. I cannot impute any motives to them and I am sure that if anybody were to impute those motives, he would be doing an injustice to those who had taken the oath with no mental reservation. Therefore, I think that it was most undignified and unedifying on their part to criticise this small item of expenditure which was spent in connection with the visit of the representative of the King Emperor, to whom we have all taken an oath of allegiance. (*A voice:* Oath has nothing to do with this.) My honourable friend says, 'Oath has nothing to do with it.' Suppose the King Emperor comes here to-morrow and wants to hold a darbar, since you have taken an oath of allegiance to him, are you not in duty bound to attend that darbar? (*A voice:* Not at all.)

Now, Sir, what is the amount that has been spent? I do not think that any speaker has yet pointed to the House that a darbar was held here on a previous occasion also, when the Viceroy visited this province and the amount then spent was much larger than we have spent this time. The amount which was spent this time was approximately half of what was spent on the last occasion, that is, on the occasion previous to the present darbar. Out of these Rs. 8,000, as has been pointed out by my friend Sardar Ujjal Singh, a large sum was spent on renovating the darbar hall in the old fort, a building of historical importance and of beauty and naturally that cannot be called waste of money. Those of my honourable friends, who are raising an objection to this item, not on principle, would not have raised similar objection if that money had been spent, for instance, in honouring another leader of the country who happened to come to this province.

**Diwan Chaman Lall :** Did my honourable friend spend that money on the reception of Pandit Jawahar Lall Nehru in this province ?

**Premier :** I think the criticism was made on the ground that the poor zamindar is suffering from all kinds of troubles and difficulties and his woes were again repeated by my honourable friend opposite. Again, in connection with this item it was stated that this money would have been well spent on really poor zamindars instead of being spent on this darbar. That is at least what I gather from his speech. Now, if the money of these poor zamindars can be spent on honouring one class of persons who come into our province, is it in any way unfair if it should have been spent in connection with the visit of His Excellency the Viceroy ? For instance, my honourable friend from Ludhiana tried to be very humorous and referred to several kinds of darbars which were held. May I remind him that he also has been holding several darbars in his district ? He was attending those darbars, presiding over those darbars and making speeches in those darbars. (*Mian Muhammad Iftikhar-ud-Din :* Those were the meetings for liberation of this country.) My honourable friend says that those meetings were for the liberation of the country. The amount collected in Jullundur in connection with certain *diwans* or political meetings amounted to several hundred maunds of wheat. (*A voice :* Voluntarily.) Yes, by those very poor zamindars whom you want to save from this expenditure. Is it logical ? If you spend thousands of rupees because A comes here, you do not mind, and if you spend a few hundreds on B, you say that the poor zamindar is very hard hit. I do not think that argument will hold water. My honourable friend, who made a humorous speech, unfortunately, is not here. He also posed eloquence with regard to the difficulties and troubles of zamindars. He said that these Rs. 8,000 would have been spent on several hundred poor zamindars, and that the Government was not helping anybody by way of taqavi or loans. My honourable friend is not here and it would not be fair if I say so. He should have borne testimony to the generosity of the Government in giving a large amount of taqavi to persons who did not deserve it. The amount of Rs. 75,000 has been given to one member, who poses as the biggest saviour of poor zamindars, and so far as I am aware not a single penny has been returned yet. (*Interruptions.*)

**Mr. Speaker :** Order, order. I would request the honourable members not to make a running commentary or pass remarks on the speech of any speaker. That is not fair.

**Dr. Sir Gokul Chand Narang :** Is it really so ?

**Mr. Speaker :** Yes.

**Dr. Sir Gokul Chand Narang :** Should we take it that all interruptions are unparliamentary ?

**Mr. Speaker :** No remarks should be made. A member who is speaking should not be disturbed by hissing, exclamations, or other interruptions.

**Sardar Lal Singh :** Sir, may I know what has the non-return of taqavi loans to do with the darbar and the expenses incurred on it ?

**Mr. Speaker :** Did the honourable member mention any name ?

**Premier :** No, I merely gave an instance where taqavi had not been returned.

**Mian Muhammad Iftikhar-ud-Din :** Yes, you did mention the name. The whole House has understood you.

**Premier :** I did not. It only shows that my honourable friend opposite has made an intelligent guess.

**Mr. Speaker :** A criticism of the conduct of a member of this House, in his capacity as a member, is objectionable ; but a criticism in his private conduct may or may not be objectionable. However, be this as it may, I for one do not consider it fair or Parliamentary that the public or private conduct of a member of this House should be criticised on the floor of this House, except on a substantive motion.

**Premier :** Another point which was made by my honourable friend representing the South-Eastern Towns—I venture to submit—was irrelevant, but since he has mentioned it, I crave your indulgence to allow me to briefly answer it. He said that my honourable colleague the Minister for Development, wherever he goes he takes lathi charges with him. My honourable friend is perfectly aware that that charge was wholly erroneous and unjust and unfair. It was not he who was responsible for lathi charges, but those who do not abide by the professed creed of the Congress to which they are not tired of giving publicity, day in and day out—that they have nothing to do with violence and that the Congress does not in any way countenance such demonstrations. Wherever there have been black flag demonstrations, those demonstrations have always been by the local Congress people. I am also aware that the high command of the Congress does not in any way like this kind of demonstrations and it has given orders that such demonstrations should be stopped. My friend from Ambala will bear me out that in one of the meetings in which he was present there were several Congress people present and they created rowdyism although a little bit of counter-rowdyism stopped that rowdyism and we were successful in holding the meeting in an orderly manner and everything passed off quietly. Still the honourable member will admit that what those Congressmen did was not in the spirit of the Congress instructions and order, and we would be only too glad to inculcate that spirit among the people. I would be the first to welcome that spirit amongst all sections of the community in the country, and if my honourable friend wants me to help him in the matter I will always be at his service. I can give one or two other instances.

**Lala Deshbandhu Gupta :** May I ask whether the counter-rowdyism was indulged in at the instance of the Minister for Development ?

**Minister for Development :** Don't be stupid.

**Diwan Chaman Lall :** The word 'stupid' used by the Minister for Development is most unparliamentary. May I ask him to withdraw and apologise to the honourable member ?

**Minister for Development :** Because the honourable member made an uncalled for remark, I could not but call it 'stupid.' If it is unparliamentary—I want your ruling on that point—I will withdraw it.

**Diwan Chaman Lall :** There is no 'if' about it. You should withdraw that word.

**Minister for Development :** I will not.

**Diwan Chaman Lall :** We will see that you do.

*(Thumping of tables and shouts of 'withdraw, withdraw'.)*

**Dr. Sir Gokul Chand Narang :** I simply want to bring to your notice that we do not understand what is happening here. We should also know what is happening.

**Premier :** It is no use trying to make things worse. I would request my honourable friend to let me speak.

**Diwan Chaman Lall :** Mr. Premier, I would request you to allow—

**Premier :** I want to say—

**Diwan Chaman Lall :** It is not for you to say.....

**Mr. Speaker :** Please let him say.

**Premier :** My friend opposite said that my colleague here used the word 'stupid' which my friend considers unparliamentary. My colleague got up and said that he did use that word. He has not denied it. He added, that if that word was unparliamentary, he would withdraw it.

**Diwan Chaman Lall :** He is now modifying it.

**Mr. Speaker :** I will give my ruling after the heat subsides a little.

**Lala Deshbandhu Gupta :** In making the remark as he did, the Honourable Minister for Development has only shown his stupidity.

**Mr. Speaker :** If honourable members behave like this, I shall leave the chair.

*(Voices : No, no. Another voice : Why not adjourn the House ?)*

**Diwan Chaman Lall :** Sir, on matters like this we feel very strongly.

**Premier :** You must remember that the provocation originally came from that side.

**Diwan Chaman Lall :** The honourable member is trying to justify. We will not allow him to speak. *(Interruptions)* Why say that the provocation came from this side? This man (Sir Chhotu Ram) is a standing provocation.

**Premier :** I am sorry, Sir, that so much heat has been engendered over a stray remark in my speech. I was merely trying to point out that the allegation or assertion was wholly erroneous and wholly unjustified. I was going to give instances where we had to go out of our way on several occasions to send instructions to our non-official friends and also issue instructions otherwise to see that in spite of the gravest provocation nothing happened from the other side. I can assure my friend opposite and if he will come and ask me for details and particulars, I will be prepared to give him details and perhaps verbatim reports of the speeches in which filthy abuse has been used by some people who posed to be speakers.

**Diwan Chaman Lall :** How is this relevant?

**Premier :** I was merely answering the argument put forward by my friends.

**Mr. Speaker :** But two wrongs cannot make one right.

**Premier :** I merely wanted to say that if any trouble is created by one party, after all the other side consists of human beings who cannot sometimes control their temper. I appeal to my friends and offer my services in trying to bring about that healthy spirit of political rivalry, so that there is orderly progress in the country and each of us has the fullest possible opportunity to explain his point of view to the people of the country.

There is one more point to which I should like to refer. I think the House must have been tired of this debate. But since so many speakers have spoken it has been necessary for me also to make a few observations. One point which was repeated by several members opposite was that this darbar was convened with a view to giving a fillip to recruitment. Now there can be nothing further from the truth than that statement. I assure my honourable friends that there is no foundation whatever for that suspicion if you can call it a suspicion or for that assertion which has been made from the opposite side. His Excellency the Viceroy naturally as a representative of the King pays a visit to the various parts of the country and when he decided to pay his first official visit to the capital of the province we in the usual time-honoured custom thought it necessary that we should invite the representatives of the people to meet him and the best way of doing so was to convene a darbar in which, as I have said, all the representatives of the people in this House were present or were invited to be present. Similarly, elected members of district boards and municipal committees were invited, people representing various sections and classes, martial classes were also invited and a large number of non-officials were invited to come and have an opportunity to meet the Viceroy. I do not think there is anything objectionable in that. For instance, to-morrow if we have our own Viceroy, an Indian Viceroy, or if we have an Indian Governor which is within the bounds of possibility, then would my honourable friend say that we should not hold a darbar because his designation happens to be Viceroy or Governor?

**Mian Muhammad Iftikhar-ud-Din :** Yes, if he is an agent of British Imperialism.

**Premier :** And yet he has taken the oath of allegiance to that head of that Imperialism. Is this remark consistent with that oath of allegiance?

**Dr. Gopi Chand Bhargava :** It is a constitutional oath.

**Premier :** I did not know that my honourable friend made that oath with a mental reservation. This is the first time I have heard it, because I have not heard it from any Congress leader so far.

**Dr. Gopi Chand Bhargava :** I am sorry if you did not know these things.

**Premier :** Anybody can aspire to full independence, but that is not inconsistent with taking an oath of allegiance to the King-Emperor.

**Lala Duni Chand :** You must have heard that we want complete independence.

**Premier :** There are several parties in this country who want complete independence. You have taken the oath of allegiance and so long as you are bound by that oath you have to respect that head, that sovereign head. If you do not, you are going counter to your oath. It is a very obvious fact.

**Lala Deshbandhu Gupta :** There is no room for a Viceroy in an independent country.

**Premier :** You can call him a dictator or a president or by some other name. The real point at issue is whether the money spent on giving a reception to any leader—whether that money is misplaced.

**Mian Muhammad Iftikhar-ud-Din :** He must be a chosen representative.

**Premier :** With regard to recruitment, two of my honourable friends opposite expressed rather strong opinion that Punjab did not want to go into the army and that we were responsible more or less in committing ourselves that Punjab will furnish recruits to the army. My honourable friends probably are not aware of the feelings of those classes who have for generations and for centuries done nothing but fight in the army. They have got connections and traditions which you cannot change and which I hope will not be changed for the sake of the province and for the sake of the motherland.

**Mian Muhammad Iftikhar-ud-Din :** Motherland and not British Imperialism.

**Premier :** My honourable friends either are innocent dupes of the voices of those people who want to reduce the strength and power of the Punjab in the comity of these various provinces in the country—

**Mian Muhammad Iftikhar-ud-Din :** Not at all.

**Premier :** I say probably—or else, they are ignorant of the facts and conditions of this country. We have got martial traditions. My honourable friend knows that every community in the Punjab has got martial traditions of which they are proud. They have not got that to-day, not even since the advent of the British Raj, but they have it for centuries and centuries. And do you want in any way that martial spirit to be reduced or totally wiped off? (*Honourable members :* No.) Certainly not. But my honourable friends were eloquent here in their anti-recruitment propaganda or campaign.

**Lala Duni Chand :** This kind of pride was also enjoyed by slaves of the Roman Empire days.

**Premier :** Probably my friend is not aware that recently a college was opened at Poona where they are going to create slaves—a college in a province governed by a Congress ministry, and yet we have not heard anything against it.

**Diwan Chaman Lall :** The ministry has nothing to do with it.

**Dr. Sir Gokul Chand Narang :** This is all irrelevant ; it is all waste of time.

**Premier :** I was merely pointing out that the gentleman responsible in opening that college in Poona has done the greatest service to his country—(*Hear, hear.*) (*An honourable member :* Who is that gentleman?). Dr. Moonje. It is to train young men in the art of fighting, because it may be

necessary for us to defend our country against foreign invaders and when that time comes, the Punjab will again be in the vanguard and not behind anybody else. (*Interruption*). My honourable friend asks, will you put up a college here? I shall be only too glad to do so, if we can find the money. I should like to open several colleges and I would not allow the Punjab to lose supremacy in the Indian Army to-day or to-morrow. (*Hear, hear and applause*).

**Dr. Sir Gokul Chand Narang :** May I ask a question? The Honourable Premier was pleased to say that it is inconsistent with the oath of allegiance to refuse to attend a darbar. It does not concern me personally, as I did attend the darbar. But it is a question of very great importance and I would like to have the opinion of the Advocate-General on the constitutional point.

**Premier :** I am afraid I said nothing of the sort. I did not say that it was against the oath of allegiance not to attend the darbar. There are several people who probably wanted to attend but who were prevented from doing so for other reasons.

**Lala Deshbandhu Gupta :** I only want to make one point clear. The Honourable Premier was pleased to say that provocation was given from this side for the Minister of Development to make those remarks. I want to make it clear that no provocation was given from this side. The Honourable Premier had stated that in Ambala there was rowdiness and counter-rowdiness and I only wanted to know whether that counter-rowdiness was at the instance of any minister.

**Premier :** If the honourable member had said any minister, there would have been no objection, but he said Minister for Development. This was responsible for the whole affair.

**Mr. Speaker :** My ruling is that the expressions used by both gentlemen, that is, the Honourable Chaudhri Sir Chhotu Ram and Lala Deshbandhu Gupta are insulting, discourteous and unparliamentary. So, I direct both of them to withdraw them.

**Minister for Development** (The Honourable Chaudhri Sir Chhotu Ram) : I withdraw the expression that I used.

**Lala Deshbandhu Gupta :** I also withdraw.

**Minister for Development :** May I ask one thing? Are you not concerned with the very highly undesirable remark made by him? He said counter-rowdiness was at the instance of the Minister for Development.

**Mr. Speaker :** I think we should drop the matter.

**Minister for Development :** Is it that it came from the other side?

**Lala Deshbandhu Gupta :** I can throw light on that side.

**Mr. Speaker :** Mr. Gupta has been contradicted on that point by the Honourable Premier. So, further discussion should be dropped.

Question is—

• That the item of Rs. 8,300 on account of Miscellaneous Darbar Charges be reduced by Rs. 100.

*The Assembly divided : Ayes 28 ; Noes 90 :*

#### AYES.

Bhagat Ram Choda, Lala.  
Bhagat Ram Sharma, Pandit.  
Bhim Sen Sachar, Lala.  
Chaman Lall, Diwan.  
Chanan Singh, Sardar.  
Deshbandhu Gupta, Lala.  
Duni Chand, Lala.  
Duni Chand, Mrs.  
Gopi Chand Bhargava, Dr.  
Hari Lal, Munshi.  
Hari Singh, Sardar.  
Harjab Singh, Sardar.  
Kabul Singh, Master.  
Kapoor Singh, Sardar.  
Kartar Singh, Sardar.

Muhammad Abdul Rahman Khan,  
Chaudhri.  
Muhammad Hassan, Chaudhri.  
Muhammad Iftikhar-ud-Din, Mian.  
Mula Singh, Sardar.  
Partab Singh, Sardar.  
Prem Singh, Mahant.  
Raghubir Kaur, Shrimati.  
Ram Narain Virmani, Seth.  
Rur Singh, Sardar.  
Sampuran Singh, Sardar.  
Sant Ram Seth, Dr.  
Shri Ram Sharma, Pandit.  
Sohan Singh Josh, Sardar.

#### NOES.

Abdul Hamid Khan, Sufi.  
Abdul Haye, The Honourable Mian.  
Abdul Rahim, Chaudhri (Gurgaon).  
Afzaalali Hasnie, Sayed.  
Ahmad Yar Khan, Chaudhri.  
Akbar Ali, Pir.  
Ali Akbar, Chaudhri.  
Amjad Ali Shah, Sayed.  
Anant Ram, Chaudhri.  
Ashiq Hussain, Captain.  
Badar Mohy-ud-Din Qadri, Mian.  
Balwant Singh, Sardar.  
Bhagwant Singh, Rai.  
Binda Saran, Rai Bahadur.  
Chhotu Ram, The Honourable  
Chaudhri Sir.  
Dasaundha Singh, Sardar.  
Dina Nath, Captain.  
Faiz Muhammad, Shaikh.  
Faqir Chand, Chaudhri.  
Faqir Hussain Khan, Chaudhri.  
Farman Ali Khan, Subedar-Major  
Raja.  
Fateh Jang Singh, 2nd-Lieutenant  
Bhai.  
Fateh Muhammad, Mian.  
Fateh Sher Khan, Malik.  
Fazal Din, Khan Sahib Chaudhri.  
Fazal Karim Bakhsh, Mian.

Ghazanfar Ali Khan, Raja.  
Ghulam Mohy-ud-Din, Maulvi.  
Ghulam Rasul, Chaudhri.  
Girdhari Das, Mahant.  
Gopal Singh (American), Sardar.  
Gurbachan Singh, Sardar Sahib  
Sardar.  
Habib Ullah Khan, Malik.  
Haibat Khan Daha, Khan.  
Hans Raj, Bhagat.  
Het Ram, Rai Sahib Chaudhri.  
Indar Singh, Sardar.  
Jagjit Singh Man, Sardar.  
Jahangir Khan, Chaudhri.  
Jalal-ud-Din Amber, Chaudhri.  
Jugal Kishore, Chaudhri.  
Khizar Hayat Khan Tiwana, The  
Honourable Nawabzada Major.  
Kishan Das, Seth.  
Manohar Lal, The Honourable Mr.  
Muhammad Ashraf, Chaudhri.  
Muhammad Faiyaz Ali Khan,  
Nawabzada.  
Muhammad Hassan, Khan Bahadur  
Makhdum Sayed.  
Muhammad Hayat Khan Noon,  
Nawab Malik Sir.  
Muhammad Hussain, Chaudhri.



Muhammad Raza Shah, Jeelani,  
Makhdumzada Haji Sayed.  
Muhammad Saadat Ali Khan, Khan  
Sahib Khan.  
Muhammad Sarfraz Khan,  
Chaudhri.  
Muhammad Sarfraz Khan, Raja.  
Muhammad Shafi Ali Khan, Khan  
Sahib Chaudhri.  
Muhammad Wilayat Hussain Jee-  
lani, Makhdumzada Haji Sayed.  
Muhammad Yasin Khan, Chaudhri.  
Mukand Lal Puri, Rai Bahadur Mr.  
Muzaffar Ali Khan Qazilbash, Sar-  
dar.  
Muzaffar Khan, Khan Bahadur  
Captain Malik.  
Muzaffar Khan, Khan Bahadur  
Nawab.  
Narendra Nath, Diwan Bahadur  
Raja.  
Nasir-ud-Din, Chaudhri.  
Nasrullah Khan, Rana.  
Naunihal Singh, Mann, Lieutenant  
Sardar.  
Nur Ahmad Khan, Khan Sahib  
Mian.  
Pir Muhammad, Khan Sahib  
Chaudhri.

Prem Singh, Chaudhri.  
Pritam Singh Siddhu, Sardar.  
Ram Sarup, Chaudhri.  
Ranpat, Chaudhri.  
Rashida Latif Baji, Begum.  
Ripudaman Singh, Thakur.  
Roberts, Professor W.  
Sahib Dad Khan, Khan Sahib  
Chaudhri.  
Santokh Singh, Sardar Sahib Sar-  
dar.  
Shahadat Khan, Khan Sahib Rai.  
Shah Nawaz, Mrs. J. A.  
Shah Nawaz Khan, Nawab Khan.  
Sham Lal, Rai Bahadur Chaudhri.  
Sikander Hyat-Khan, The Honour-  
able Major Sir.  
Sita Ram, Lala.  
Sultan Mahmud Hotiana,\* Mian.  
Sumer Singh, Chaudhri.  
Sundar Singh Majithia, The Honour-  
able Dr. Sir.  
Suraj Mal, Chaudhri.  
Talib Hussain Khan, Khan.  
Tara Singh, Sardar.  
Tikka Ram, Chaudhri.  
Ujjal Singh, Sardar Sahib Sardar.  
Uttam Singh Dugal, Sardar.

*Special Development Fund.*

**Sardar Hari Singh** (Kangra and Northern Hoshiarpur, Sikh, Rural) :  
I beg to move—

That the item of Rs. 55,00,000 on account of constitution of a Special Development Fund be reduced by Rs. 101.

With your permission I propose to discuss all the cut motions standing in my name with respect to this item together. This item of Rs. 55,00,000 is the most important and I think the biggest demand contained in the Supplementary Estimates (Third Instalment). The object of this demand is stated to be as follows :—

The proposed fund will be utilized for special intensive beneficent activities. Programmes of intensive development and uplift, extending over a limited number of years specially in rural areas, are being carefully studied, and will in due course be placed before the Assembly. It is contemplated to establish a net work of nation-building activities along all recognised lines throughout the province by means of this Fund. In this Province, the constitution of such a Fund represents a distinct financial departure in the interest mainly of rural uplift; a cause which Government regards its special concern and care. It is believed that new vigour will be instilled in our rural beneficent activity as the fruits of this Fund show themselves in carefully considered programmes energetically pursued.

Mr. Speaker, this object, as stated here, is no more than a statement of vague generalities. No concrete programme has been laid before the House.

[ S. Hari Singh. ]

for which a sum of Rs. 55,00,000 is demanded by the Honourable Minister for Finance. The idea of the constitution of a Development Fund is a very welcome idea. If our rural life is to be rejuvenated, if we are to put fresh life and fresh blood into the dead bones of our countryside, we do want a development fund of some sort as the Premier wants a federation of some sort. (*Hear, hear*). I would submit that we do want not only 55 lakhs, but 55 crores for this purpose; but I would not put this huge amount into their hands so that they may play ducks and drakes with public money. We want a well-planned and well-co-ordinated and well-devised scientific programme, a long-term programme and a short-term programme on the lines of those adopted by other countries such as the United States and Russia for the uplift and development of the countryside. But I must enter an energetic caveat against the manner in which the Finance Minister is trying to create this fund. I must protest against the creation of this fund through the door of a supplementary demand. Hilton Young in his book on finance says that the supplementary demand is required to meet unforeseen and unforeseeable contingency. This demand does not fit in with that definition given by that high authority. I am not protesting against the creation of that fund but against the manner in which it is sought to be created. It would be more appropriate to characterise it as a vote of credit in two respects: in its magnitude and secondly in the vagueness of the details of the object for which it is demanded. It lacks sudden emergency of a vote of credit: it is neither a supplementary demand nor a vote of credit. The manner in which 55 lakhs is going to be put into a certain fund is the thing I protest against. The appropriate course for the Finance Minister would have been to bring in a resolution before the House stating that Government wants to create a special development fund for this purpose to carry out such and such programme and to lay its cards on the table and give us a concrete and detailed programme for say 3, 4 or 5 years and then ask us to vote this sum. Fifty-five lakhs is not a small sum considering that the budget of the province is only 11 crores or thereabout. The method by which this fund is sought to be created is objectionable. Government cannot say after being in office for 11 months that it is a baby in swaddling clothes and that it had no time to formulate its programme. It cannot say that. They have not been hibernating so long. If money is sanctioned what will be the situation? Fifty-five lakhs will be put into a certain fund and the Government will have this sum at its disposal and will spend it in any way it likes. During the course of next year it will spend 10 lakhs on a certain programme which is not before us. Only vague generalities and nebulous programme are laid before us; and at the end of the year we will find that the programme is not a good one and the money is misspent. We want to tell the Government that it should stop its programme. We do not want to give it any more opportunity to spend money out of that fund. We want to tell the Government that it should not spend any more money because the spending of the money which has already been put into that fund, will not be open to the vote of the House. The proper course will be to bring in a resolution and if the resolution is accepted by the House then annually they should come before the House for its approval by means of that resolution. Let us establish a convention that whatever is going to be spent out of

that fund is spent with the approval of the House. In this way if the money is granted through the supplementary demand it will be put in a certain fund and whatever will be spent will not be subject to the vote of the House at all. My friend, Lala Duni Chand, has put me a question, if it is so. If he refers to the budget, page 577, he will find that the outgoing amount from this fund will not be voted by the House. It will be spent at the sweet will of the Treasury benches. There is a strong suspicion in our minds that this fund may be spent in carrying out the Unionist propaganda generally, and we have got strong foundations for that suspicion because already we find that the loud speakers and other machinery of the rural reconstruction department has been used for carrying on the propaganda of party politics. Unless the House is assured that no politics will be allowed to enter into the work that is sought to be carried out we cannot give our concurrence to the creation of this fund. We want a definite assurance that this fund is going to be created for general uplift work and not for carrying on party propaganda. The work already carried out in the name of rural uplift has not been satisfactory. It may be satisfactory from the statistical point of view, but from the point of view of actual realities and actual work done is not satisfactory. I say without fear of contradiction that the work has been bogus, that there has not been any real or genuine work. What is needed? If we want that the countryside of the Punjab should come to its own, if we want to give the Punjab peasant a better living, better health, joy and happiness, it is essential that we must improve his economic condition. You cannot preach a sermon on *pucca nalas*, *roshandans* and other things to the hungry people. As long as the Punjab peasant is hungry, and does not get two meals a day, it will be useless to preach to him that he should spend his money by incurring debt on having *pucca nalas*, *roshandans*, mosquito nets and so on and so forth. As long as you do not provide him with bare necessities of life he will not listen to your counsels on sanitary propriety and other things which you preach. That is the first essential for the problem of rural uplift, nay, it should be made a condition precedent to any scheme for rural uplift. It is essential that by means of reduction in land revenue, by means of adopting more equitable system of taxation and by liquidation of debts and by settlement of the question of debts, the peasants' economic condition should be improved. Unless his condition is improved he is not going to hear your counsels for better houses, better *nalas*, so on and so forth. Further, if we want to improve our household conditions and if we want to improve our social life, it is essential that the message of rural reconstruction and uplift must be carried

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into households, to the ladies inside the household and to the mistresses of our household; and girls' education must be concentrated upon. I want to know from the Honourable Finance Minister and other members of the Treasury benches as to how many lady workers are engaged for the next year to carry on the rural reconstruction work into Punjab homes, and how they are trying to carry rural welfare into Indian homes. What are they doing? I want a definite answer to that question. With these remarks I move my cut motion.

**Mr. Speaker:** Demand under consideration, motion moved is—

That the item of Rs. 55,00,000 on account of constitution of a special Development Fund be reduced by Rs. 101.

**Diwan Chaman Lall** (East Punjab, Non-Union Labour): Sir, I may be allowed to raise a point of order regarding this supplementary grant. The point of order is this. This particular item should not be included in the supplementary grant. According to parliamentary practice a supplementary grant is a grant which arises out of excessive expenditure arising in the course of one session and presented in the next session, but not creating a new head, as this grant seeks to create, for the expenditure of surplus, which will arise at the time of the presentation of the main budget. The two points I would bring to your notice are these: Firstly, strictly speaking it is not a supplementary grant; and secondly, this is in anticipation of the budget and the amount is not in hand at the time of the presentation of the supplementary grant. It is not in the hands of the Honourable Finance Minister to deal with it, as he is seeking to deal with it on the floor of the House. If you look to *Campion*, page 95, you will find that a supplementary grant is described as supplementary to the main grant. Heads are there and further money is required for the provision of those heads and the Government find at a particular stage in a session that they want more money. If they require more money then they come with a particular demand before the Assembly at the next session. It may be that certain contingency has arisen, i.e., purchase of land or certain works of art, or a contingency of a similar nature; then the Government can come forward with a supplementary grant, but not in this manner. Now, *Campion* on page 95 says:—

Debate on the Supplementary Estimates is more strictly financial in character than on the Main Estimates owing to the narrow limits within which it is confined by the rule of relevancy, and often descends to the minutest detail. These Estimates occasionally raise large questions, but more often only present an opportunity for embarrassing the Government by protracted discussion, for not only have they to be voted without the benefit of a system of closure such as that under which the Main Estimates are voted, but they have to be voted well before the end of the financial year during the busy weeks at the beginning of the session.

If you turn to *Durell*, page 47, you will find:

Supplementary estimates, when treated as customary and as a matter of course, instead of being restricted to occasions of unforeseen contingencies, do more to destroy effectual parliamentary control than any other indirect method that could be devised.

In no case can it be held that this is an unforeseen contingency for the creation of the Development Fund. It goes on to say:—

They are, however, for one service or another annually recurring necessities.

Nor can it be said that this Development Fund is an annually recurring necessity. Further on:

They may be presented either—

- (i) For a further grant to a service already sanctioned and voted for, or
- (ii) For a grant for a further occasion of expenditure arising since the estimates were presented—
  - (a) for expenditure newly imposed on the executive by statute,
  - (b) to meet an unexpected emergency.

The particular items regarding which a supplementary grant may be moved have been specified by *Durell* and they are (a) further grant for expenditure newly imposed on the executive by statute; and (b) further grant to meet an unexpected emergency.

I am not going into the merits of this particular problem. I will discuss it later when this matter is debated after your ruling. But I do submit that this is a most extraordinary procedure to adopt. The Honourable Finance Minister wants to take possession of 55 lakhs and create a fund by means of a supplementary grant with an excess which does not arise until the new budget is presented. How do we know that this surplus will not disappear? How can my honourable friend anticipate the actuality of the surplus? It can only arise at the time when the next budget is presented. Apart from this, how on earth or under what rule or procedure can this Special Development Fund be taken as a supplementary grant? He should come before the Assembly when the main budget is presented. Why should he come through a back door by means of a supplementary grant? My honourable friend has no justification to act in the manner in which he is choosing to act. The Honourable Premier says, 'No'. (Premier: I never said so). Then my honourable friend is taking up a neutral attitude. I hope the neutral attitude that he takes up will be with an open mind, mind open to conviction. If he is open to conviction in regard to the definition of supplementary estimates, he will withdraw this demand and come with this demand in the main budget.

**Minister for Finance** (The Honourable Mr. Manohar Lal): I have not been able to follow the technical arguments which have been advanced on the other side of the House. The scope of supplementary estimates is undoubtedly limited. That cannot be questioned. Normally a supplementary estimate refers to a demand for further money which has become necessary owing to certain unforeseen and other expenditure. That is undoubtedly so. But I do not understand the objection to the creation of this fund on the strength of any technicality. Let me clear first the ground so far as estimating is concerned. We are absolutely convinced that a sufficiently large surplus during the year 1937-38 is arising to enable us to constitute this Special Development Fund. I have also already intimated to this House in the clearest possible language that every expenditure from this fund to be incurred during the years that come will be incurred naturally with the fullest possible sanction and approval of this House. The matter from year to year will be duly placed in our Estimate of Income and Expenditure. As a matter of fact the budget has been presented, as everybody knows, on the 1st of this month, and in this budget I have intimated, and I made a special and pointed reference to it in my budget speech, that on the receipt side out of this fund of 55 lakhs I have placed against beneficent department a sum of 6 lakhs. Corresponding to that we have placed on the expenditure side a sum of 6 lakhs broken up into the various beneficent departments which would not have been there but for this fund.

Not only that, but it would be remembered that it was pointed out very strongly in this House last June, when I was presenting the budget for the year 1937-38 and when it appeared that in the year 1936-37 a substantial surplus was likely to emerge, in fact it was made a matter of complaint by honourable members and I am glad it was so made a matter of complaint, that such a large surplus was being allowed to merge into our balances from which it was not possible to exhuise it again. It was to carry out the wishes of the House that I inquired into the possibilities of

[ Finance Minister. ]

financial procedure, and studied how we could make the best use of this large surplus that was arising in 1937-38, and after consulting the highest financial authorities in this country, and I—if I may assure the House—found myself in the completest concurrence with those authorities, your Government decided to constitute this fund. The object of this fund is entirely admirable and one I trust every single member here must warmly endorse.

**Diwan Chaman Lall :** We are not considering the object.

**Minister for Finance :** I know what you are considering. I am not unconscious of that. I am perfectly aware. Shelter is being sought behind an empty technicality. (*Interruption*).

It is an empty technicality to assert that it is not open to this House to constitute a fund. The object of the fund is admirable and has received wide and whole-hearted approbation. I for one cannot conceive of any small technicality based merely on such guidance as our friends opposite can discover in the pages of Durrel on the ordinary normal case of what sometimes is called over-spending. We are not here concerned with over-spending over and above what we ask this House to give us because more money is to be spent this year. That is not the object of the fund. One has to understand the object of the fund to realise the complete fallacy that underlies the technical objection raised. We have the money. The surplus is there. Government's word should be good enough for that. (*Laughter from the Opposition benches*). "Easy laughter." But the fact is incontestable. The money is there and the wish to devote it to a particular purpose and in order that the purpose shall be carried out fully and not, if I may say so, foolishly by squandering the money, but spending it in the most fruitful possible manner, this fund is being created.

**Mr. Speaker :** What is the object of this fund ?

**Minister for Finance :** The object of this fund is—during the next five or six years by withdrawals from this fund, to carry forward, as I have expressed in very explicit language in the Memoranda, the work of intensive rural uplift.

**Sardar Hari Singh :** Sir, I rise to a point of order.

**Minister for Finance :** I do hope that it is a genuine point of order and not an effort to interrupt.

**Sardar Hari Singh :** The point before us is that this demand is not a supplementary demand. He has to deal with it from the legal point of view and not to state the object of the fund.

**Mr. Speaker :** The Honourable Minister may proceed.

**Minister for Finance :** That is no point of order. What I would submit to this House once again is this ; do not be carried away by the mere letter of the law as one disentangles it in the complicated exposition of the matter in the pages of Durrel. This is a fixed fund from which year by year during the period that the Government proposes to carry on this intensive programme a withdrawal will be made, it will be submitted to this House and corresponding expenditure will be made.

May I say that the first withdrawal from this sum of 55 lakhs is proposed in the budget estimates for 1988-89 that I placed before this House on the 1st of March. It is not a supplementary demand for money wanted during the year in any narrow or ordinary sense as one may judge from a hasty perusal of Durrel. It is not over-spending of money during the current year. The main object is two-fold. Not to allow this money to pass into the balances and become idle money but to keep it alive for use under the guidance and control of this House for an unexceptional and laudable object. That is the meaning of this fund and I am not aware of any technical rule that stands in the way of its creation and the highest financial advisers in India have supported us in the creation of this fund. The supplementary demand is to enable this appropriation—in technical language additional grant—to be made now. I am not aware of any technicality which prevents the Government creating this fund.

**Dr. Gopi Chand Bhargava :** May I put one question? I want to know if this money had not been set aside by the creation of a special fund, would it have gone to the revenues, to the next year's surplus? Would anything have stood in his way of spending 6 lakhs for the beneficent departments as he proposed to do out of this fund?

**Minister for Finance :** This would have gone into the balance from which I could not have exhumed it.

**Premier (The Honourable Major Sir Sikander Hyat-Khan) :** May I with your permission say a few words, because there seems to be a danger of some misunderstanding from the remarks which my honourable colleague the Finance Minister has made? They might not have been quite clear to my honourable friends opposite. May I crave your attention also to these words because it is a highly technical thing as everybody realises and that is why the difficulty has arisen. Now it may not be in the ordinary sense of the word, technically, a supplementary demand, that we are asking the House to give us money, money out of the funds available with us at the moment with a view to create this fund. It is not that we are asking the House any money. That is the point which I want to bring to your particular notice, because there is a great deal of misapprehension about this. We are asking the House to give us 55 lakhs of rupees for the fund at the disposal of the provincial exchequer, and that is to be taken away from the provincial exchequer and put into a separate fund. That is the position; we are asking the House to give us a grant, an additional grant, which we could not anticipate at the time when the last budget was presented. It was only after that budget had been presented that we came to know that this money was available. The net result of not availing ourselves of this opportunity to take away this money from our available funds at the moment would be that it would merge into our balances and we will not be able to exhumate it as my honourable friend, the Finance Minister, has stated. It would merge, as it did last year, into the provincial balances. If you read the note under Demand 17, you will clearly see that Rs. 31 lakhs, the surplus during the previous year, merged into our balance and once this is done you cannot take it. There are certain canons of finance which we have to follow. Now, how can we keep this money or how can we arrest this money from merging into those balances again this year? We wanted to arrest it before it merged into the balances and so we thought the easiest

[Premier.]

way was to create a fund. As you know we create funds for other purposes ; we have got for instance, the famine relief fund. We can create any number of funds which this House may desire to create. Why we wanted to create this fund at this particular juncture instead of doing it next year is that if the money merged into balances, it would be difficult to exhumate it. That is the first reason. The second reason is that by creating that fund and bringing this as a supplementary demand before the House or asking the House to grant us that money or permission to take that money from the provincial balance or provincial exchequer and to put it into a fund, we would be seeking the approval of the House at the same time ; because a supplementary demand, unless it means additional expenditure in regard to an item on which we have already spent the money, also means that we want the money from the House and the approval of the House is necessary. For the two-fold purpose of getting the approval of the House as well as of arresting that money from merging into the balances, we had to bring this before the House as a supplementary demand. Now, it does not mean that that fund would be spent in one year or in two or three years, as has been explained, but that fund would merely serve as a treasury for the work which we have in view. Every year we will take out certain sum. Next year, as pointed out by the Finance Minister, we are taking six lakhs out of that fund and putting it into the expenditure side as well as on the income side so that the budget may be balanced. Now, that is the technical side of the question and I hope I have made it quite clear that if we did not arrest that money it would be merged into balances and we would have been in the same predicament as we were last year when some of our surplus balance merged into the provincial balances. With regard to this particular matter I had also some doubts—let me inform the House—as regards the technical propriety of this thing. (*Hear, hear*). I had my own doubts—I am not a financier, but I know something about it, and I at first thought that it may not be appropriate to create this fund through this channel. Therefore my colleague, the Finance Minister consulted the highest authority. He consulted the Accountant-General and I believe he also consulted the Auditor-General. It was after they had endorsed this point of view which I have presented to the House that we put it up in the form of a supplementary demand before this House. Now we are asking for money and therefore it is a demand and since we did not ask for it when the budget was present, it is a supplementary demand. Our other object, an even more important object, as I have explained, is that we wanted the approval of this House and so far as the merits of the case are concerned, I believe no one in this House would possibly challenge it.

**Malik Barkat Ali :** May I ask for some information ? We are really very grateful to the Honourable Premier for his speech. As I understand the Honourable Finance Minister, the position is this. Sixty-one lakhs is the surplus and out of this, 55 lakhs is being transferred to a special fund. The argument of the learned Finance Minister is this : that if we do not transfer these 55 lakhs to the special development fund, it must necessarily merge into the general provincial balances. Is that the technical position ?

Another point is, whether it is not open to the Honourable Finance Minister or to this House to take away the 55 lakhs from the general provincial



balances again and constitute it with the new year into a special fund. My learned friend has admitted that nothing of this is going to be spent this year and even as regards next year it is only 6 lakhs that is going to be spent and is going to be shown on the income side and on the expenditure side of the budget. Therefore what I have not been able to understand is this. This is a supplementary grant for the present year. Now, is it possible to have a supplementary grant which is not going to be spent on any particular item? (*Hear, hear*). You may be right in constituting your Special Development Fund, but you can certainly constitute this fund with the next year's budget. Why constitute it to-day in the form of a supplementary grant, unless it is not open to this House to take away the 55 lakhs from the general provincial balance?

**Sardar Sampuran Singh:** This question has been discussed and more or less the whole House seems to be unanimous on one point that so far as technicalities and canons of finance are concerned, this item should not come as a supplementary demand.

**Premier:** I said nothing of this kind. This is the only way it should come before the House.

**Sardar Sampuran Singh:** By a resolution and not by a supplementary demand.

**Premier:** May I point out to my honourable friend that you cannot appropriate money by a resolution but you can by a regular demand for grant. It must come in the form of a demand.

**Sardar Sampuran Singh:** One thing is certain and you cannot go against it. The Honourable Finance Minister stated that we are taking shelter behind mere technicalities. Again he has said that we do not want to be carried away by the mere letter of law. This is exactly what the Honourable Finance Minister said. I took these words out of his mouth and noted them down. If we are not here to observe these technicalities of law and the letter of law I am afraid there will be confusion and everything will go wrong in this House.

**Premier:** That is why we have come with a supplementary demand.

**Sardar Sampuran Singh:** You have also said that if we were to follow this procedure we will have to follow the canons of finance. These are your words.

**Premier:** Your words?

**Sardar Sampuran Singh:** Your words.

**Premier:** I am afraid my honourable friend did not follow me.

**Sardar Sampuran Singh:** I have noted them down and we can then compare them.

**Premier:** The honourable member is basing his arguments on something I did not say. What I said was that we have to work these things according to the right canons of finance. I did not use the word "not." I said that this is in strict accordance with the canons of finance.

**Sardar Sampuran Singh:** That is exactly so. We are trying to follow the canons of finance.

**Premier :** No, we are trying to follow them.

**Sardar Sampuran Singh :** Perhaps you have changed your views.

**Premier :** I think it has dawned upon you now.

**Sardar Sampuran Singh :** I would request my honourable friend not to unnecessarily interrupt me. I have only to submit one thing and that is the only justification that has been put forward by the other side that this was surplus money which we had during the last year and we wanted to use it for this laudable object and therefore we are creating a new head of demand and it should be passed.

**Premier :** I am sorry to interrupt my honourable friend again but there is again some misapprehension in his mind. Nobody said that this money was saved from last year. This amount consists of several items, not only the money which was saved last year, it also includes several items including what we are to get from the Government of India.

**Sardar Sampuran Singh :** Is it not a surplus money from the last year's estimates? I mean current year.

**Premier :** Last year and current year are quite different things. My honourable friend does not know even these elementary terms of finance.

**Sardar Sampuran Singh :** What I mean to say is that in view of these admissions that these are mere technicalities and that they do not want to be led away by mere letter of law and that they do not want to bring this item under the strict canons of finance, I will say nothing more than read a few lines from Parliamentary Grants by Durrel, page 49 :—

The fact that circumstances have unexpectedly increased the revenue since estimates were made does not in itself justify supplementary estimates. The surplus should be treated in the recognized manner and be taken in the diminution of the national debt. Supplementary estimates however are less objectionable than an excess vote.

**Premier :** That is what we have done.

**Mr. Speaker :** May I request the honourable occupants of Treasury benches not to make remarks, as they are misunderstood and create heat.

**Sardar Sampuran Singh :** I would not like to submit to the dogmatic views of the Treasury benches that if this surplus money is not converted into a special fund it will merge into the balances for the next year and the Government will not be able to take it out later on.

**Premier :** May I know if the honourable member is speaking on the point of order? It is a very highly technical subject and I would like to know whether the honourable member is discussing the point of order or the merits of the case. If only the point of order is to be discussed, then I think we should remain within the strictest confines of the subject before us.

**Sardar Sampuran Singh :** You are forestalling me.

**Mr. Speaker :** I cannot allow that dialogue to go on.

**Premier :** The honourable member should not meddle in these things.

**Raja Ghazanfar Ali Khan :** As a layman I have listened carefully to the speeches made on this question of point of order. As a matter of fact some of the honourable members instead of just confining their remarks to the point of order have gone to the merits of the case. I understand the

position is this. My honourable friend Diwan Chaman Lall has raised an objection that the Government had no right to ask the House to give them permission to set apart 55 lakhs out of the savings for the current year in order to create a fund for the welfare of the zamindars. The Government is not going to spend a penny out of this 55 lakhs during the present financial year, the only object being that they should be permitted to create a fund instead of letting the amount—to lapse into the general balances. I personally would request you to kindly consider whether the Government are not authorized to do so. If they are not authorized to do so, under what rule? The honourable member opposite has not given any reference to any rule or section of the Government of India Act or any rule or procedure under which he raises his objection. The object of a supplementary grant is that the Government can come before the House and ask for permission to allow them to spend money on an item which they did not anticipate while they presented the budget. Naturally Government could not anticipate that there would be any saving to the tune of 55 lakhs within the present financial year. Therefore what the Government do now is this. My honourable friend will agree that the Government are perfectly entitled to ask the House to give them permission to spend 55 lakhs on any items which they could have included in the budget, but instead of doing that the Government ask that the House may allow them to make a sort of book transfer instead of letting this money lapse. They set aside this 55 lakhs to create a new fund. Therefore in my humble opinion this can be permitted as expenditure. I do not know whether you are going to give your ruling on the point.

**Mr. Speaker :** No, I am not giving any ruling.

**Raja Ghazanfar Ali Khan :** Kindly see that the Government are within their rights in asking the House to allow them to spend Rs. 55 lakhs, not to spend but just to make a book transfer from one head to another and create a fund which the Government want to increase in the subsequent years to the extent of 75 lakhs and out of which amount they want to spend money for the uplift of the zamindars.

**Diwan Chaman Lall :** Only one or two points I wish to refer to. First, Mr. Speaker, I wish to draw your attention to section 81 of the Government of India Act. I want my honourable friend the Finance Minister to pay special attention to the wording of this section. The reason why I want him to pay special attention is this, that I do not think that he has really seriously considered the objection that we have raised on the floor of the House, otherwise he would not have stated what he stated and the Honourable Premier would not have stated what he did state that we must not try to bind ourselves to the mere letter of law or technicalities. The Honourable Finance Minister will bear me out that he used that expression.

**Minister for Finance :** Yes, but in a context.

**Diwan Chaman Lall :** Coming from the Finance Minister it is an observation of a most serious nature.

It is the duty of the Finance Minister to tie himself strictly down to technicalities. If he wants to safeguard the finances of this province, it is his duty, as Minister for Finance, to tie himself down strictly to the letter of

[Diwan Chaman Lal.]

the law and not allow any breaches of the law or breaches of technicalities. It is his job and if he does not know his job, it is about time that he made way for others who knew the job. Section 81 says—

"If in respect of any financial year further expenditure from the revenues of the Province becomes necessary over and above the expenditure theretofore authorised

....."

Those are very expressive terms employed in the Government of India Act. The Government can come forward with a supplementary grant only in respect of expenditure already authorised and over and above that expenditure already authorised. If there are five hundred items of expenditure in the ordinary budget which will be authorised by the House and if any further expenditure is required in respect of those items, then they can come forward by means of a supplementary grant. This bars my honourable friend entirely if he will just listen to the argument regarding the financial propriety relating to this particular demand. I started by stating that, according to parliamentary procedure, this cannot be considered strictly to be a supplementary grant. There is no difficulty for my honourable friend in utilising this particular method by means of a resolution. My honourable friend, Raja Ghazanfar Ali, says that no money is to be spent but only authority of the House is required. If only authority is required, then it is not a supplementary grant. You can, by means of a resolution, ask the House to permit you to utilise the money in this manner. I would submit further, if my honourable friend remains unmoved, regarding the technicality or legality of this procedure. I want to direct his attention to the provision of section 81 of the Government of India Act which debars him from utilizing this procedure that he has adopted. Section 81 of the Government of India Act is further as follows:—

The Governor shall cause to be laid before the Chamber or Chambers a supplementary statement showing the estimated amount of that expenditure, and the provisions of the preceding sections shall have effect in relation to that statement and that expenditure as they have effect in relation to the annual financial statement and the expenditure mentioned therein.

I, therefore, submit that legally my friend is out of court. My honourable friend could not create a new head which he could do in the ordinary budget.

**Premier :** If my honourable friend, by quoting section 81, means that no new item of expenditure can be brought in the shape of a supplementary demand before the House, then I beg respectfully to differ from him because if that had been the position, we would have been able to spend no money on new services in the year. That is an absurd position. What it means here is that "If in respect of any financial year further expenditure from the revenues of the province becomes necessary over and above the expenditure theretofore authorised", i.e., expenditure authorised up to that time, if any further expenditure is necessary, then we must come in the form of a supplementary demand. Now we have to appropriate this amount from the provincial fund and put before the House. (*A voice : Appropriation is not expenditure*). This is a surplus and we appropriate that surplus for creating a fund. When we come to the House for getting sanction of the expenditure, it will come on both sides of the budget. You have to balance the budget. It will come on the receipt side and then it will be

shown on the expenditure side under various heads. That is how we can balance the budget. If you leave it in the balance you will find that at the end of the year there will be surplus of 25 lakhs on one side but that does not necessarily mean that next year your income will be 55 lakhs more unless you appropriate the funds for a purpose. That is the accounting system.

**Minister for Finance :** I would just answer the question of Malik Barkat Ali. In his general exposition of the matter, so far as my position is concerned, I perfectly agree with him but he asked me a definite question that if this money had gone in the balance of say 1937-38, and this fund were not created, would it not be open to me to take a certain sum out of the balances as it became necessary and put it on our revenue side? My answer is 'No.' You cannot, from the balances, take a sum out and put it as a part of your revenue receipt. You cannot take out from your balances a sum of money and put it in any particular year on your receipt side. I think that the position is now perfectly clear and that is the complete answer.

**Mr. Speaker :** I do not propose to give a ruling but wish to place before the House what standard writers say on the point. In the books we use every day a supplementary or additional grant is defined as follows :—

(a) *House of Commons Manual of Procedure, 6th Edition, section 229.*—An estimate must be presented for a supplementary or additional grant when—

- (1) the amount named in the ordinary estimates for a particular service is found to be insufficient for the purpose of the current year;
- (2) when a need arises during the current year for expenditure upon some new service not contemplated in the ordinary estimates for that year. (Pages 201, 202).

(b) *The Procedure of the House of Commons by Campion.*—(1) The most usual kind of supplementary estimates are those presented at the beginning of each session in respect of the estimates of the previous session. They are, frankly, due to under-estimating and cannot be entirely avoided, as our financial system requires the estimates to be drawn up 5 or 6 months before the commencement of the financial year to which they apply. The money to cover these supplementaries is normally issued by the Consolidated Fund Bill, which has to be passed before the end of the financial year, and such money is appropriated by the Appropriation Act passed in the same session but in the following financial year.

- (2) The other kind of supplementary estimate is sometimes called an "additional" estimate, and provides money for some new head of expenditure arising in the course of the same financial year. (Pages 236-37.)

(c) *Parliamentary Practice by Sir Erskine May.*—A supplementary estimate may be presented either for a further grant to a service already sanctioned by Parliament, in addition to the sum already demanded for the current financial year, or for a grant caused by a fresh occasion for expenditure that has arisen since the presentation of the sessional estimates, such as expenditure newly imposed upon the executive government by statute, or to meet the cost created by an unexpected emergency, such as an immediate addition to an existing service, or the purchase of land, or of a work of art. (Page 500).

(d) *Section 81 of the Government of India Act.*—If in respect of any financial year further expenditure from the revenues of the Province becomes necessary over and above the expenditure theretofore authorised for that year, the Governor shall cause to be laid before the Chamber or Chambers a supplementary statement showing the estimated amount of that expenditure.

The expression is defined in many other authoritative works, but I have not got those works here. Now I leave it to the House to decide for itself.

**Premier :** We are very grateful to you. (*A voice :* He has come to your rescue). You must give us the credit for studying the whole position before bringing anything before the House. It was after very carefully studying the various technicalities and all the difficulties that we thought it appropriate to bring it before the House. (*Mr. Speaker :* I wish I also had been consulted). The fact is that the real difficulty arises over the word 'expenditure.' The question is whether it is going to be spent this year. My suggestion is that we are going to spend 55 lakhs out of the provincial revenues to create this fund just as we created the famine relief fund. You are aware, Sir, that we created that fund, we put money in that fund and we spent out of that fund every year. That fund, as you know, Sir, was created last year and we have put money into that fund. Now it is up to this House to sanction the expenditure out of that fund. We lay on ourselves this restriction that if we want to spend out of this fund we come to the House and we put in the budget on both sides—both on the receipt and expenditure side ; and the House has got the fullest right to discuss and even vote as regards that item.

In the technical sense of the word, we are spending money from our provincial revenues for a certain purpose. So, we want to create a fund for work in rural areas. It is not necessary that the whole amount should be spent. So we consider it necessary that a fund should be created during the present financial year and the money should be put in that fund. You cannot force anybody to spend the whole amount. I submit that the House has got the fullest power to do that if it were permissible considering our expenditure under various heads. Supposing we decide that we are not going to place the surplus of 55 lakhs of rupees about the end of the coming year in the rural uplift fund, and we allow that surplus to remain unfunded, it would merge in the balance that would come next year. We wanted to arrest that and we can arrest that by coming here and opening a new fund. Money is technically spent so far as provincial balances are concerned. We are allowed to take it out again next year and seek the sanction of the House, just as we do in the case of the famine relief fund and several other funds, which we have created under the old constitution. I do not think there is any objection from that point of view. Technically speaking, it is an expenditure and there is not the slightest doubt about it, because you take away money from your pocket and give it to somebody else to keep it.

**Malik Barkat Ali :** May I know, Sir, what the position is ? I take it that this House cannot be a party to any illegality. As you have been pleased to point out that the appropriation of 55 lakhs of rupees is not an expenditure during the current year within the meaning of the expression as used in section 81 of the Government of India Act, then my respectful submission is whether it is your ruling or the interpretation of the executive which is going to prevail.

**Mr. Speaker :** I have given no ruling. I have simply quoted from two or three standard works. The decision rests now with the House.

**Malik Barkat Ali :** I draw your attention to rule 21. It says—

The Speaker shall decide all points of order which may arise and his decision shall be final.

**Mr. Speaker :** As I am not an expert financier, the House or the occupants of Treasury benches, may decide the matter.

**Malik Barkat Ali :** The House is left in the dark. Nothing is explained to the House. Have you come to the conclusion that this is really an illegal demand? Will you allow the whole House to be made a party to this illegality? If this is a point of order, I beg of you to give your ruling, so that the matter may be decided one way or the other. The Treasury benches may seek some other legal method of appropriating this amount. May I take it that this is not the only way to legally constitute this fund? Other methods, by means of resolution, etc., may be resorted to. If this is the position as you have been pleased to elaborate and clarify with the wealth of authority at your command, then what is this House going to do?

**Mr. Speaker :** I think we should proceed to discuss the demand on merits. If any one feels so advised he may resort to a court of law.

**Diwan Chaman Lall (East Punjab, Non-Union Labour) :** After your very lucid exposition, may I be permitted to deal with the merits of this question? No doubt, you will permit me to say one word regarding your last remark. It has been decided by us that we shall take your advice and move in the proper manner in regard to this matter before the Federal Court, if necessary, in order to get a proper ruling.

**Mr. Speaker :** I have nothing more to say.

**Diwan Chaman Lall :** That is a different matter. We may seek your advice and make you a party. This fund has been constituted by my honourable friend and I notice that full effect of propaganda that can be utilised by my honourable friends opposite, has been utilised by them in order to boost this new departure of theirs in utilising, as they say, the sum of 55 lakhs of rupees for the purpose of rural benefit. I notice that first of all we have this supplementary grant, then I notice this explanatory statement on page 12 of the explanatory memorandum and then I notice that not content with this statement, the Honourable Premier, apparently suffering from an inferiority complex regarding propaganda, goes out of his way and repeats word for word what the Honourable Finance Minister had already stated on the floor of the House regarding the budget, in the shape of an interview with an organ of the Unionist Party—*The Civil and Military Gazette*. (A voice : That is the intention.). My honourable friend says, 'That is the intention.' Their intention is merely to beat the drum. (Premier : Why not?) All drums are empty (Cheers). There is no doubt about the intentions of the Unionist Party. Those intentions are also empty without content (Cheers).

**Minister for Education :** If the drums are empty, we will only beat them.

**Diwan Chaman Lall :** You merely beat the drums but do nothing. In his interview with the representative of the *Civil and Military Gazette*, the Honourable Premier said :—

I shall regard the success of this programme as the most important achievement of my party in the service of the province.

Most important achievement! My honourable friend will not be so willing to shout here when I have explained the purport of this statement.

[Diwan Chaman Lall.]

My honourable friend says, 'I shall regard the success of this programme as the most important achievement.' This fund is a fund which is going to be utilised by him in six years. It consists of a surplus plus 11·4 lakhs given to us by the Government of India as our share under the award. Out of this fund they want to utilise 6 lakhs for the purpose of rural reconstruction, which will start, according to their statement, not this year but in 1939.

I will show my honourable friends that what I am stating is correct if my honourable friends will only see what the position is. My friends will see what we are doing, and yet we are told that the Congress provinces are doing nothing compared to what we are doing. (*A voice:* So, that is where the shoe pinches). It pinches you. I will tell you how it is proposed to spend these 6 lakhs during the course of twelve months starting from next year.

	Rs.
Improvement of rural water supply .. ..	1,00,000
Agricultural improvement .. ..	1,00,000
Consolidation of holdings through the Co-operative Department .. ..	50,000
Consolidation of holdings through the Revenue Department .. ..	50,000
Co-operative activities .. ..	50,000
Industries .. ..	50,000
Veterinary activities .. ..	50,000
Education .. ..	50,000
Public Health .. ..	40,000
Medical .. ..	10,000
General purposes .. ..	50,000
Total .. ..	6,00,000

If you consider this item, Mr. Speaker, in regard to the population of the province, you will come to the conclusion—I am not a mathematician, my honourable friend the Finance Minister is a better mathematician—that it will come to ·024 of a rupee per head per year. And this is the great boon that my honourable friend is going to confer on the province! It goes on increasing by a sort of geometrical progression. The first year it is 6 lakhs, the second year 12 and the next 18 and so on.

**Premier:** Sir, the guillotine will be applied at 6-15, and I hope that I shall be allowed to get three or four minutes to answer that question.

**Diwan Chaman Lall:** Mr. Speaker, as far as the Congress provinces are concerned, just look at the position. What is the position *qua* the Congress provinces? Here we have Madras figures for the beneficent departments—not 6 lakhs to be spent in twelve months but a sum of 36½ lakhs to be spent in twelve months, an extra amount over and above the budget. What is the extra amount that my honourable friend has sanctioned?



**Premier :** Forty-one lakhs ?

**Diwan Chaman Lall :** As far as expenditure on beneficent departments is concerned it is 16 lakhs more this year than it was last year. That is the total expenditure that my friend is wanting to spend on the beneficent departments. Let my friend read the explanatory memoranda and he will see what the figures are. He will find on this map—Beneficent departments expenditure last year 312 lakhs, and 328 lakhs this year, an increase of 16 lakhs.

Here are the Bombay figures. Thirty-five lakhs on prohibition and 39 lakhs on villages—new expenditure over and above the expenditure that they spent in the last budget. Bombay is spending 116 lakhs over and above what that province spent last year on the beneficent departments as against 16 lakhs here. And the six lakhs out of the Special Development Fund is less than double the amount paid to a handful of ministers and their secretaries as their salaries ! This is the great achievement of the Premier's party on which he would pride himself. This is how the Punjab leads ! The Punjab leads in toadyism. That is all the Punjab leads in (*Cheers*).

**Premier** (The Honourable Major Sir Sikander Hyat-Khan) : There are only one or two minutes. I do not want to take the time of the House. If my honourable friend thinks that he has helped the Congress provinces to get out of that dilemma, I think he has failed badly, for the simple reason that the figures he has quoted regarding expenditure, as he knows perfectly well, are telescopic. When the budget was presented last June the honourable members knew perfectly well that we had given an additional 24 lakhs for the beneficent departments, and to that additional 25 lakhs we added another 17 lakhs, which means an additional 41 lakhs for the year. My honourable friend the member for Labour who poses to be a friend of the zamindars would not like to listen to what we are going to do for the zamindar, he does not even care to listen to me. We want to spend money on the villagers. We do not want to go about merely saying that they are in trouble and difficulties. We want to show them our practical sympathy by spending money on them, by spending additional 41 lakhs as compared with 1936-37 budget. But that is not all. These 41 lakhs include 6 lakhs under the beneficent departments this year, and another 6 lakhs would be added, that is 12 lakhs above the annual grant next year and 18 lakhs the following year and so on, and that in addition to 41 lakhs. It will be telescopic increase and not static increase. So it comes to this, that while Madras is spending 30½ lakhs, we are spending a great deal more.

**Mr. Speaker :** The question is—

That the item of Rs. 55,00,000 on account of Constitution of a Special Development Fund be reduced by Rs. 101.

*The motion was lost.*

**Mr. Speaker :** The question is—

That a supplementary sum not exceeding Rs. 55,12,200 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1938, in respect of Miscellaneous.

*The motion was carried.*

*The following motions were put from the Chair and adopted :—*

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LOANS AND ADVANCES.

That a supplementary sum not exceeding Rs. 3,47,540 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1938, in respect of Loans to Municipalities and Advances to Cultivators, etc.

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POLICE.

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, 1938, in respect of Police.

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CIVIL WORKS.

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, 1938, in respect of Civil Works.

*The Assembly then adjourned till 2-30 P.M. on Friday, 4th March, 1938.*

# PUNJAB LEGISLATIVE ASSEMBLY.

2ND SESSION OF THE 1ST PUNJAB LEGISLATIVE ASSEMBLY.

Friday, 4th March, 1938.

The Assembly met at the Council Chamber at 2-30 P. M. of the clock. Mr. Speaker in the Chair.

## STARRED QUESTIONS AND ANSWERS.

\*1911 (*Vide Debates of 7th March, 1938*).

GIRLS SCHOOLS AT KAMALIA IN LYALLPUR DISTRICT.

\*1912. **Munshi Hari Lal** : Will the Honourable Minister for Education be pleased to state—

- (a) the number of girls schools at Kamalia in the Lyallpur district ;
- (b) whether two of these schools, i.e., the Arya girls' school and Sikh girls' school at Kamalia have been sanctioned any grant-in-aid to be paid annually by the Kamalia Municipality ; if so, whether it is a fact that the grant sanctioned for these schools has not been paid by the said committee for the last many years ; if so, why, and the action, if any, intended to be taken in the matter ?

**Parliamentary Secretary** (Mrs. J. A. Shah Nawaz) : I regret that the answer to the question is not ready.

**Munshi Hari Lal** : When will it be ready ?

**Parliamentary Secretary** : As soon as it will be ready it will be communicated.

**Diwan Chaman Lal** : When did the honourable member receive notice of this question ? May I enquire for how many days has the department been aware of this question on the agenda paper ?

**Parliamentary Secretary** : It takes some time to collect the information. When the honourable member has been told that as soon as the reply is ready it will be communicated to him, he ought to be satisfied with it.

**Diwan Chaman Lal** : May I ask the honourable member if she is aware that communicating a reply regarding a starred question robs this House of supplementary questions ?

**Lala Deshbandhu Gupta** : Is not a fortnight's notice considered sufficient by the Government ?

**Premier** : Not always. It depends on the information which is to be collected.

RECOGNITION AND GRANT-IN-AID TO ARYA PUTRI PATHSHALA AT DERA  
GHAZI KHAN.

\*1913. **Munshi Hari Lal** : Will the Honourable Minister for Education please state whether a representation has recently been made to the Government by the managing body of the Arya Putri Patshala at Dera



SIZE OF PLOTS FOR BUILDING PURPOSES.

**\*1915. Rai Bahadur Binda Saran :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that in the building schemes or town planning schemes, recently prepared by the town planner, Lahore Municipality, the areas have been divided up into building plots of definite sizes ;
- (b) whether it has been brought to his notice that fixed division has proved very embarrassing to the owners in the sale of these plots, as the purchasers cannot purchase plots according to their needs ;
- (c) if the answers to (a) and (b) be in the affirmative, what action, if any, Government intend to take ?

**The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana :** (a) Yes.

(b) Yes, representations to this effect have been received by Government.

(c) The matter is receiving the consideration of Government.

**Mian Muhammad Iftikhar-ud-Din :** Is it a fact that in the whole world nowhere more than 8 kanals are required for building a house ? If so, how is it that the Lahore Town Planner has prescribed much more than 8 kanals in certain areas ?

**Minister :** I am not aware about the conditions all over the world. But so far as Lahore is concerned, I have said that the matter is receiving the consideration of Government.

GATE MARKED AS " PONIES AND INDIANS " IN LAHORE XMAS POLO TOURNAMENTS.

**\*1916. Nawabzada Muzaffar Ali Khan Qizilbash :** Will the Honourable Premier be pleased to state—

- (a) whether his attention has been drawn to the fact that in the programme of the Lahore Xmas Polo tournaments issued by the Tournament Committee of the Xmas Polo tournament, one special gate has been marked for " ponies and Indians " ;
- (b) if so, whether he proposes taking any action to prevent the repetition of such incidents in future, which are derogatory to the Indian sense of self-respect ?

**The Honourable Major Sir Sikander Hyat-Khan :** (a) Yes. The tournament authorities have explained that it was a printer's error for "Ponies and Syces".

**Mian Muhammad Iftikhar-ud-Din :** I have got in my possession a programme of eight years ago with the same words written on it and I am rather surprised that the printer has been making that mistake consistently for the past eight years.

**Premier :** How is the honourable member aware that that was not printed eight years ago—that sign board ?

**Mian Muhammad Iftikhar-ud-Din :** It is not the sign board. Is the Honourable Premier aware of the fact that even on the programme card this is written ?

**Premier :** I am not aware. But why should I be aware of what is done by the tournament committee ?

**Mian Muhammad Iftikhar-ud-Din :** Because this is a thing happening in the province of the Honourable Premier, where the Indians are being insulted like this.

**Premier :** They will not be allowed to be insulted any more.

**Mian Muhammad Iftikhar-ud-Din :** But would it not be incorrect to say that it is a printer's error, when this has been happening every year and thousands and thousands of cards are being printed ?

**Premier :** It is not a question of printer's error. This particular matter was brought to our notice and we addressed them and the reply that I have received I have communicated to the House. I am equally indignant with my honourable friend who has put this question with regard to this matter. (*Hear, hear.*)

#### POLITICAL PRISONERS.

**\*1917. Chaudhri Kartar Singh :** Will the Honourable Minister for Finance be pleased to state—

- (a) whether it is a fact that political prisoners interned in the jails of Lahore, Montgomery and Multan, are on hunger-strike ;
- (b) whether it is a fact that the hunger-strikers are kept in separate cells ;
- (c) whether it is a fact that the cells in the above-named jails are not made of brick and that the prisoners have to answer the call of nature and make water in those very cells ;
- (d) the reasons for not keeping the hunger-strikers in the hospital wards of the above-mentioned jails ;
- (e) whether it is a fact that the cells in which the political prisoners and hunger-strikers are kept in the Montgomery jail were previously used by prisoners suffering from tuberculosis ?

**The Honourable Mr. Manohar Lal :** (a) It is no longer a fact.

(b) Does not arise.

(c) Some cells are made of pucca bricks, others of sundried bricks. Standard utensils are provided for the calls of nature.

(d) They were not ill.

(e) No.

**Chaudhri Kartar Singh :** Is it a fact that Buta Singh and Piara Singh were confined in those cells ?

**Minister :** Some of the prisoners have been transferred to the Lahore Central Jail.

**Chaudhri Kartar Singh :** Is the Honourable Minister aware of the fact that the Montgomery jail has been used for tuberculosis prisoners for many years ?

**Minister :** No. These cells were not used for the accommodation of tuberculosis patients.

**Chaudhri Kartar Singh :** Will the Honourable Minister please make enquiries as to whether previous to the construction of the Multan jail the Montgomery jail was used as a special place for the tuberculosis prisoners ?

**Minister :** I shall make enquiries, certainly.

**Chaudhri Kartar Singh :** What are the reasons for confining Buta Singh and Piara Singh in the same cells which were previously used by the prisoners suffering from tuberculosis ?

**Minister :** I did not say so.

**Chaudhri Kartar Singh :** Is it a fact that the said political prisoners have to answer the calls of nature in those very cells ?

**Minister :** I am not aware of this.

**Diwan Chaman Lall :** Is the Honourable Minister prepared to make enquiries in regard to this matter and put the matter right if he finds the allegations true ?

**Minister :** Yes, certainly.

#### MURDER CASES IN THE PROVINCE.

**\*1918. Chaudhri Kartar Singh :** Will the Honourable Finance Minister be pleased to state—

(a) the number of murders committed last year in each district in the Punjab ;

(b) the number of murders proved to have been committed under the influence of wine in each district ?

**The Honourable Mr. Manohar Lal :** (a) A statement giving the required information is laid on the table.

(b) The required information cannot be collected without an expenditure of time and labour disproportionate to the results likely to be achieved.

**Lala Duni Chand :** Will the Honourable Minister please give the main reasons for increase in the number of murders every year ?

**Minister :** That will be a very long piece of research.

**Chaudhri Kartar Singh :** Is the Government prepared to place a check on the increasing number of murders in the Punjab ?

**Minister :** When we receive any suggestions about this, yes.





**PROFESSIONAL TAX PAYERS IN VILLAGES DANDHER AND TAKHTUPURA  
IN FEROZEPUR DISTRICT.**

**\*1919. Sardar Rur Singh :** Will the Honourable Minister of Public Works be pleased to state—

- (a) (i) the number of professional tax payers of the villages Dandher and Takhtupura in Ferozepore district separately for the last three years, that is, 1935-36-37 and (ii) the number of those proposed to be taxed after September, 1937, for the present year 1938 from the above-mentioned villages ;
- (b) whether it is a fact that the number of professional tax payers from the villages Dandher and Takhtupura, proposed in the professional tax payers' list after September, 1937, has been increased ;
- (c) whether the Government is aware of the fact that representations have been made by the people of Dandher and Takhtupura, to Deputy Commissioner, Ferozepore, or President, District Board, Ferozepore, and the Premier complaining against the imposition of the professional tax ;
- (d) whether it is a fact that in the representations mentioned in (c) above the said tax payers have stated that as they had refused to give *begar* their names had been proposed for the imposition of the professional tax by the *lambardars*, *zaildars* and *patwaris* of the *ilaga* ;
- (e) what steps Government intend to take on the representation ?

**The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana :**

(a)	(i)	Village.	Number of professional tax payers in :—		
			1935	1936	1937
		Dandher	.. 59	76	50
		Takhtupura	.. 15	8	15
(ii)	Village.		Number of persons proposed to be taxed for 1938.		
		Dandher	..	72	
		Takhtupura	..	37	

(b) Yes.

(c) So far 13 applications from the assesseees of village Dandher and one joint application from 19 assesseees of village Takhtupura objecting against this assessment have been received.

(d) No, although some assesseees have alleged that the personal enmity of *lambardars* or *zaildars* is responsible for the assessment.

(e) The local officers are looking into those objections, and they will give opportunities to all objectors to substantiate their objections. Moreover it is open to the assesseees to appeal against the assessment.

**Sardar Rur Singh :** Is it a fact that a majority of these people are *kamins* ?

**Minister :** I am not aware of that.

**Pandit Muni Lal Kalia :** Is the personal enmity due to the fact that the people of the villages have refused to do *begar* for the *lambardars* ?

**Minister :** It is an allegation which the local officers are looking into.

**Pandit Muni Lal Kalia :** Is it a fact that representations are being made from every village that professional tax is being increased on account of the agitation which certain people are carrying on against *begar* ?

**Minister :** I am not aware of that. I have supplied information about two villages.

**Dr. Sant Ram Seth :** Is it a fact that *begar* is taken from villagers ?

**Minister :** It does not arise out of the question relating to Takhtupura.

**Lala Deshbandhu Gupta :** Will he find out means to check the nefarious practice of taking *begar* ?

**Minister :** The question concerns assessment of *haisiyat* tax, *begar* has got nothing to do with it.

**Sardar Kapoor Singh :** Do you know that the present system of assessment is not correct ? Is it a fact that no notice is given to the assesses after the assessment ?

**Minister :** Appeal is provided and there is a very elaborate procedure.

**Sardar Kapoor Singh :** Appeal may be provided, but there is no notice and the appeal can only be filed if they know that such amount has been assessed on them.

**Minister :** There are rules on the subject and they are being applied.

**Sardar Kapoor Singh :** Are there any rules framed by the Government about the assessment of professional tax ? Does the Honourable Minister know that there are no rules framed by the Government ?

**Minister :** There are rules. Only the local bodies assess such tax and the Government does not do it.

**Sardar Kapoor Singh :** Will the Government frame certain rules so that grievances of the people be redressed ?

**Mr. Speaker :** This is a request for action.

#### IRRIGATION ARRANGEMENTS FOR SOME VILLAGES IN FEROZEPUR DISTRICT.

\*1920. **Sardar Rur Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether the Government is aware of the fact that there are no arrangements for canal irrigation for the *ilaga* consisting of villages Kokri Kalan, Kokri Khurd, Hehranwala, Kapure, Talwandi, Dusanjh, Data Jallabad, Bhindar Kalan, Bhindar Khurd in Ferozepore district ;
- (b) whether any representations have been made by the people of the said *ilaga* to the authorities concerned ; if so, the action taken on the same ?

**The Honourable Dr. Sir Sundar Singh Majithia :** (a) Yes.

(b) Yes. The question, however, whether supply could be available from the Sirhind Canal for extension of irrigation to such areas is being examined.

**Sardar Rur Singh :** Does the Honourable Minister know that people of this *Ilaga* have sent a deputation to the Chief Engineer without any result ?

**Minister :** These gentlemen also approached me and they may also have approached the Chief Engineer, but I have said in my reply that the question is being examined.

DISTRICT BOARD ANGLO-VERNACULAR SCHOOL, BADHNI KALAN,  
FEROZEPURE DISTRICT.

**\*1921. Sardar Rur Singh :** Will the Honourable Minister of Education be pleased to state—

(a) whether the Government is aware of the proposed removal of District Board Anglo-Vernacular Middle School, Badhni Kalan, in district Ferozepore, to village Butter in thana Mehna ;

(b) whether the Government is aware of the fact that the above-mentioned proposal of the department concerned has caused great discontent among the inhabitants of Badhni Kalan and they have made representations to the authorities concerned ;

(c) if the answer to part (a) and (b) be in the affirmative, the action taken or intended to be taken in the matter ?

**Parliamentary Secretary Mrs. J. A. Shah Nawaz :** The honourable member is referred to my reply to Assembly question No. \*1054<sup>1</sup> asked at the last session of the Assembly.

**Pandit Muni Lal Kalia :** Is it a fact that the funds for the building of that school were contributed by the residents of the village Badhni to the extent of Rs. 5,000 ?

**Parliamentary Secretary :** May be so.

**Pandit Muni Lal Kalia :** Is there anything on record about the representation of the people ?

**Parliamentary Secretary :** How does that arise out of the original question ?

**Sardar Rur Singh :** Does the Government know that Badhni is the greatest village from the point of view of population ? Is it a fact that the other village where the school is proposed to be transferred has less population ?

**Minister :** Possibly.

**Sardar Rur Singh :** Will the Government press for the retention of the school there ?

**Parliamentary Secretary :** If the honourable member will study the reply given in the last Assembly session, he will get the information he requires.

#### APPOINTMENT OF PUBLIC PROSECUTORS.

**\*1922. Chaudhri Muhammad Hassan :** Will the Honourable Minister for Finance be pleased to state—

- (a) the gradation of the public prosecutors in the province ;
- (b) what are the qualifications required for a lawyer's appointment as a public prosecutor ;
- (c) whether the Government considers the professional income of a candidate at the time of his appointment as public prosecutor ;
- (d) the names and number of public prosecutor candidates in the Ludhiana district ;
- (e) whether any of these candidates have been recommended by the district magistrate of Ludhiana ?

**The Honourable Mr. Manohar Lal :** (a) A statement is laid on the table showing the salary fixed for the public prosecutor in each of the districts in the province. Actually at the present time the incumbents in some of the districts are receiving salaries in excess of those shown, and in others less.

(b) No qualification rules have been framed. The object is of course to obtain the most competent lawyers available.

(c) In choosing a lawyer for appointment as a public prosecutor Government naturally take into account his reputation as a successful practitioner, and in appraising this the extent of his income (so far as it can be ascertained) is a factor of some importance.

(d) and (e) No lists of public prosecutor candidates are now maintained.

**Chaudhri Muhammad Hassan :** Is the Honourable Minister aware that anti-Congress activities are the chief consideration for the appointment of public prosecutors ?

**Minister :** I am not at all aware that this is so.

**Lala Duni Chand :** Is it a fact that in every district there are first class and second class men but the choice generally falls upon third or fourth class men ?

**Minister :** I do not understand what the honourable member means by first class and second class men and persons whom he chooses to call third class and fourth class men.

**Lala Duni Chand :** Is it a fact that there are efficient, honest and independent members of the bar everywhere but the choice falls upon incompetent and not independent members of the bar ?

**Minister :** That is not true at all. To describe certain persons as dishonest or incompetent is highly objectionable and wholly incorrect.

**Lala Deshbandhu Gupta :** Has it ever occurred to the Government to invite suggestions from the bar associations in this connection ?

**Minister :** May I say this that recently the question of appointment of certain public prosecutors has been before me and cases of candidates of exceptional ability are being duly considered, and there is no lack of able and experienced lawyers who are seeking to secure employment as public prosecutors ?

**Lala Deshbandhu Gupta :** My question was different. I want to know whether it has ever occurred to the Government to invite suggestions from the bar associations and appoint persons out of those recommended by the bar associations ?

**Mr. E. Few :** Would it not be desirable to call for tenders for these appointments ? (*Laughter*).

**Chaudhri Muhammad Hassan :** Were the district judges ever consulted about these appointments ?

**Minister :** Opinions and recommendations were obtained from the district authorities ?

**Lala Bhim Sen Sachar :** If the Government were to decide upon calling for tenders, does Mr. Few stand any chance ?

**Minister :** Ask the honourable member ?

**Pindit Muni Lal Kalia :** Do the Government propose to make any regulations ?

**Mr. Speaker :** That is a request for action.

**Lala Deshbandhu Gupta :** My question to the Government was whether it has ever occurred to them to invite suggestions from the bar associations. I never suggested any action. I only want to know whether it has ever occurred to them.

**Lala Duni Chand :** Is it a fact that in all cases of appointment of public prosecutors, the public prosecutors are given more salaries than their income from the profession warrants ?

**Minister :** The question really is unmeaning. I do not really understand what is really meant by "is it a fact that in *all* cases."

**Munshi Hari Lal :** Will the Government invite applications for these posts ?

**Minister :** No.

**Dr. Gopi Chand Bhargava :** Is any report called from the Police Department ?

**Minister :** No.

**Pandit Muni Lal Kalia :** Are the political views of the candidates taken into consideration ?

**Chaudhri Muhammad Hassan :** Do district authorities include district superintendent of police and deputy commissioner ?

**Minister :** We address the deputy commissioners who no doubt consult the district judges when necessary.

**Sardar Hari Singh :** May I ask the Honourable Minister to state whether political views of the candidates are taken into consideration ?

**Minister :** In scores of documents which I have had to study in this connection, I have never seen any mention of political views of any of the candidates.

**Lala Bhim Sen Sachar :** In all these cases with which the Honourable Finance Minister had to deal, did he find a case of any individual who was known to be taking part in political activities ?

**Syed Amjad Ali Shah :** Does that arise out of this question, Sir ?

**Mr. Speaker :** Will the honourable member please repeat his question ?

**Lala Bhim Sen Sachar :** Did the Honourable Minister for Finance happen to find in the papers with which he has dealt, the name of any individual for one of these posts who was connected with any political activity ?

**Minister :** I have seen many youngmen but I am not personally familiar with all the activities of these various gentlemen.

**Lala Duni Chand :** Is it true that a list of several candidates for public prosecutors is kept and that is done in order to demoralise the bar ?

**Lala Bhim Sen Sachar :** Is the membership of the Congress committee a disqualification for this post in the opinion of the Government ?

**Minister :** No. But probably Congressmen do not wish to be considered for these appointments.

**Sardar Hari Singh :** May I ask the Honourable Minister to state whether in the list of candidates for the posts of public prosecutors there are names of defeated candidates of the ministerial party ?

**Mr. Speaker :** I disallow the question.

**Sardar Hari Singh :** Under what rule is the question disallowed, Sir ?

**Mr. Speaker :** If and when an honourable member abuses his right of putting a supplementary question, I have got the power to disallow his question.

**Lala Duni Chand :** Does the manner of making appointments of public prosecutors affect the morale of the bar ?

**Munshi Hari Lal :** Is any list of approved candidates maintained ?

**Minister :** I have already answered that question in reply to part (d) of the original question. No lists of public prosecutor candidates are now maintained.

**Pandit Shri Ram Sharma :** Do they consider the question of *sarkari khidmat* of these candidates at the time of their appointments ?

**Premier :** What does the honourable member mean by *sarkari khidmat* ?

**Pandit Shri Ram Sharma :** Are public prosecutors employed with the consultation of the Unionist Party ?

**Minister :** No, emphatically no.

**Sardar Sohan Singh Josh :** What are the points that are taken into consideration while these appointments are made ?

**Minister :** I have already answered it. A person, who is a competent lawyer with a fair status and whose honesty, integrity and efficiency in work is fairly certain, is competent to hold such a post.

**Chaudhri Muhammad Hassan :** May I enquire whether the deputy commissioners, while making recommendations, see the register of income and diaries ?

**Minister :** You had better ask the deputy commissioners ?

**Pandit Bhagat Ram Sharma :** Is the honourable member aware that the superintendents of police of the districts report on the working of the public prosecutors ?

**Minister :** I am not aware of that.

*Statement.*

Name of district.				Salary per mensem.
				Rs.
Lahore	1st Public Prosecutor	..	..	1,050
	2nd Public Prosecutor	..	..	750
Amritsar	1st Public Prosecutor	..	..	1,050
	2nd Public Prosecutor	..	..	500
Ferozepore	1st Public Prosecutor	..	..	1,050
	2nd Public Prosecutor	..	..	500
Lyallpur	..	..	..	900
Montgomery	..	..	..	900
Multan	..	..	..	900
Rawalpindi	..	..	..	900
Sheikhupura	..	..	..	750
Shahpur	..	..	..	750
Attock	..	..	..	750
Gujranwala	..	..	..	750
Sialkot	..	..	..	750
Gujrat	..	..	..	650
Gurdaspur	..	..	..	650
Jhelum	..	..	..	650
Dera Ghazi Khan	..	..	..	500
Hoshiarpur	..	..	..	500
Karnal	..	..	..	500
Ludhiana	..	..	..	500
Mianwali	..	..	..	500
Ambala	..	..	..	500
Hissar	..	..	..	500
Jullundur	..	..	..	500
Muzaffargarh	..	..	..	500
Rohtak	..	..	..	500
Jhang	..	..	..	500
Kangra	..	..	..	400
Gurgaon	..	..	..	400

## DUTIES OF NON-OFFICIAL JAILS VISITORS.

**\*1923. Chaudhri Muhammad Hassan :** Will the Honourable Minister for Finance be pleased to state the duties of the non-official visitors of jails ?

**The Honourable Mr. Manohar Lal :** The duties of jail visitors are detailed in paragraphs 53 and 53-B of the Punjab Jail Manual.

**Lala Deshbandhu Gupta :** Will the Honourable Minister for Finance please state whether the appointment of these jail visitors is left to the commissioners or does the Honourable Minister himself appoint jail visitors ?

**Minister :** The question of appointments of jail visitors comes up to Government.

**Diwan Chaman Lal :** I want to know whether he has considered this point whether it is desirable that members of this House should also be appointed ?

**Chaudhri Muhammad Hassan :** Is it a fact that the superintendents of police are consulted while these appointments are made ?

**Syed Amjad Ali Shah :** The question is of duties—not of appointment.

**Lala Bhim Sen Sachar :** May I know if the Government intend to appoint honourable members of this House as non-official jail visitors ?

**Minister :** They are not barred.

**Sardar Hari Singh :** May I know the criterion governing the appointment of gentlemen as jail visitors ?

**Minister :** This is a question which I answered only a few days ago. Their interest in prison reform, their position in the locality and the likelihood of their performing their duties with a fair measure of efficiency are the considerations which the Government bear in view.

**Lala Bhim Sen Sachar :** Would the people with experience of jail life be considered ?

**Minister :** Present me one and I shall consider.

**Pandit Muni Lal Kalia :** Is membership of this House a disqualification for being appointed as jail visitor ?

**Minister :** No disqualification.

STATUTORY AGRICULTURIST PRISONERS AND NON-OFFICIAL VISITORS  
OF LUDHIANA JAIL.

**\*1924. Chaudhri Muhammad Hassan :** Will the Honourable Minister for Finance be pleased to state—

- (a) how many prisoners belonging to the statutory agriculturist tribes are serving their sentence in the Ludhiana jail ;
- (b) how many of the non-official visitors of the Ludhiana jail have been nominated from amongst the statutory agriculturist tribes ?

**The Honourable Mr. Manohar Lal :** (a) 226.

(b) Three.



**FACILITIES GRANTED TO "B" CLASS PRISONERS AND THEIR NUMBER  
IN LUDHIANA JAIL.**

**\*1925. Chaudhri Muhammad Hassan :** Will the Honourable Minister for Finance be pleased to state—

- (a) what facilities are given to "B" class prisoners and under-trials ;
- (b) how many convicts are being treated as "B" class prisoners in the Ludhiana jail ?

**The Honourable Mr. Manohar Lal :** (a) The honourable member's attention is drawn to paragraphs 576-D and E of the Punjab Jail Manual.

(b) None.

**SLAPPING OF A TEACHER BY PROFESSOR KOHLI OF GOVERNMENT  
COLLEGE, ROHTAK.**

**\*1926. Pandit Shri Ram Sharma :** Will the Honourable Minister of Education be pleased to state—

- (a) whether it is a fact that Lala Brij Lal, Kohli, Professor, Government Intermediate College, Rohtak, recently slapped one of his colleagues in the College premises; if so, whether the matter was brought by an application by the teacher concerned to the notice of the Principal of the College who made the teacher withdraw his application ;
- (b) the action that has been taken or is proposed to be taken in the matter particularly in view of the previous conduct of the Professor at Rawalpindi and also at Ambala ;
- (c) whether he will also be pleased to lay a copy of that application on the table of the House, if possible ?

**The Honourable Mian Abdul Haye :** (a) Yes, but this was done under provocation. The application in question was returned to the teacher concerned at his own request.

- (b) A stern warning is being conveyed to both the teachers.
- (c) The attention of the honourable member is invited to answer to part (a) of the question.

**LAND GRANTED ON THE BURALA EXTENSION OF THE LOWER  
CHENAB CANAL.**

**\*1927. Seth Ram Narain Virmani :** Will the Honourable Minister for Revenue be pleased to state—

- (a) the number of squares of land that have been granted by the Colonization Officer, Lyallpur, on the Burala extension of the Lower Chenab in (i) zail Jhakar, (ii) zail Muhammad Shah, (iii) zail Kamalia, respectively ;
- (b) the number of squares granted to (i) Muhammadans, (ii) Hindus, and (iii) Sikhs in each of the three zails named above ;

[ Seth Ram Narain Virmani. ]

- (c) the reasons why the number of squares granted in zail Muhammad Shah and zail Kamalia is too low as compared with the number of squares granted in zail Jhakar ;
- (d) the number of squares which are yet to be granted by the Colonization Officer, Lyallpur ;
- (e) the criterion according to which the said land is being granted ;
- (f) whether the Government proposes to consider the claims of all the communities in this matter of the distribution of land ?

**The Honourable Dr. Sir Sundar Singh Majithia :** (a) and (b) :

Name of Zail.	Muhammadans.	Hindus	Sikhs.	Total.
Jhakar ..	144	8	..	152
Kamalia ..	118½	17	3	138½

The Muhammad Shah zail did not exist when the allotments were made. Its creation is a subsequent proposal.

(c) Allotment did not depend on the size of a zail but on the merits of the individuals, and the circumstances of each case.

(d) 17½ squares.

(e) The honourable member is referred to the answer given to question No. \*1124<sup>1</sup>, paragraphs (a) and (b).

(f) There is no such proposal before Government.

#### LORRY TRAFFIC ON LYALLPUR-JHANG ROAD.

**\*1928. Seth Ram Narain Virmani :** Will the Honourable Minister for Revenue be pleased to state—

(a) whether it is a fact that the Government intends to grant the administration of North-Western Railway the privilege of running a certain number of lorries as public conveyances and restrict the other lorry traffic on the Lyallpur-Jhang road under construction by permitting only a few licensed lorries to run on that road ; if so, why ;

(b) whether such restrictions are also intended to apply to some other public roads ; if so, where and why ?

**The Honourable Dr. Sir Sundar Singh Majithia :** (a) Yes. The metalling of the Jhang-Lyallpur road, which for the purpose of public motor transport is an entirely new route, has been carried out with the assistance of grants from the Central Road Fund. These were sanctioned on the clear understanding that motor transport on the road would be controlled, so that the interests of the railway should not be prejudiced.

(b) Owing to the conditions in which its construction was financed, the Jhang-Lyallpur road is in a class by itself. No proposal is at present under consideration which could be regarded as parallel to that for the control of transport on this road.

**Sardar Hari Singh :** May I ask the Honourable Minister for Revenue to state whether the understanding referred to by him in the answer to this question is an essential condition precedent to the grant from the Central Road Fund ?

**Minister :** Yes, it was.

**Sardar Hari Singh :** Is it an essential condition ?

**Minister :** Yes.

**Sardar Hari Singh :** Has he, without consulting the people of the locality or this House, mortgaged the interests of the motor industry of the Punjab in consideration for a small fund ?

**Minister :** Probably the present House did not exist at that time.

**Sardar Hari Singh :** Is it not an act of this Ministry that this understanding was arrived at with the Central Government ?

**Minister :** The fund, as my honourable friend knows, comes from the Government of India. It is not the fund of the Punjab Government and the Government of India, when giving this grant lay down that condition.

**Sardar Hari Singh :** I want to know whether this understanding was arrived at between the present Ministry and the Central Government ?

**Minister :** No, Sir.

**Dr. Gopi Chand Bhargava :** When was that understanding arrived at ?

**Minister :** Probably in January 1927.

**Dr. Gopi Chand Bhargava :** When was the road built ?

**Minister :** Recently.

**Dr. Gopi Chand Bhargava :** When was it started ?

**Diwan Chaman Lall :** It was in the year 1929. I was on the committee myself.

**Seth Ram Narain Virmani :** Is the Central Government prepared to build any other road on these conditions ?

S. P. M.

**Minister :** When that question arises I will give my reply.

**Dr. Gopi Chand Bhargava :** I want to know whether the road was built under the orders of the past Ministry or under the orders of the present Ministry ?

#### COURT AUCTIONEERS AT LAHORE, AMRITSAR AND DELHI.

**\*1929. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Finance be pleased to reply to starred question No. \*669<sup>1</sup> asked by me on 22nd July, 1937 ?

**(\*1929—\*1946.) Premier :** Sir, I understand that there was a certain amount of discussion in this House over questions relating to the High Court, and in view of that fact I think I might give a consolidated and interim reply to the various questions, from Nos. 1929 to 1946, tabled by my honourable friend opposite, and this is my interim reply.

[Premier.]

A considerable amount of information has been collected on these questions. At the same time several parts of these questions are directed to matters which lie largely, if not entirely, within the High Court's sphere of administrative activity, matters which lie outside Government's concern. In connection with a question yesterday, Honourable Minister for Finance said that the scope of answers to questions that relate to the High Court is under consideration. Considerations involved are of important and far-reaching character. On the one hand, Government is anxious not in any way to touch matters lying entirely within the High Court's judicial and administrative powers. On the other hand, Government is anxious to furnish the fullest information to this House on all matters which are the Government's concern. In these circumstances, you, Sir, and the House, will no doubt wish to defer taking up these questions till Government has finally come to a decision on these broad and important issues.

**Dr. Gopi Chand Bhargava :** May I enquire when I can expect a decision to be arrived at ? I put the question on the 22nd July, 1937.

**Premier :** If the honourable member is complaining about the delay, in the first sentence of my interim reply I have said "A considerable amount of information has been collected on these questions". There is no delay on account of the collection of information. It concerns an important constitutional point and my honourable friend must realise that on the one hand, we have to respect the powers of the judiciary, both administrative and judicial, and, on the other hand, he must realise that nobody is more anxious than I am to see that the rights and privileges of the House are not trampled upon and we do not create a precedent whereby the House may be debarred from getting information which I feel duty bound to furnish to this House. Therefore we have to draw a line, it might be a very difficult constitutional matter. I want to take the fullest possible time as also full advice before I come to a conclusion.

**Diwan Chaman Lall :** May I say one word with regard to this question which has been raised by the Honourable the Premier that as far as we are concerned—

**Mr. Speaker :** Statements made by Ministers should not be discussed.

**Diwan Chaman Lall :** I am expressing a view point which I think the Premier will welcome, that as far as the absolute impartiality of the High Court is concerned I do not think there is any member on the floor of this House who would like to interfere in the conduct of the business of the High Court. We want to keep the High Court completely outside the sphere of control of this House as far as its own judicial work is concerned but as far as administrative matters are concerned, which are also the direct concern of this House, then it is a different matter.

**Premier :** I am in entire sympathy with my friend opposite. I have stated my anxiety to see that our legitimate rights and privileges are not trampled upon by anything which we may do or by a precedent which we may set up ; but at the same time he will realise that it is very difficult to draw a line. For instance, the High Court may appoint a liquidator in their judicial capacity. You will realise the difficulty with regard to

this particular question. We want to set up a precedent whereby there would be no trenching upon the rights of this House and at the same time no trenching on the powers of the High Court or on the immunities which the Act gives to them under the constitution.

**Dr. Gopi Chand Bhargava :** May I just enquire whether the Honourable Premier shall take members on this side of the House into his confidence before he declares a definite policy ?

**Lala Duni Chand :** May I know if there is any doubt in the mind of the Honourable Premier regarding the rights of the House to put questions about the administrative or executive duties of the High Court ?

**Premier :** Considerable doubt, I must say.

**NOTE.**—For the answers to these questions, vide the debates of 1st April, 1938.

## UNSTARRED QUESTIONS AND ANSWERS.

### SCHEDULED CASTES PERCENTAGE FIXED FOR GOVERNMENT SERVICES.

**312. Lala Harnam Das :** Will the Honourable Premier be pleased to state—

- (a) the percentage fixed in the Government services for various communities ;
- (b) whether any percentage has been fixed in Government services for the scheduled castes ;
- (c) if the answer to part (b) be in the negative, reasons for the same and whether the Government intends to take any action in this behalf ?

**The Honourable Major Sir Sikander Hyat-Khan :** (a), (b) and (c) No general percentages are fixed, but the question is under the consideration of the Government. The policy of the Punjab Government is to give due representation in services to all communities—including the scheduled castes—and selection of suitable candidates from various communities is made accordingly. As stated in reply to various questions put at the last session, suitable candidates of the scheduled castes will receive the special consideration which they deserve.

### SCHEDULED CASTES IN GOVERNMENT DEPARTMENTS.

**313. Lala Harnam Das :** Will the Honourable Premier be pleased to state the number of members of scheduled castes employed in various Government Departments and the various grades in which they are placed in each department ?

**The Honourable Major Sir Sikander Hyat-Khan :** The honourable member is referred to the consolidated statement showing the proportionate representation of the various communities serving in the different departments of the Punjab Government as it stood on the 1st January, 1938, copies of which will shortly be made available to honourable members. Instructions have been issued that separate figures for scheduled castes and Indian Christians be given in the next statement which is to be issued shortly.

## RECRUITMENT OF SCHEDULED CASTES IN THE POLICE DEPARTMENT.

**314. Lala Harnam Das :** Will the Honourable Premier be pleased to state—

- (a) the number of persons that have been recruited in the Police Department from amongst the scheduled castes since 1st April, 1937;
- (b) if the representation of the scheduled castes is nil, the reasons for that ?

**The Honourable Major Sir Sikander Hyat-Khan :** I regret that the answer to this question is not yet ready.

## SCHEDULED CASTES REPRESENTATION IN P. C. S.

**315. Lala Harnam Das :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that not a single man from amongst the scheduled classes has so far been taken in the P. C. S. (both executive and judicial) ;
- (b) whether there is any objection to the Government to their being taken in these services ?

**The Honourable Major Sir Sikander Hyat-Khan :** I regret that the answer to this question is not yet ready.

## PROFESSIONAL TAX IN DISTRICT LYALLPUR.

**316. Lala Harnam Das :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether he is aware of the fact that no notice is given to those persons upon whom the professional tax is levied so as to enable them to raise any objection with regard to the proposed tax so far as the Lyallpur district is concerned ;
- (b) what action Government proposes to take in the matter ?

**The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana :** I regret the reply to this question is not yet ready.

## COST OF ADDITIONAL POLICE POST AT BUREWALA, DISTRICT SHEIKHPURA.

**317. Dr. Sant Ram Seth :** Will the Honourable Premier be pleased to state—

- (a) whether he is prepared to lay on the table a statement showing the actual costs with details of items taken into consideration, while calculating the said costs of the additional police post, Burewala, District Sheikhpura, for the years 1936 and 1937, respectively ;

- (b) the amount due from the inhabitants of the village referred to in (a) above on account of the unrecovered costs of the police post on the 15th February, 1938 ?

**The Honourable Major Sir Sikander Hyat-Khan :** I regret that the answer to this question is not ready.

**COSTS OF ADDITIONAL POLICE POST AT VILLAGE DHARDEO, DISTRICT AMRITSAR.**

**318. Dr. Sant Ram Seth :** Will the Honourable Premier be pleased to lay on the table a statement showing—

- (a) the actual costs with details of the additional police post at village Dhardeo, district Amritsar, for the year 1936-37 and 1937-38, separately;
- (b) the amount collected every month in respect of the police post during the period 1937-38 ;
- (c) the date of withdrawal of this police post ?

**The Honourable Major Sir Sikander Hyat-Khan :** I regret that the answer to this question is not yet ready.

**ADDITIONAL POLICE POST LOCATED IN DISTRICT GURDASPUR.**

**319. Dr. Sant Ram Seth :** Will the Honourable Premier be pleased to lay on the table a statement showing —

- (a) the names of the villages and towns of Gurdaspur district in which additional police posts were located under section 15 of the Police Act of 1861 between 1st April, 1928, and 31st December, 1937 ;
- (b) the date of location and withdrawal of each of these police posts in each village ;
- (c) the total amount assessed as costs of each of these police posts upon the inhabitants of the villages concerned ;
- (d) the amount actually recovered from each of the aforesaid villages by the end of 31st December, 1937 ;
- (e) the last date when the recovery of costs was made regarding pending cases or completed in settled cases as the case may be ;
- (f) the amount actually spent by the Government for maintaining each of these police posts ;
- (g) the sanctioned strength of each of these police posts ;
- (h) the unrecovered amount due from each of the villages referred to above on the 31st January, 1938 ?

**The Honourable Major Sir Sikander Hyat-Khan :** I regret that the answer to this question is not yet ready.

**COSTS OF ADDITIONAL POLICE POST LOCATED AT VILLAGES BHIKHIWIND, ETC., IN LAHORE DISTRICT.**

**320. Dr. Sant Ram Seth :** Will the Honourable Premier be pleased to lay on the table a statement showing—

- (a) the total actual costs of the additional police posts located at villages Bhikhiwind, Banika and Bler, district Lahore, as a result of the inquiry held by the Government referred to in starred question No. 42<sup>1</sup>, put by me during the Simla session of this Assembly for the years 1922-23 and 1923-24, 1924-25, 1925-26, separately ;
- (b) the items of costs taken into consideration by the Government while calculating the actual costs and the amount charged under each item for each of the years mentioned in (a) above ?

**The Honourable Major Sir Sikander Hyat-Khan :** I regret that the answer to this question is not yet ready.

**COSTS OF ADDITIONAL POLICE POST LOCATED AT VILLAGES RAJOKI AND WAN, DISTRICT LAHORE.**

**321. Dr. Sant Ram Seth :** Will the Honourable Premier please lay on the table a statement showing the actual costs with details of the additional police post located at villages Rajoki and Wan, district Lahore, excluding the superintendence charges for the financial year 1926-27-28 ?

**The Honourable Major Sir Sikander Hyat-Khan :** I regret that the answer to this question is not yet ready.

**ADDITIONAL POLICE POSTS AT VILLAGES BHIKHIWIND, ETC., IN LAHORE DISTRICT. \***

**322. Dr. Sant Ram Seth :** Will the Honourable Premier be pleased to lay on the table a statement showing—

- (a) the amount assessed for 1924-25 on account of the costs of the additional police post at villages Bhikhiwind, Banika and Bler, district Lahore ;
- (b) the date when the recovery of the said amount was commenced ;
- (c) the date when this recovery was completed ;
- (d) the amount collected every month during the pendency of the assessment referred to in (a) above ;
- (e) the amount, if any, added to the assessment of the 4th year ?

**The Honourable Major Sir Sikander Hyat-Khan :** I regret that the answer to this question is not yet ready.



ADDITIONAL POLICE POSTS AT VILLAGES BHIKHIWIND, ETC.,  
IN LAHORE DISTRICT.

**323. Dr. Sant Ram Seth :** Will the Honourable Premier be pleased to lay on the table a statement showing —

- (a) the amount assessed for 1925-26 on account of costs of the additional police posts located at villages Bhikhiwind, Bainka and Bler, district Lahore ;
- (b) the date when the recovery of the said amount was commenced ;
- (c) the date when this recovery was completed ;
- (d) the amount collected every month till the end of March, 1937 ?

**The Honourable Major Sir Sikander Hyat-Khan :** I regret that the answer to this question is not yet ready.

ADDITIONAL POLICE POST AT VILLAGES RAJOKI AND WAN,  
DISTRICT LAHORE.

**324. Dr. Sant Ram Seth :** Will the Honourable Premier be pleased to lay on the table a statement showing—

- (a) the amount assessed on the inhabitants of villages Rajoki and Wan, district Lahore, on account of additional police post costs for the year 1928-29 including the arrears, if any, of 1925-26 ;
- (b) the date when the recovery of the costs referred to in (a) above was completed ;
- (c) the date when the recovery was taken up ;
- (d) the monthly collections made during the period mentioned in (b) and (c) ;
- (e) the amount, if any, added to the 2nd year of assessment ?

**The Honourable Major Sir Sikander Hyat-Khan :** I regret that the answer to this question is not yet ready.

ADDITIONAL POLICE POST AT VILLAGES RAJOKI AND WAN,  
DISTRICT LAHORE.

**325. Dr. Sant Ram Seth :** Will the Honourable Premier be pleased to lay on the table a statement showing—

- (a) the amount assessed as costs of the additional police post located at villages Rajoki and Wan, district Lahore, for the year 1929-30 ;
- (b) the date when the recovery was commenced ;
- (c) the date when this recovery was completed ;
- (d) the amount collected every month till the end of March, 1937 ?

**The Honourable Major Sir Sikander Hyat-Khan :** I regret that the answer to this question is not yet ready.

**ADDITIONAL POLICE POST AT VILLAGES BHIKHIWIND, BAINKA  
AND BLER, DISTRICT LAHORE.**

**326. Dr. Sant Ram Seth :** Will the Honourable Premier be pleased to lay on the table a statement showing—

- (a) the amount assessed for 1922-23 on account of the costs of the additional police post located at villages Bhikhiwind, Bainka, and Bler, district Lahore, referred to in question No. \*42<sup>1</sup>, during the Simla session of the Assembly ;
- (b) the date when the recovery was commenced ;
- (c) the date when the recovery was completed ;
- (d) the amount collected every month during the pendency of the assessment referred to in (a) above ;
- (e) the amount, if any, added to the assessment for the 2nd year's costs ?

**The Honourable Major Sir Sikander Hyat-Khan :** I regret that the answer to this question is not yet ready.

**ADDITIONAL POLICE POST AT VILLAGES BHIKHIWIND, BAINKA  
AND BLER, LAHORE DISTRICT.**

**327. Dr. Sant Ram Seth :** Will the Honourable Premier be pleased to lay on the table a statement showing—

- (a) the amount assessed for the year 1923-24 on account of the cost of the additional police post Bhikhiwind, Bainka and Bler, district Lahore, referred to in starred<sup>1</sup> question No. 42 ;
- (b) the date when this recovery was commenced ;
- (c) the date when this recovery was completed ;
- (d) the amount collected every month during the pendency of this assessment ;
- (e) the amount, if any, added to the assessment of 3rd year's costs ?

**The Honourable Major Sir Sikander Hyat-Khan :** I regret that the answer to this question is not yet ready.

**RURAL DISPENSARIES.**

**328. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Education be pleased to lay on the table of the House a statement showing the names of places in the Punjab district-wise where there are rural dispensaries and the distance between one dispensary and another and also the average distance between a dispensary and the villages served by it ?

**The Honourable Mian Abdul Haye :** The labour involved in collecting the required information would not be commensurate with the results.

## MOTIONS FOR ADJOURNMENT.

## CORRUPTION IN CRIMINAL COURTS.

**Diwan Chaman Lall :** I want your ruling on the point whether it would be in order 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 speech made by the Chief Justice, Sir Douglas Young, in which he has revealed the existence of a serious and dangerous state of corruption in the administration of Criminal Justice and the lack of adequate existing measures for its eradication.

(*Mr. Speaker kept silent.*)

## HINDI BHAWAN PRINTING PRESS.

**Dr. Gopi Chand Bhargava :** 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 invidious distinction drawn on political grounds against the Hindi Bhawan Printing Press as revealed in the reply given to starred question No. 1888 yesterday.

**Mr. Speaker :** This motion is in order, but there is one aspect of it which I wish to place before honourable members. The test of urgency, according to parliamentary practice, is that the matter raised must require immediate attention of the House and the Government, and not be postponeable until an opportunity is provided by Supply. As the opportunity by Supply is so very near, I request the honourable member not to press his motion, because it will be a clear violation of parliamentary rules. How can I allow it to-day when we are going to discuss the budget generally, as well as item by item in a few days time?

**Diwan Chaman Lall :** In regard to this particular aspect of the matter, what is contemplated by the House of Commons is the reference of the matter to the Committee of Supply, which is practically consistently in session in the House of Commons. If this is the position, then a matter which can be raised by an adjournment motion and which can be postponed till the Committee of Supply meeting on the same day or even next day, can naturally be handed over to the Committee of Supply, which is a permanent body, which is almost permanently in session and which is almost permanently discussing finance matters. So, if an adjournment motion is moved in the House of Commons and on the same day the Committee of Supply is meeting then it would be taken up and discussed in the course of that meeting. But here we have not got a Committee of Supply.

**Mr. Speaker :** By Committee of Supply there, I mean the meeting of this House here. There the Committee of Supply disposes of all demands for grants and this is, exactly I think, a parallel body here in India.

**Premier :** Sir, I beg to submit that this motion is not in order. I specially draw your attention to the following lines in this adjournment motion. This motion is based on an alleged differentiation on the part of the

[Premier.]

Government. I beg to submit that there is no truth in that allegation. It says—

“The invidious distinction drawn on political grounds against the Hindi Bhawan Printing Press as revealed in the reply given to starred question No. 1888 yesterday.”

I submit that there is no truth in that allegation.

**Mr. Speaker :** This objection can be raised when the motion is discussed on its merits.

**Premier :** I beg to submit that an adjournment motion can only be moved with regard to a fact. Suppose it is alleged there is an earthquake and several people have been killed while no such incident has occurred, would it be fair for an honourable member to bring in an adjournment motion on the imaginary earthquake and its imaginary consequences. Would you permit such a motion?

**Diwan Chaman Lall :** May I, in reply to the Honourable Premier, draw his attention to the fact that he did not happen to be present in the House when this matter was raised yesterday. When this very phrase was used in a supplementary question, his Deputy, Sardar Sahib Sardar Ujjal Singh, thought it wise to keep sitting in his seat and not to reply to the question, leaving the House to draw its own inference. It was an invidious political distinction and we will prove that it was so.

**Sardar Sahib Sardar Ujjal Singh :** My honourable friend is not correct in saying so. The question raised in part (b) was whether Mr. Narang was punished on account of his political views and the reply to that part was ‘No.’

**Dr. Gopi Chand Bhargava :** If you read the report of yesterday, you will find that I did put a question asking whether whatever was contained in the representation was correct or not; the honourable Parliamentary Secretary did not stand up to reply to that question.

**Mr. Speaker :** I am definitely of the opinion that this matter can be discussed in the course of general discussion as well as in the course of discussion on votes for demands. So, it need not be treated as urgent to-day.

**Premier :** May I ask the honourable member what the Government has got to do with the matter? If the Vice-Chancellor of the University rejects certain books, how is the Government concerned with it?

**Dr. Gopi Chand Bhargava :** I will explain that.

**Mr. Speaker :** May I request the honourable Dr. Gopi Chand Bhargava not to press his motion?

**Dr. Gopi Chand Bhargava :** I do not want to press it.

#### SPECIAL DEVELOPMENT FUND.

**Mr. Speaker :** Lala Duni Chand's adjournment motion is out of order. I have no objection to the honourable member's reading his motion, when he is asking for leave for its introduction. But I may point out to him in his interest that if he reads the motion to the House, he will be insulting the whole House and that, therefore, he should not even read it.

**Lala Duni Chand :** I know that that idea is present in my motion. I propose to read out the motion.

**Mr. Speaker :** Any insinuation or reflection on the House shall be out of order.

**Lala Duni Chand :** Nothing is farther from my intention than to make any reflection on the Honourable House of which I am a member. I shall offer a handsome apology to the House, if the House thinks that I have done any injustice to it. My motion runs as follows :—

“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 Ministry in making unconstitutional and illegal use of the vote of the House in regard to the appropriation of the sum of Rs. 55,00,000 for being put into Special Development Fund and not withdrawing the proposal, on 3rd March, 1938, in spite of clear and exhaustive exposition of the point involved by the Honourable the Speaker and conveyed to the Ministry to the effect that no demand for grant of any sum could be made in supplementary estimates unless the same was shown to be spent wholly or partly in the current year.”

The speech that was made on this point yesterday by my honourable friend Diwan Chaman Lall, and the exhaustive statement that was made by the Honourable Speaker and the reply that was given by the Honourable Finance Minister are quite fresh in our minds. I would ask the House, that in view of these facts, the leave to move the adjournment may be granted.

**Lala Bhim Sen Sachar :** If I am not wrong, we have not yet heard about your decision regarding the adjournment motion of my honourable friend, Diwan Chaman Lall.

**Mr. Speaker :** May I refer the honourable member to Standing Order 28 ? It says—

“If the Speaker is of opinion that the matter proposed to be discussed is in order, he shall read the statement to the Assembly and ask whether the member has the leave of the Assembly to move the adjournment.”

If I do not consider it in order, I need not read it to the House and that is enough on my part.

## RESOLUTIONS.

### PROHIBITION.

**Subedar Major Raja Farman Ali Khan** (Gujarkhan, Muhammadan, Rural) (*Urdu*) : I beg to move the resolution that stands in my name, namely—

“This Assembly recommends to the government that prohibition be introduced in five districts of the province on an experimental basis.”

Sir, I need not make a very long speech in support of this resolution as the honourable members would be already thoroughly acquainted with the subject matter of the resolution. A glance over the history of the world with special reference to the rise and decline of various empires will clearly show the havoc wrought and destruction hurled upon humanity by the excessive use of liquor. It is said of liquor that it is the mother of all vices and a man addicted to it really degrades himself from the high position of being the best of all creation, to the lowest rank of animals. Apart from the moral considerations, the use of liquor stands condemned on medical grounds.

[Subedar Major Raja Farman Ali Khan.]

also. It wrecks the health of a man altogether and especially affects his brain, heart and lungs very adversely. Religion too regards liquor to be the source of numberless evils and its use is banned by almost every religion. When a man is intoxicated, he sees no harm in murdering his brother, and even a father will not be reluctant in butchering his own son. A drunkard can neither distinguish between his sister, daughter and mother nor can he make any distinction between good and evil. What to say of its demoralising effects on poor mortals! Even the angels cannot withstand the all-sweeping onslaught of this evil. I hope you are aware of the story of the two angels who came to this world in order to give proof of their mettle but could not subsequently resist the temptations of this world, the main one being liquor.

Any man who is addicted to this evil is sure to come to grief one day irrespective of whether he is young or old, rich or poor. I know how a tahsildar in my ilaqa had to sacrifice his ancestral property at the altar of liquor. It goes without saying that liquor renders one wholly unfit for this as well as the next world. It destroys not only one's faith but also one's health. I will quote a verse from the Holy Quran which clearly forbids the use of liquor. It runs as follows :—

انما الخمر والميسر رجس من عمل الشيطان

It means that drinking and gambling are satanic deeds and the faithfuls must save themselves from it. No Muslim can ever dare to deny or disobey this Quranic injunction because in that case he will be dubbed as an infidel.

Now I will turn my attention to the tenets of Hindu and Sikh religions asking their followers to abstain from this evil. Guru Nanak has said—

پوست بھنگ انہیں مدھر اُتر جات پربہات  
نام خماری نانکا چڑھی رہے دن رات

In view of this clear verdict of Guru Nanak no Sikh or Hindu can take to drinking without risking his dharma.

Sometimes old men remark that as they are nearing death, it would be better for them to eat, drink and be merry. But I would submit that old men should, on the other hand, fear God more than anybody else as they claim to be nearer death than youngmen. The Government should rest assured that if my resolution were accepted it would not bring about any political revolution in the province. I am perfectly confident of the fact that the resolution now before the House does not aim at harming the interests of the Hindus and the Sikhs. And so far as the Muslims are concerned, they would be glad, I am sure, to support it, as drinking is strictly prohibited by Islam and it is not open to any Muslim to indulge in it.

I may also submit that I have moved this resolution in the best interests of the province. The Punjab is a poor province and its inhabitants are poverty stricken. It is a well-known fact that the use of liquor is increasing our poverty every day. The habit of drinking has ruined many families of the Punjab.

In the end, I assure the Treasury benches that if my resolution were given effect to it would not entail any additional expenditure on the part of the Government. My resolution speaks for itself and I need not lay further stress on it. I hope and trust that it would find favour with the Opposition party. With these words I commend my resolution to this august Assembly for acceptance.

**Mr. Speaker :** Resolution moved is—

- \* This Assembly recommends to the Government that prohibition be introduced in five districts of the province on an experimental basis.

There are two amendments to this resolution, of which notice is given.

**Khan Muhammad Yusuf Khan :** I do not move my amendment.<sup>1</sup>

**Mr. Speaker :** As regards the amendment given notice of by Pandit Muni Lal Kalia, the first part of the amendment, ending with the word 'Province' in the third line, is in order. The rest is beyond the scope of the original resolution and is, therefore, out of order. The resolution confines itself to five districts, while the amendment extends it to the whole province.

**Pandit Muni Lal Kalia :** I think my amendment would have been in order if I had stated '29 districts' instead of '5 districts'; that being so, 29 districts means the whole province. Therefore the amendment is within the four corners of the resolution. I also wish to say that there is a precedent for this in the House of Commons. I only suggest the methods by which prohibition should be undertaken.

**Mr. Speaker :** The honourable member may move the first part of his amendment if he likes and leave it to the Government to find ways and means.

**Pandit Muni Lal Kalia (Ludhiana and Ferozepur, General, Rural) :** Sir, I beg to move—

That for the words after the word "that" in line 1, the following be substituted:—

"immediate steps be taken to introduce prohibition on an experimental basis in at least one important district in each of the five divisions of the province."

Sir, I am really thankful to Subedar-Major Raja Farman Ali Khan who has taken the lead so far as this province is concerned by moving a resolution of this nature. Though it has often been asserted from the Ministerial benches that the Punjab leads in every matter, so far as this important matter regarding prohibition in the province is concerned, Punjab is singularly lagging behind. It was in the Madras Assembly that a Bill was introduced for prohibition soon after the Congress took up office in that province in September last. (*Interruptions*).

**Mr. Speaker :** No interruption please.

**Pandit Muni Lal Kalia :** In that province not only have they passed a pious resolution as it is worded here, but they as a matter of fact have made a law to that effect and have selected one district, the home district of the Honourable Premier of that province for the introduction of prohibition.

**Premier :** Do you want prohibition of that kind and on those lines ?

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<sup>1</sup>That at the end the words "without any avoidable delay" be added.

**Pandit Muni Lal Kalia :** The home district of the Premier of the province of Madras has been selected for the purpose. Similar resolutions have been passed in the United Provinces and the Central Provinces and the North-West Frontier Province and so far as the Punjab is concerned the resolution as it is worded does not give any idea whether they have only got to do it on an experimental basis this year or in some year in the future. It makes no provision for a scheme like that. The resolution may be passed and if it is passed, it is certainly a censure motion so far as the Unionist Party is concerned (*hear, hear*) because it is being moved by a member of that party. I was first going to object to the ten resolutions tabled to-day all of them being moved from the Ministerial benches, but it shows that there is non-co-operation so far as this issue is concerned.

**Mr. Speaker :** Is the honourable member speaking now to the motion ?

**Pandit Muni Lal Kalia :** It does not display active co-operation.

**Mr. Speaker :** The honourable member will please discuss the motion.

**Pandit Muni Lal Kalia :** I was just mentioning the effect on the other side. It may be said that there would be a loss of revenue in case this resolution is given effect to. But as a matter of fact there was a loss of four crores so far as Madras was concerned and they have accepted that proposition for the reason that the loss will be more than counterbalanced by the moral and economic advantages that will accrue to the people of the province when they give up drinking. So far as our province is concerned, the number of crimes the number of dacoities and murders will decrease and the large amount that is now spent in purchasing liquor will be saved and the material condition of the province will be improved in that way. It may be urged that if we introduce prohibition we may have to tax the province in other respects in order to make up for the loss of income from excise. But my submission is that once we improve the moral and economic condition of the people this thing will not trouble us. Other expenses will fall, expenses on departments like the police and the judiciary when we introduce prohibition. According to official figures the income so far as the Department of Excise is concerned was Rs. 1,04,10,800 during the year 1937-38 and this is less by about 3 lakhs so far as the current year is concerned. The expenditure on this head is only Rs. 11,53,900. That only shows that the revenue which the Government is making from this head can be either raised from other sources or the revenue coming from this head can easily be covered by the decrease in crimes. It has been said repeatedly that if prohibition is introduced, it will affect the freedom of the people and affect their habits. It is also sometime said by certain friends that it is a necessary evil and as such it has to be tolerated. As a matter of fact no evil of this nature can be said to be a necessary evil. It is an evil, or a vice the income of which goes to the Government and the Government is entirely to be blamed for deriving its income from the people on account of their bad habits. If, therefore, we introduce prohibition we raise the character of the people and we raise their standard of living. It may be said from the other side with regard to the loss of revenue from prohibition that the amount of income from excise can be utilized to remove agricultural indebtedness, etc. But all these things can be indirectly helped if we take to



prohibition. One of the Honourable Ministers, I understand, is of the opinion that it is not a practicable thing so far as the Punjab is concerned. That may be his personal opinion, but so far as we are concerned, it is absolutely practicable.

**Minister for Revenue :** May I ask the honourable member to tell me which of the Ministers is of that opinion ?

**Pandit Muni Lal Kalia :** The gentleman who said so is himself feeling the truth of my statement.

**Minister for Revenue :** Sir, I have to reply to the debate and I put a question to my honourable friend to tell me which of the Ministers had said such a thing, but no reply has been given to me. He should not make uncalled for remarks like that, if he is not prepared to answer the question.

**Pandit Muni Lal Kalia :** It is neither uncalled for nor without grounds. It is my direct impression which I have gathered from the way in which Mian Abdul Haye is making gestures.

**Minister for Education :** I categorically deny that. I never said such a thing.

**Mr. Speaker :** I request the honourable members not to be personal. Impersonality is one of the essential elements and fundamental principles of parliamentary debates.

**Pandit Muni Lal Kalia :** What I was saying was that if the Government takes this resolution as seriously as it ought to take, then there is nothing impracticable and the day is not far off when the Punjab if it does not give the lead, will at least go along with other provinces so far as prohibition is concerned. With these words I move the amendment.

**Mr. Speaker :** Resolution under consideration, amendment moved is—

That for the words after the word "that" in line 1 the following be substituted :—

"immediate steps be taken to introduce prohibition on an experimental basis in at least one important district in each of the five divisions of the province."

**Premier (The Honourable Major Sir Sikander Hyat-Khan) :** I rise at this stage to give certain information to the House with regard to the scheme of prohibition initiated in Madras and which is in vogue in the Salem district, because it is very relevant to the debate here and since my honourable friend has particularly mentioned Madras and the way how they have started prohibition, I am glad of the opportunity given to me to express my opinion. I remember in one of my public utterances I said that we would look forward with the keenest interest to this experiment and I hoped that it would succeed. There are certain very interesting facts about prohibition in the Salem district which I might read out for the benefit of the members of the House who will take part in this debate. This is a *Press Communiqué* issued by the Madras Government on the 13th of September, 1937.

**Mian Muhammad Iftikhar-ud-Din :** Oh ! as long ago !

**Premier :** You know that the liquor used there is toddy. It is tapped from palm-trees which are called toddy palms. Its use is absolutely innocuous and it is not an intoxicant at all if it is taken sweet before sunrise. Freshly tapped you can use it just as another sweet drink without having

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any intoxicating effect at all. It is only when the sun plays on the juice or if it is kept in the heat that it starts fermenting and becomes a very potent stimulant.

**Sardar Hari Singh :** Have you tasted it ?

**Mr. Speaker :** No interruptions—no remarks.

**Premier :** I say I do not know anything from personal experience of toddy or sweet toddy. I have lived for some time in Bombay and Calcutta where this liquor is used and there several friends and doctors told me that it is a very good thing for kidneys. (*Laughter*). Before it gets absolutely fermented it is like cocoanut juice but the difficulty is that if you allow sweet toddy to be kept for sometime it is very difficult to ensure that that sweet toddy would not become an intoxicating drink when it comes into one's house. However, that is a passing remark. I would now explain how they have introduced prohibition in the Salem district. From the latest reports in the press one learns that it has been a great success and the people there are very happy and women there are pressing the ministry for stopping the drinking habit, for they can then go about laden with ornaments, they can have more luxuries in the way of cinemas, etc., and they can hoard money that is wasted on drinks. This is how they have started in the Salem district—the home district of my confrere in the Madras Presidency. I would quote from the *Press Communiqué* of the Madras Government. It is as follows :—

4. *Sweet toddy*.—Tapping of trees for sweet toddy will continue. Tapping of trees for fermented toddy will however be prevented.
6. *Ganja and Opium shops*.—These shops will also be closed from 1st October 1937. Departmental sales in taluk offices of ganja and opium will, however, be allowed to those who are confirmed addicts.

**Lala Bhim Sen Sachar :** On a point of order. The reason why I am going to raise this point of order is that the time of the House is being taken up by irrelevant discussion on this resolution. We are not at all concerned with the scheme of the Madras Government. All that the resolution before the House relates to is whether or not there should be prohibition here. We should confine our discussion only to this point. We are not concerned with the scheme of the Madras Government.

**Mian Muhammad Iftikhar-ud-Din :** We appreciate the Premier's knowledge of drinks.

**Premier :** It is not my knowledge. Since we have to start this experiment, on a purely experimental basis, these considerations would also be of benefit to the members who want to take part in the discussion. I want to know if they want us to start on this scale or they want us to go further than that so that the Government may be in a position to know whether the Salem experiment will satisfy the House or whether they want us to go further than or less than the Madras Government.

**Lala Deshbanduh Gupta :** We want the Punjab Government to give lead in the matter.

**Premier :** You will probably find, after hearing me, that the Punjab Government will give a lead in this matter. (*Loud applause*). I will again turn to the *Press Communiqué*. It says—

*Foreign liquor.*—All foreign liquor licences, including refreshment room licences, will subject to what is stated in paragraph 8 below, be revoked with effect from 1st, October 1937. A system of special personal permits for those who apply, will, however, be allowed for domestic consumption of bottled foreign liquor only. The permits will be given only to a limited number of persons. The permit-holders should strictly observe the conditions laid down in the permits. Any breach of the conditions will entail cancellation of the permits. Persons who desire to obtain permits should apply to the Collector immediately. The Collector will submit them to the Board of Revenue as early as possible and in no case later than the 1st October 1937. An annual fee of Rs. 10 will be charged for each permit and be payable after the grant of the permit is sanctioned but before the permit is actually delivered to the applicant. The permits are intended to cover only the individual consumption of the permit holder, who should preserve all liquor bills for check.

**Lala Bhim Sen Sachar :** I raised a point of order, Sir.

**Mr. Speaker :** The Honourable Premier is requested to speak to the motion.

**Diwan Chaman Lall :** I hope my honourable friend would allow me to interrupt him for a moment. Is it the Premier's contention that sweet toddy is an intoxicating liquor?

**Premier :** No.

**Diwan Chaman Lall :** If it is not his contention, then what is the point of his argument?

**Premier :** I merely point out the difficulty of the scheme. Toddy is sweet when it is freshly tapped.

**Diwan Chaman Lall :** What is the date of that circular?

**Premier :** It is dated 13th September, 1937. I was pointing out the difficulty of the scheme.

**Diwan Chaman Lall :** May I, with your permission, draw the Premier's attention to the actual provision of the Act which says—

Prohibits the tapping of any toddy producing tree or permits or suffers to tap a toddy producing tree belonging to him or in his possession or draws toddy from any tree or permits or suffers toddy to be drawn from any tree belonging to him or in his possession.

**Premier :** I was pointing out the difficulties. My honourable friend seems probably to think that I am making some disparaging remarks against the Madras Government. The difficulty that the Madras Government is experiencing with regard to this matter will have to be faced by us as well. I merely point out to you that it is not an easy matter to have total prohibition, as my honourable friend said, with a stroke of the pen.

**Lala Deshbandhu Gupta :** A point of order. We wish to know whether the Government is opposed to the resolution under discussion or the Honourable Member is supporting the resolution.

**Premier :** Is that a point of order?

**Mr. Speaker :** The Honourable Premier may proceed with his speech.

**Premier :** I wanted to point out that this rule regarding foreign liquor means that it is going to bring them lot of money. If anybody wants to drink liquor he will have to pay Rs. 10 as licence fee for buying.

**Diwan Chaman Lall :** When my honourable friend gives dinner to His Excellency he will have to pay Rs. 10.

**Premier :** From the licence fee point of view the loss of revenue might be much less than the people expected. With regard to clubs the *Communiqué* says—

“*Clubs*—Permits will be granted in special cases to any existing clubs and liquor may be issued in such clubs to members—

**Mr. Speaker :** May I request the honourable member not to go into details ?

**Premier :** I am pointing out the difficulties that have to be faced and the amenities that we can provide. The House  
4 P. M. should know what they have to face in the way of difficulties and you may kindly allow me to proceed. I have got only one line more to quote. (*Interruption*).

**Mr. Speaker :** The Honourable Premier has to quote only one more line.

**Premier :** Why is my honourable friend feeling restive? I am merely pointing out the difficulties of the Government.

**Mr. Speaker :** I would request honourable members to allow the Honourable Premier to finish without any further interruption.

**Premier :** If you will allow me I will finish in a minute. My honourable friends, members of clubs, may not expect the same treatment from us here because it is going to be a real experiment.

“Permits will be granted in special cases to any existing clubs and liquor may be issued in such clubs to members who are permit holders and not to any one else.

These are the difficulties I have pointed out which the Madras Ministry was up against. There it was the question of today : here it will be the question of gur liquor and liquor made of kikar bark. It should be less difficult to check liquor made from gur rather than from sweet toddy because sweet toddy gets fermented if it is placed in the sun. I do not want to take any more time of the House.

**Mrs. Duni Chand** (Lahore City, Women, General) (*Urdu*) : Sir, I have risen to support the resolution moved by Subedar Major Raja Farman Ali Khan. I congratulate him on the bold step he has taken, a step in the right direction and in conformity with the Congress programme. Besides, I also congratulate the House because this resolution has been moved by a member of the party in power and I assure the House on behalf of the Opposition that whenever any such step is proposed, we would welcome it regardless of the party which proposes it. We want only this much assurance that it should be such that suits the real needs of the country.

There is no doubt that the evil which this resolution seeks to eradicate is really a very great evil. I may add here that prohibition is also a part of the Congress programme. When I heard that this resolution was going to be moved by a member of the party in power, I was greatly pleased. If I am permitted to say so, I would submit that I felt the same amount of pleasure which a hardworking student feels at his success in an examination. But at the same time I cannot help remarking that the resolution now before the House has reminded me of all the past things. I remember the time

when in 1922 many of our sisters, brothers and small children were thrown into prison merely because they advocated prohibition. I perfectly remember the time when I saw young men standing before wine shops requesting the people with folded hands to give up drinking. For this fault of theirs they had to bear the lathi charges of police and most of them had even to go to jails. There was one very strange thing which I have witnessed many times but have not been able to find any correct solution of it. That is, when a constable finds a drunkard he gets him confined in a lock-up and when anybody prevents any other person from drinking he is also sent to jail. I have not been able to find out as to who is the innocent of the two, whether the drunkard is innocent or the person who prevents others from drinking. The Government deals with both of them alike. From this I can draw only one conclusion. The wine seller is the only person who escapes and therefore it seems that he is the only innocent person, because he pays something to the Government.

Everybody is fully aware of this and in fact even the Government as well as a child of 5 years knows that liquor is a pernicious thing and it ruins a person outright. But it is a matter of great regret that because the government derives some revenue from this head, so they do not want to forego it. That is why they like to continue as before.

There is no doubt that women do not indulge in this evil. But in spite of this fact the women folk have to bear the brunt of this evil. I have seen thousands of families in the grip of poverty and being ruined owing to this evil. I have seen thousands of children dying of hunger because their fathers waste away every penny of their income on the purchase of liquor and leave nothing for them. The poor women folk have to face all these miseries.

Besides, there is another argument which I would like to advance against this evil of drinking. Drinking is generally prevalent among the poor sections of society. Harijans and labourers are addicted to this evil habit more than others. When after a day's hard labour they get their small wages, they spend them on drinks. Naturally there remains nothing for their children and so they starve. If the Government were to introduce prohibition, they would in fact be doing a great good to the poor sections of the society.

Again, drinking not only leads to waste of money but it spoils the health and affects the brain too. An intoxicated person cannot distinguish between good and bad. To-day when I was reading a newspaper, I came across a piece of news to the effect that a person under the influence of drink, murdered four members of his family. When he came to his senses he realised his blunder, but then it was no use crying over spilt milk. I, therefore, submit that unless this pernicious evil is eradicated from the country, incidents of this kind are bound to occur. I do not want to take much of the precious time of this House in citing instances. Honourable members daily read in newspapers that youngmen who indulge in drinking get demoralised. They murder their innocent wives and commit all sorts of heinous crimes. My submission is that if prohibition is introduced in the province, I am confident, the public will never object to it. I am sure this experiment will prove a great success.

[Mrs. Duni Chand.]

Besides, I may point out that Congress ministries under the guidance of Mahatma Gandhi who is the true-well-wisher of India and the greatest friend of Indians, have introduced prohibition in their respective provinces. In Madras, the Honourable Rajagopalacharya has introduced prohibition as an experimental measure in his own district of Salem and it has proved a great success. Those labourers who used to spend their hard earned money on the purchase of liquor, have ceased to do so. Their children and wives who used to starve before, are now happy and delightful. They can now make their both ends meet without any difficulty. Now my sisters there pray for the long life of the Honourable Rajagopalacharya. What I want to drive at is that if the Government mean to introduce prohibition in this province, no one will stand in their way. Perhaps the sum of rupees one crore and seventeen lakhs which represents revenue derived from excise, and which we will have to forego in case prohibition is introduced in the country, may prove a stumbling block in arriving at the decision. There is no doubt that this big sum forms a considerable part of the provincial revenues, but I may frankly submit that I feel very much disgusted when I find this sum included in the budget. I realize that this sum is being realised after depriving innocent and helpless children of their victuals. This sum is soaked in the tears of those wives whose husbands have fallen a prey to this evil. It also indicates the ruination of rich families which have been rendered homeless and penniless on account of this evil. I am confident my honourable friends will arrive at a unanimous decision in regard to the question of prohibition, and by foregoing this sum, they will prove themselves the true friends and well-wishers of the people of the Punjab.

Previously it was used to be said that our Government being a bureaucratic one had no sympathy with us in matters like this. But now we are at the helm of affairs. Being Indians we are all brethren even though we may differ politically. We may be members of the Congress or of the Unionist Party, but the fact remains that all our ills and troubles that are due to drink are common to all of us. Hence it is a common cause and therefore we should take concerted action to eradicate this evil. If the honourable members opposite do not see their way to accept this resolution, I would be constrained to remark that there is no difference between an irresponsible and a responsible government. But I assure them that if the Government takes steps to introduce prohibition in the province, the Punjab Congress Committee will be very glad to offer their services in this connection.

In the end I would request the Government to give effect to that noble intention expressed in the resolution under discussion. With these words I strongly support it.

**Begum Rashida Latif Baji** (Inner Lahore, Muhammadan Women, Urban) (*Urdu*). : Sir, before I proceed with my speech, I should like to thank you, Mr. Speaker, the honourable members of the Opposition as well as those of Government for having given earlier opportunity to the lady members of the House to express their views on a matter which affects them most. Let me also congratulate the honourable mover, who is a member of the Unionist Party, for bringing forward this resolution.

It has been stated by some honourable members opposite that Congress has given a lead in the matter of introducing prohibition in the country. None can gainsay the truth of this statement. But I may point out to them that our Government have not been unmindful of their duty in this respect. Consequently a member of Government party has thought it advisable to move a resolution to that effect. It will not be out of place to mention that everything that is done after great care, even if it involves delay, bears fruit. It is rightly said دیر آید درست آید Besides, I may be permitted to say that in spite of the fact that Congress ministries have introduced prohibition in their respective provinces, they have not enforced it rigidly. They have shown some mercy for confirmed drunkards in as much as they have issued special permits for them. But I am confident that when the Unionist Government introduces prohibition in any part of the province it will enforce it in right earnest. It will not show any favour to anybody.

Again, honourable members are aware of the fact that drinking is prohibited by every religion. So far as Islam is concerned, it definitely enjoins total abstinence of liquor. When prohibition is introduced it is possible that those who are addicted to this evil may raise great hue and cry and even curse the Government, but I am sure they will not engineer any agitation, nor will they have the courage to stand against the force of public opinion. Hence prohibition is sure to make headway in our province.

Besides, if we look at the matter from the moral point of view, you will find that drinking not only demoralises a person but also turns him into a brute. When intoxicated, a person commits such inhuman deeds as are repugnant to the fair sense of temperate persons. A poet has very aptly said :—

اول تو شر بشر میں دوئم شراب میں  
انسان شراب پی کے شرارت نہ کیوں کر

We often find that youngmen, under the influence of drink, maltreat their mothers and kick their innocent wives, whom they would respect otherwise. Besides, this evil of drink has been the cause of ruin of many rich families. Many rich people who used to roll in wealth have been reduced to abject poverty and are being kicked from door to door. Some of the poor are also addicted to this evil. Take for instance the case of a washerman, who washes clothes in the biting cold, while standing in the river and saying چولا چولا چولا He spends a major portion of his hard earned money on this evil. Again, take the case of a sweeper. He carries dirt on his head. But he also squanders sufficient money out of his meagre income on the purchase of liquor. I think nobody can deny that in every matter good or bad, the poor are tempted to follow the footsteps of the rich.

I would request the Government that to begin with they should introduce prohibition in the capital of the province, I mean Lahore, because it is here that daily dinners and tea parties are given in honour of big persons at which foreign drinks costing thousands and lakhs of rupees are frequently supplied. It is strange that under the law in force no person can keep more than one bottle of country liquor which costs a few annas. But it

[Begum Rashida Latif.]

is a thousand pities that in spite of the provisions of law one can keep dozens of bottles of foreign liquor for which we have to pay large sums of money to foreign countries.

If prohibition is introduced in some districts and proves successful, other districts will also follow suit, and similarly, when the rich abandon the use of liquor in their various parties and dinners, the poor will naturally follow their lead. Temperance among men will have a very healthy and salutary effect upon women—a poor class of down-trodden and much neglected creatures—inasmuch as they will have better clothing and better food and less worries on account of financial difficulties. Believe me, Sir, that I was never so much pleased as I have been pleased to-day over the consideration of this resolution by the House. But I am sorry to observe that our Government seems to be afraid of the loss which the introduction of prohibition will undoubtedly cause to the provincial exchequer. I would, therefore, appeal to the Government, not be deterred from doing their duty and try to make the loss by utilizing whatever surplus the annual budgets may offer to them. I would welcome that day when the use of liquor is banned in every village, town and city of this province. In doing so, the Government will be strongly supported by the public opinion in as much as Islam forbids drinking habits of all sorts. I may assure the Government that no Muslim will ever dare to raise his voice against the introduction of prohibition in this province.

As there are several other resolutions to be discussed by the House, I cut short my speech and appeal to all sections of the House to accept this resolution unanimously.

**Minister for Education** (The Honourable Mian Abdul Haye): Earlier when the Honourable the Premier was on his legs, I had no intention to intervene in this debate, but I want to remove a little misunderstanding. The Honourable the Premier referred to a *communiqué* issued by the Madras Government and mentioned that it was clear from it that the intention was not to ban sweet toddy. He was interrupted by my friend the honourable Diwan Chaman Lall. Diwan Chaman Lall quoted from the Bill which was published in the Legislative Assembly Debates of Madras and the definition of 'toddy' given therein which he read out shows that it included both fermented and unfermented juice. With the courtesy of my honourable friend, I have now gone through the provisions of this Bill and I may point out that the correct position as regards the Madras Government is the one as stated by the Premier and not as stated by Diwan Chaman Lall. I would draw the attention of the House to clause 19 of the Bill which says—

Subject to the control of the provincial Government, the Collector or any officer empowered by him may issue licences for the tapping of any trees for sweet toddy for consumption.

and the other part of the clause is—

Permits for the possession, transport or sale of such toddy.

As has already been pointed out by the Honourable the Premier, the sweet toddy gets fermented quickly and very easily. I have no personal experience, but I understand from my honourable friend Sardar Sundar



Singh Majithia that sweet toddy if tapped in the morning gets fermented after 12 o'clock (*laughter*).

**Mr. Speaker :** The question is—

That the question be now put.

*The motion was carried.*

**Minister for Revenue** (The Honourable Dr. Sir Sundar Singh Majithia) : Sir, I can express my genuine sympathy with the idea behind the motion of my honourable friend.

**Khan Bahadur Nawab Muzaffar Khan :** Sir, there is much noise going on in the House and we cannot hear the Honourable Minister.

**Mr. Speaker :** It is difficult to hear the Honourable Minister. Some gentlemen are talking and are talking aloud. So, I request them not to talk at all or to talk in whispers.

**Minister for Revenue :** I have great sympathy with the object underlying the motion put forward by my honourable friend. I have been a total temperance member having taken my pledge in 1898 (*hear, hear*) and I have kept that pledge up to this time. The object underlying the motion of my friend is, that an experiment of prohibition should be started in certain portions of the province. He has my fullest sympathy and if I may say so he will have my fullest support. But in putting forward the other side of the picture, I may be permitted to put forward before this House the difficulties that arise in carrying out the object which my friends have in view. I realise the evils of drink much more than any other member in this House does. I know what happens when people drink liquor. They have to spend money for the purpose. When they are drunk, many things happen, quarrels and fights, particularly amongst the agricultural classes which lead to litigation and sometimes fill the pockets of many of my legal friends in defending those people who indulge in this sort of sport. Murders also sometimes occur. Many people are hanged on account of the misdeeds done under the influence of liquor. Therefore there is nobody in the Punjab, what to say of my poor self, who does not have any sympathy with the object underlying the resolution, namely the stoppage of this evil. (*An honourable member :* Stop by words). If this were to be stopped by words, my honourable friend, the Premier has read what has been done in certain other provinces which have started prohibition. I am not criticising them, because they are doing their best to root out the evil and we will do our best to root out the evil. But the general policy of the Government is summarised in the Punjab Excise Manual—Volume III, page 2, paragraph 1.6—

The Government have no desire to interfere with the habits of those who use alcohol in moderation; this is regarded by them as outside the duty of Government, and it is necessary in their opinion to make due provision for the needs of such persons. Their settled policy however is to minimise temptation to those who do not drink and to discourage excess amongst those who do; and to the furtherance of this policy all considerations of revenue must be absolutely subordinated. (*Hear, hear*).

[Revenue Minister.]

This is the policy which has been adopted by the Government of India and this is the policy which has been adopted by the Punjab Government hitherto. (*Lala Deshbandhu Gupta* : The present Punjab Government or its predecessor ?) From this it will be apparent that the control of consumption in the interests of the consumer by taking steps to put intoxicating drinks beyond the consumer's reach is necessary. My friend, the Honourable Finance Minister, mentioned this in his opening speech when he presented the budget and I need not repeat it because that speech is in the hands of all members of this House. There is also the question of placing religious prohibition, social prohibition, against this evil and in the past temperance workers and others who have got at heart the best interests of the province have been doing their utmost to eradicate this evil.

I may point out that a big experiment on these lines was tried in the United States of America and the country went dry. What is the effect of that experiment, if I may ask, of that total prohibition experiment in a country like the United States of America ? They have gone back on that policy and they have adopted the policy of going wet. I do not want to say that if I tried to introduce prohibition in the Punjab I would try to go back from that policy, when once that policy is adopted. My object in putting forward this before you is to point out the difficulties that we shall have to face. In the matter of prohibition I may be permitted to say that when the United States of America introduced prohibition their expenditure on the measures they had to adopt for prohibition increased to four times, and still there was boot-legging and similar other illegal practices to import liquor in violation of the law.

**Mian Abdul Aziz** : Will the Honourable Minister kindly let us know whether he is opposing the resolution or supporting it ? We have not been able to follow him. (*Voices from Ministerial benches* : Wait and see). Am I to know it from the Honourable Minister who is speaking or to understand it from other honourable members ?

**Minister for Revenue** : If my honourable friend had followed what I had said in the beginning, he would have known what I mean, and he will certainly know if he waits till I have finished my speech.

**Mr. Speaker** : Please do not answer such questions and proceed with your speech.

**Minister for Revenue** : I will answer the honourable member at the end. Meanwhile he will please wait. I was trying to bring to the notice of the House what will be the loss of revenue which the province will have to suffer if prohibition is introduced. In 1932-33 the revenue from this source was Rs. 94,92,054, in 1933-34 it was 71 lakhs, in 1934-35 it was Rs. 1,01,00,000, in 1935-36 it was Rs. 1,04,08,000 in 1936-37 it was 1 crore and three lakhs. My honourable friends know that the expenditure on the staff required to stop illicit distillation and for other preventive measures comes to a little about 4½ lakhs. One of my honourable friends stated this to be 11 lakhs but that includes other items of expenditure and it is only 4½ lakhs that are provided for preventive staff, and if prohibition is to start in the whole of the province, calculating on the experience of the United States, something like 17 lakhs would have to be spent in stopping illicit traffic.

in liquor, besides a loss of 99 lakhs calculated on the average of the last five years which means that the province will have to face a loss of one crore and 16 lakhs. This is one-eleventh of the whole of the revenues of the province. I am explaining this only by way of the difficulties that lie in our way of introducing prohibition and if we have to bear this loss we ought to know from what source this loss has to be met.

**Lala Deshbandhu Gupta :** May I know from the Honourable Minister whether only considerations of revenue stand in the way of introducing prohibition ?

**Minister for Revenue :** My honourable friend has not heard me. I am only quoting figures from this book. Revenue is not the only consideration, but we cannot allow considerations of revenue to be ignored. We must know that there is such a big gap which we shall have to fill up somehow or other, if the administration of the province has to be run ; we must know the ways and means by which this loss will be made up. This is one of the difficulties which face us and which I am putting forward before this House. The other day my honourable friend Sardar Partab Singh gave us a very lucid example of a lambardar whose son died as was alleged on account of an excise sub-inspector putting in his pocket hill opium. I do not know how he managed to distinguish between hill opium and ordinary opium. It was alleged the man was arrested and he was not allowed to look after his son who was ill with the result that his son died. In other words my friend meant that the steps taken by the Excise Department in the administration of excise law to check illicit trade were so harsh that a man lost his son on this account. May I ask this House what will be the effect if the whole of the province has to be guarded and if we have to take steps to see that no illicit liquor is produced in the country ? I hope my honourable friends opposite and all other members of the House do realize what will be the effect of this. Do they realize that the Punjab is surrounded by native states and we cannot enforce prohibition of any sort within these states ?

**Lala Deshbandhu Gupta :** Has the Government sought their co-operation ?

**Minister for Revenue :** Please let me go on. Without mentioning the names of any State I may inform my honourable friend that one of the ruling chiefs with whom I had some talk told me that if we were to introduce prohibition in a district adjoining his State, he could give me a good deal of monetary help for some charitable institution without my asking for it.

**Lala Deshbandhu Gupta :** Name the prince.

**Minister for Revenue :** It may be a lame defence but the responsibilities of the Government do not rest upon the shoulders of my friends opposite.

**Lala Deshbandhu Gupta :** Governments of seven provinces.

**Minister for Revenue :** My honourable friends would be interested to know that in the five years about which I quoted figures the persons arrested and those convicted for drinking rose to very interesting numbers. In 1932-33 the number of those arrested were 2,643, the number of men convicted was 1,493 and the number of those convicted for drunkenness was 251 ;

[Revenue Minister.]

in 1933-34 persons arrested numbered 2,740, number convicted 1,409 and those convicted for drunkenness numbered 311. In 1934-35, the figures were, 2,485, 1,497 and 407, in 1935-36 they were, 2,634, 1,418 and 488; during the last year the figures were 2,657, 1,309 and 387. These are the figures that we have to keep in our mind when we think of introducing prohibition.

**Lala Duni Chand :** You are arguing against yourself.

**Minister for Revenue :** I need not weary the House by giving further figures though I have a good deal of them. I shall, however, give figures about the population of the province in 1911-12 which was 19,946,369 and the figures about 1936-37 when the population stands at 23,801,826, but the spirit consumed, Indian made foreign liquor is 1,571 gallons and country spirit 415,866 gallons not to say anything about charas, opium, etc. It is for us to consider how to get over these difficulties.

As regards consumption, my friends would know that there is the Local Option Act and some of the local municipalities and district boards have got permission to adopt provision provided in this Local Option Act. (Voices : It is a dead letter). If my honourable friends would let me do so I will give them some figures. Forty-two local bodies have got the option to apply this prohibition. Five of them have complied with the rule of two-third majority. The rest have not been able to procure the two-third majority which is necessary for stopping the liquor shops inside local areas in which they have got their powers. As regards Charas it is one of the drugs which is not produced locally in this country. We have got in Hoshiarpur a Charas depôt and it comes from somewhere on the other side of the province. During my tours I was told that some of the contractors had become millionaires by trying to bring this thing. I know there are very great difficulties and my honourable friend, Diwan Chaman Lal, who is their legal adviser, has, in that capacity come and spoken to me once or twice about this matter. But, all the same, one of my friends in the United Provinces asked me whether I would help in the stopping of import of charas. I requested him to kindly write to me on the subject and I will look into the matter and do my best to meet with his wishes. Charas is a thing which is most demoralising and that is the first thing that I would like to stop. I do not like to see my people, my dear people, get into the habit of charas smoking, but all the same what I wish to point out is that these are some of the difficulties which are in the way of the solution of this question. We are, all the same, thinking at the present moment of meeting my honourable friends by trying this experiment in certain parts of the province—not an experiment to be tried in such a way that we may fail but try to see that we succeed in that experiment. (Hear, hear). Once we succeed in that experiment, we shall extend the sphere of prohibition in other parts of the province. (Hear, hear). We have not yet decided as to the districts or places where we have to start this prohibition but I can assure the House that the matter is receiving very careful and serious consideration at the hands of the Government and that we are not going to sleep over it. We are not going to leave it alone by itself. We will try our best in introducing this in some suitable localities and I think with

that promise, that I give on behalf of the Government, my honourable friend the mover of the resolution will see his way to withdraw it. (*Hear, hear*).

**Mr. Speaker :** Question is—

That for the words after the word “that” in line 1 the following be substituted :—

“immediate steps be taken to introduce prohibition on an experimental basis in at least one important district in each of the five divisions of the province.”

*The Assembly divided : Ayes 35 : Noes 86.*

#### AYES.

Abdul Aziz, Mian.  
Ajit Singh, Sardar.  
Barkat Ali, Malik.  
Bhagat Ram Choda, Lala.  
Bhagat Ram Sharma, Pandit.  
Bhim Sen Sachar, Lala.  
Chaman Lall, Diwan.  
Chanan Singh, Sardar.  
Deshbandhu Gupta, Lala.  
Duni Chand, Lala.  
Duni Chand, Mrs.  
Gokul Chand, Narang, Dr. Sir.  
Gopi Chand Bhargava, Dr.  
Hari Singh, Sardar.  
Harjab Singh, Sardar.  
Kabul Singh, Master.  
Kapoor Singh, Sardar.  
Kartar Singh, Chaudhri.

Kartar Singh, Sardar.  
Kishan Singh, Sardar.  
Muhammad Alam, Dr. Shaikh.  
Muhammad Hassan, Chaudhri.  
Muhammad Iftikhar-ud-Din, Mian.  
Mula Singh, Sardar.  
Muni Lal Kalia, Pandit.  
Partab Singh, Sardar.  
Prem Singh, Mahant.  
Raghubir Kaur, Shrimati.  
Ram Narain Virmani, Seth.  
Rur Singh, Sardar.  
Sampuram Singh, Sardar.  
Sant Ram Seth, Dr.  
Shri Ram Sharma, Pandit.  
Sohan Singh, Josh, Sardar.  
Sudarshan, Lala.

#### NOES.

Abdul Hamid Khan, Sufi.  
Abdul Haye, The Honourable Mian.  
Abdul Rahim, Chaudhri (Gurgaon).  
Afzaalali Hasnie, Sayed.  
Ahmad Yar Khan, Chaudhri.  
Akbar Ali, Pir.  
Ali Akbar, Chaudhri.  
Amjad Ali Shah, Sayed.  
Anant Ram, Chaudhri.  
Ashiq Hussain, Captain.  
Badar-Mohy-ud-Din Qadri, Mian.  
Balbir Singh, Rao Bahadur Captain Rao.  
Balwant Singh, Sardar.  
Binda Saran, Rai Bahadur.  
Chhotu Ram, The Honourable Chaudhri Sir.  
Dasaundha Singh, Sardar.  
Dina Nath, Captain.  
Faiz Muhammad, Shaikh.

Fateh Khan, Raja.  
Fateh Muhammâd, Mian.  
Fateh Sher Khan, Malik.  
Fazl Ali, Khan Bahadur Nawab Chaudhri.  
Fazal Din, Khan Sahib Chaudhri.  
Fazal Karim Bakhsh, Mian.  
Few, Mr. E.  
Ghazanfar Ali Khan, Raja.  
Ghulam Mohy-ud-Din, Maulvi.  
Ghulam Qadir Khan, Khan Bahadur.  
Ghulam Rasul, Chaudhri.  
Ghulam Samad, Khawaja.  
Gopal Das, Rai Sahib, Lala.  
Gurbachan Singh, Sardar Sahib, Sardar.  
Habib Ullah Khan, Malik.  
Hans Raj, Bhagat.  
Hari Chand, Rai.

Harnam Das, Lala.  
 Harnam Singh, Captain Sodhi.  
 Het Ram, Rai Sahib, Chaudhri.  
 Indar Singh, Sardar.  
 Jahangir Khan, Chaudhri.  
 Jalal-ud-Din Amber, Chaudhri.  
 Jogindar Singh, Man, Sardar.  
 Karamat Ali, Sheikh.  
 Khizar Hayat Khan Tiwana, The Honourable Nawabzada Major.  
 Manohar Lal, The Honourable Mr.  
 Mubarik Ali Shah, Sayed.  
 Muhammad Akram Khan, Khan Bahadur Raja.  
 Muhammad Azam Khan, Sardar.  
 Muhammad Faiyaz Ali Khan, Nawabzada.  
 Muhammad Hassan, Khan Bahadur Makhdum Sayed.  
 Muhammad Hayat Khan Noon, Nawab Malik, Sir.  
 Muhammad Hussain, Sardar.  
 Muhammad Hussain, Chaudhri.  
 Muhammad Saadat Ali Khan, Khan Sahib Khan.  
 Muhammad Sarfraz Khan, Chaudhri.  
 Muhammad Shafi Ali Khan, Khan Sahib, Chaudhri.  
 Muhammad Yasin Khan, Chaudhri.  
 Muhammad Yusuf Khan, Khan.  
 Mushtaq Ahmad Gurmani, Khan Bahadur, Mian.  
 Muzaffar Khan, Khan Bahadur Captain, Malik.

Muzaffar Khan, Khan Bahadur, Nawab.  
 Narendra Nath, Diwan Bahadur, Raja.  
 Nasir-ud-Din, Chaudhri.  
 Nasrullah Khan, Rana.  
 Naunihal Singh Mann, Lieutenant Sardar.  
 Nawazish Ali Shah, Sayed.  
 Nur Ahmad Khan, Khan Sahib, Mian.  
 Pir Muhammad, Khan Sahib, Chaudhri.  
 Prem Singh, Chaudhri.  
 Pritam Singh Siddhu, Sardar.  
 Ranpat, Chaudhri.  
 Roberts, Professor W.  
 Shahadat Khan, Khan Sahib, Rai.  
 Shah Nawaz, Mrs. J. A.  
 Shah Nawaz Khan, Nawab Khan.  
 Sham Lal, Rai Bahadur Chaudhri.  
 Sikander Hyat-Khan, The Honourable Major, Sir.  
 Singha, Mr. S. P.  
 Sita Ram, Lala.  
 Sultan Mahmood Hotiana, Mian.  
 Sumer Singh, Chaudhri.  
 Sundar Singh, Majithia, The Honourable Dr. Sir.  
 Talib Hussain Khan, Khan.  
 Tara Singh, Sardar.  
 Tikka Ram, Chaudhri.  
 Uttam Singh Dugal, Sardar.

**Mr. Speaker :** The question is—

This Assembly recommends to the Government that prohibition be introduced in five districts of the province on an experimental basis.

*The motion was carried.*

#### BUILDING SCHEME IN LAHORE.

**Rai Bahadur Binda Saran :** Mr. Speaker, I understand that Government is already considering a proposal for revising the scheme proposed by the Lahore Municipal Committee and the Improvement Trust ; and in order to give an opportunity to interested persons they are proposing a committee of non-official members. I am also told that in the light of the decisions arrived at by that committee the

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Government will consider the proposal. I, therefore, do not want to move my resolution.<sup>1</sup>

#### COMPULSORY RETIREMENT OF UNDESIRABLE GOVERNMENT SERVANTS.

**Chaudhri Ali Akbar** (Gurdaspur East, Muhammadan, Rural) (Urdu) :  
Sir, I beg to move the resolution that stands in my name, viz. :—

This Assembly recommends to the Government that all Government employees who have completed 25 years of service and whose retention in public service is undesirable on the ground of inefficiency or doubtful honesty should be retired compulsorily without any avoidable delay.

Sir, I would like to make a few observations in support of this resolution. It goes without saying that unemployment is rapidly increasing in our country, especially amongst our educated young men. They spend large sums of money in the pursuit of higher education but when they fail to secure a suitable employment after the completion of their educational career, they are driven to follow the tragic course of committing suicide. In view of these hard and painful facts I have tabled this resolution to the effect that all old Government employees who have completed 25 years of service and whose retention in public service is not desirable on the ground of inefficiency and doubtful honesty should be retired compulsorily in order to make room for the unemployed young men with high educational qualifications. In this connection I may be permitted to say that the present system of services was introduced here on the advent of the British power in India. The British authorities wanted clerks to run the machinery of the government and hence a system of clerical establishment was introduced.

We find, to-day in public service, men who have 35 or 38 years of service at their back. They are weak in health, victims of incurable cough and have one leg in the grave. But nevertheless they are occupying the official chairs alright and are drawing fat salaries. If the services of these old men are dispensed with and their vacancies are offered to the unemployed young men who are the root cause of daily agitation in our country, the peace and tranquillity can be ensured. Besides, one of the grievances of these young—men is that old men who have no higher qualification than a matriculation certificate, are receiving salaries as high as Rs. 500 a month, while those with the highest qualifications are being totally neglected. Again, in certain quarters it is being held that if the services of the old employees in Government service were dispensed with, the new young entrants might not be able to fit themselves in the machinery of the Government. But my submission is that they must be given an opportunity to prove their worth. I may also point out that by dispensing with the services of one old Government employee, drawing a high salary, we can employ several young men on lower salaries within the same amount. I may sound a note of warning to the Government that if no adequate arrangements are made to provide for these unemployed young men, the day is not far off when our country will be involved in a revolution. I may further add that corruption is rampant amongst the old Government employees. Whenever we complain against them, we are required to substantiate the charge by legal proofs. You are

<sup>1</sup>This Assembly recommends to the Government to point out to the authorities concerned that the rules framed by them recently in connection with the fixing of minimum area and sanctioning of building schemes in the City and Civil Station of Lahore are harsh, unjust and unnecessary and, therefore, require cancellation.

[Ch. Ali Akbar.]

well aware that nobody offers illegal gratification to another person in the presence of some one else. At the same time it is never mentioned in records that bribe has been taken in connection with a certain matter. It is, therefore, proper that old corrupt Government employees should be asked to make room for the unemployed young men. I can give any number of instances regarding the corrupt practices prevalent amongst public servants. Take the case of a patwari. There is no retiring age limit for him. No one is authorised to make him retire unless he himself vacates the office through death. It is an open secret, that a patwari is the most corrupt official under the Government. Sometimes he is caught red-handed, but the difficulty is that a proof that may warrant conviction is not forthcoming. In this connection I am reminded of the case of a tahsildar whose name I do not want to disclose. He has pending before him since October last a mutation case of 300 acres of land worth 1½ lakhs of rupees belonging to a person who died leaving no heir behind him. The tahsildar is keeping the file in his box for the last six months and has forbidden the parties to appear before him. Does it not transpire from this inordinate delay that the case is being held up by the tahsildar with some ulterior motive? But there is no proof to substantiate the charge of corruption. It is so in every case of corruption. Only circumstantial evidence is there. It is obvious that mutation of the land could have been effected much earlier and if the tahsildar entertained some doubts, he ought to have forwarded the case to the revenue assistant for orders.

It is extremely difficult to prove a charge of corruption against an officer in a court of law as it requires the production of an eye-witness to substantiate the charge, and there may not be a single eye-witness besides the officer himself or his accomplice who has offered him illegal gratification. How can we expect an accused, therefore, to come forward and give evidence against himself? Besides, when a complaint is made against a tahsildar the duty of investigating into the allegations of corruption, is entrusted to his immediate officer, that is the revenue officer who, more often than not, is on quite friendly terms with him. In view of these drawbacks, it is very difficult to prove a charge of bribery, although it is an open secret that corruption is rampant in the country. However, if the Government keeps a vigilant eye on those officers whose honesty is doubtful and wishes to weed them out, it would be possible to replace a large number of corrupt officers by promising young men.

With these words, Sir, I commend my resolution to the House for its acceptance.

**Mr. Speaker :** The resolution moved is—

This Assembly recommends to the Government that all Government employees who have completed 25 years of service and whose retention in public service is undesirable on the ground of inefficiency or doubtful honesty should be retired compulsorily without any avoidable delay.

All amendments to this resolution are out of order. If any honourable member wishes to satisfy himself he might say so and I will give my ruling.



**Captain Sodhi Harnam Singh :** Sir, my amendment does not appear to be out of order. It reads thus—

That in line 2 the word 'those' be added between the words 'and' and 'whose'.

**Mr. Speaker :** In that case the resolution will read as follows :—

This Assembly recommends to the Government that all Government employees who have completed 25 years of service and those whose retention in public service is undesirable on the ground of inefficiency or doubtful honesty should be retired compulsorily without any avoidable delay.

Thus the honourable member's amendment will divide the resolution into two parts :—

- (1) that all Government employees, who have completed 25 years of service, should be retired whether they are efficient and honest or not ; and,
- (2) those who are inefficient and dishonest should be retired even if they have put in one year's service. It is clear that the amendment goes far beyond the scope of the original resolution.

**Pandit Muni Lal Kalia :** What about my amendment, Sir ?

**Mr. Speaker :** The honourable members' amendment reads as follows :—

That the words " who have completed 25 years of service and " in line 2 be omitted.

If this amendment is allowed it would make the resolution read as follows :—

This Assembly recommends to the Government that all Government employees whose retention in public service is undesirable on the ground of inefficiency or doubtful honesty should be retired compulsorily without any avoidable delay.

In other words, if they have been in service only for one year or one month, they shall be retired ; while the resolution requires that they must have completed 25 year's service. The word used is 'retired' not 'removed' or 'dismissed'. If one is 'retired' from Government service, he is entitled to pension ; while he gets no pension if he is " removed ".

**Rana Nasrullah Khan :** What about my amendment No. 5 ?

**Mr. Speaker :** That amendment reads—

That in line 4 the words " and prejudice " be added between the words " honesty " and " should."

What does the honourable member mean by the word 'prejudice' ? Perhaps he means that he has got communal bias. If he means that, he has failed to express his meaning.

**Sardar Kapoor Singh** (Ludhiana East, Sikh, Rural) : Sir, I think on this side there is some reluctance to speak on this motion, perhaps because of the fact that the Treasury benches have not uttered a word on this resolution. I find, that the general principles of this resolution are quite good and I am sure that some of the members will agree to those principles, but I fear that at the back of the resolution there is some communal tinge (A voice : At last the cat is out of the bag.) If this resolution is passed, then it will be for the Government to decide as to who are inefficient or dishonest or undesirable officers. Under that garb some of the most efficient and some of the most honest persons also might be removed by Government and by the removal of those persons some of the members of minority communities.

[S. Kapoor Singh.]

might be replaced by members of the majority community. If Government can give an undertaking that they are not going to bring in that communal consideration, and if Government can give an assurance that for every man who is made to retire, a member of the same community is given that place, then I will have no objection.

**Minister for Development :** As if that is not communalism.

**Mr. Speaker :** No remarks please.

**Sardar Kapoor Singh :** In these circumstances I do not know whether to support or to oppose the resolution as long as there is nothing said from the other side.

**Khawaja Ghulam Samad** (Southern Towns, Muhammadan, Urban). (Urdu): Sir, the resolution under consideration is so important that neither side of the House should have deemed it fit to object to it. But it is a matter of great surprise for me that my honourable friend, Sardar Kapoor Singh, has remarked that the resolution in question has a communal tinge. I know how this idea occurred to him. Some time ago the Government had assured the Muslims of the Punjab that their share in the Government services would henceforth be fifty per cent. It appears to me that my honourable friend is horrified at the very idea of that percentage. He is afraid lest the Government should give effect to this assurance already given to the Muslims in respect of communal representation in public services. The honourable member who has just preceded me has remarked in his speech that as he considered that the resolution is based on communalism, it should, therefore be turned down. But I am definitely of opinion that it is not so. This resolution is absolutely necessary, and it is our foremost duty to support it.

A few years ago, when I was also in Government service, I found that inefficient and dishonest officials used to get bribes from the public. My knowledge is based upon my own personal experience about such black sheep and I know it for certain that even today corruption is rampant in certain Government departments. The Government servants know it fully well that in the absence of any specific legislation penalising corruption they are at liberty to do whatever they like. There are, no doubt, instructions, to the effect that if at least 5 respectable persons were to make a complaint against a certain official to the higher authorities that the said official has been guilty of receiving illegal gratifications from any of the public, the authorities would at once inquire into the matter and take proper action against him. But it is a matter of regret that practically speaking these instructions have not been acted upon. Whenever any complaint is made against any dishonest and corrupt official, his colleagues at once inform him about it, and the result is that he at all costs tries to compromise with the complainants and in most cases he gets off scot-free. Sometimes it has been found that the complainants become nervous in the presence of inquiring officers and consequently they fail to prove the charges brought against the corrupt officials so much so that in most cases they deny having marked thumb-impressions on their representations. Sir, I have seen inefficient persons in service on posts of responsibility who get their work done on payment and their acts of omissions and commissions are ignored by their officers for reasons well

known to the House. I hope and trust that the resolution in question, if accepted, would certainly put corrupt practices to an end. This resolution would make it impossible for the dishonest and inefficient officials to go on with their corrupt practices. With these words I very strongly support the resolution.

**Dr. Gopi Chand Bhargava** (Lahore City, General, Urban) : Sir, I heard with rapt attention the arguments advanced by the mover of this resolution. But I fail to understand why this resolution has been brought forward. I do not smell any communalism because I never think on those lines. But I have not been able to understand why it is desired that all Government employees who have completed 25 years of service and whose honesty is doubtful or who are inefficient should be removed. Does it mean that the mover of the resolution is prepared to grant the right to the Government that they can keep inefficient people and dishonest people—whose dishonesty is not only doubtful but even proved—in service if they have not completed 25 years of service ? (*Hear, hear.*) I could understand, if he wanted to remove bribery and corruption in the services, his tabling a resolution to the effect that where these exist, whether the man has completed, one year or 2 years or 20 years or 25 years, he must be removed. But by moving a resolution and limiting its scope, it means that we are prepared to tolerate a dishonest man if he has been employed a few days back. Sir, it is said that if you remove old people, you will give a chance to the younger people to earn their livelihood. Formerly, if my information is right, people aged 15 or 18 or 20 used to be employed in Government service and if they were removed they shall be aged 45 at the most. I am not one of those who believe that a man cannot work after 45 years of age. I know even in this House there are responsible people, very responsible people, who are aged more than 45. At least I am one of those who have passed the age of 45 and I do not believe and I cannot even think that I cannot do work which a young man can be called upon to do in Government service or in public service. Therefore this argument that if people who have put in 25 years of service and who have gone old, are to be retired compulsorily, it will give a chance to the younger people to come in, does not stand. But if that step is desirable, why should it apply only to those who are dishonest and who are inefficient. If a man who is inefficient and dishonest by virtue of his age and cannot work, a man who is honest, a man who is intelligent, who is diligent, who is efficient, certainly shall grow older sooner because he has to work harder. Therefore, does it mean that those who have put in 25 years of service even now—when Government can take advantage of their experience and ability—should be removed because it is thought that they are old enough ? Only two days back we heard that a man of Imperial service was given an extension in spite of the fact that he was older than 45 years in age, because the Government thought that he was a man who had the energy, who had the ability to work. Therefore I have not been able to understand the object underlying this resolution. If the Government receives any complaint about the honesty of a man, they have got every right to remove the man ; they can take departmental action and they are within their rights to do so and if we find that the Government has not exercised that right we can invite the attention of the Government to that fact and I would welcome passing a resolution to that effect because then it would

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be a censure against the Government. But my feeling is that this resolution is unnecessary. Not only that. If we adopt this it will be harmful because we give them a right to keep dishonest and inefficient people provided they have not completed 25 years of service. Then there is one thing more. I want that the man who is dishonest should be tried, should be given a chance to clear his position, so that the man may not be removed simply on doubt; that doubt leads to favouritism and nepotism. If this resolution is adopted it means that if a district officer or if the head of the department is displeased with a man who has completed 25 years of service, he may say, 'you are a man of doubtful honesty, you go', and the man has got no right of appeal because the Government will say, 'this House has adopted a resolution and we are bound by it because we are a responsible government'.

Therefore if this proposal is adopted it means that you give unlimited power to the heads of departments and certain other people. I am one of those gentlemen who do not believe in service by communities. I believe in service by ability whoever he may be. When we keep a servant to do a certain job, we see whether the man is capable of doing his job well. We do not keep an inefficient man because we have to provide for a man. Government service is not meant for providing employment to people. We have to carry on the Government and therefore we must retain people who are efficient. Does the mover of the resolution mean that because people have not reached the service of 25 years, we should carry on with them even if they are inefficient? This question of communalism can only arise when we do not pay regard to efficiency, because communalism leads to inefficiency. In my opinion to fix proportions in service for different communities is wrong in principle. An argument has been advanced by my friend on the other side that perhaps we are afraid that the Muhammadans will get 50 per cent. appointments and therefore we want to stand in the way of this resolution. I shall be very glad if cent. per cent. posts go to the Muhammadans, provided they are efficient and honest and can carry on the Government. If I am in charge of the Government and I have to carry on the Government, I would not care whether a man is a Hindu, Sikh or Muhammadan. If I feel that there are some Muhammadans who are without any employment because they cannot get into Government service, it shall be the duty of my Government to provide employment for them in some other way. It is the duty of the Government to find employment. Therefore I do not believe in communalism in services. Therefore to say that we are afraid of Muhammadans getting 50 per cent. of posts is absolutely misleading and incorrect. We are in favour of employment by virtue of ability and not by communalism, because communalism leads to favouritism and when the question of favouritism comes inefficiency comes in. This resolution is therefore uncalled for and harmful.

**Khawaja Ghulam Samad :** Is not his speech communal? (*Voices from all sides of the House : No.*)

**Dr. Gopi Chand Bhargava :** I do not think, Sir, it requires your ruling to say that my speech is not communal. As I said in the beginning no argument has been advanced to show that this resolution is absolutely necessary. The resolution is not necessary; it is not only unnecessary, it is harmful. With these words I oppose this resolution.

**Khan Muhammad Yusuf Khan** (Rawalpindi Sadar, Muhammadan, Rural) : As we all know the problem of unemployment is a very grave problem. In other countries during recent years Governments have risen and fallen for not being able to tackle this problem in a proper manner. Just on assuming the reins of Government the Unionist Party showed its keen sense of duty by appointing the Unemployment Committee in order to solve this problem and I think this is the reason why the Government has taken the opportunity of putting forward this resolution before the House in order that there should be some relief given to those who are unemployed. Some points have been raised by the Honourable Leader of the Opposition to the effect that this resolution presupposes that there are dishonest and inefficient persons in the employment of the Government and those persons have not yet been turned out. I would submit that this assumption is not correct. The words of the resolution talk of persons who are of doubtful honesty or of doubtful efficiency and as the legal theory goes the benefit of doubt always go to the accused, and it is opposed to all canons of equity, justice and good conscience that Government should turn out its employees who are of doubtful honesty but have not been proved to be dishonest. Unless and until a servant of the Government is proved to be inefficient or dishonest, the Government is not right in turning him out. This would be a most unjust and preposterous step and would involve a breach of contract on the part of the Government to show such a treatment to those who have served under it. The other point that has been raised is that the resolution gives large powers to the heads of departments. This is not correct. It does not mean that the head of department will turn out an employee just at his own whim when the whole of his past record is good and unexceptionable. The question of giving large powers to the heads of departments therefore does not arise at all and my honourable friend who has just preceded me was wrong in holding that it tends to give large powers to the heads of departments. I, therefore, submit, that as the resolution stands it is a very good measure which will afford relief to the unemployed and especially to the educated unemployed. I had hoped that this resolution would be carried unanimously but I regret to find that there has been some opposition. With these words I resume my seat.

**Pandit Muni Lal Kalia** (Ludhiana and Ferozepore, General, Rural) : From the speech that has just been made by the previous speaker I understand that the resolution has been moved on behalf of the Government and it has been moved with the object of providing employment for the unemployed. If this is the object of the resolution that unemployment may be remedied, it means that the retention of such people in service, be they of doubtful honesty or be they of doubtful efficiency, was an unobjectionable thing before, even though they had rendered more than 25 years service. It only shows that the Government or the honourable members on the ministerial benches are not anxious to get rid of inefficient persons and persons of doubtful honesty but they are only anxious to give employment to those who are now troubling them either in their constituencies or elsewhere. It is for this reason that this resolution has been moved, otherwise, as it has been pointed out by the Honourable Leader of the Opposition and as was also endeavoured to be covered by the amendment of which I had given notice, but which unfortunately has been ruled out of order, the

[Pandit Muni Lal Kalia.]

resolution, as it now stands, is meaningless, because it implies that persons who have been in service for less than 25 years can be dishonest, corrupt and inefficient yet no objection can be raised against them because they are still under 25 years in service. At a time when a person is likely to be efficient, to be experienced, to be of more service to the country and to the department the question comes whether he is of doubtful honesty or not.

This is a half way resolution. If we remove certain words then it could apply even to honourable ministers. There is no reason why they should not be included in this category. Ministers are, after all, human beings and there are questions sometimes raised on the floor of this House, when we come to the question of travelling allowances, that these people draw thousands in a few months, and the question arises whether this is a thing which is outside the question of doubtful honesty. If the Government wants to remove such impressions, if the Government is after removing corruption, if the Government is after removing inefficient people, in that case they should have come with a determined mind—with a mind to eradicate corruption and remove inefficient people and not with a mind to—

**Mr. Speaker :** What is the honourable member saying ?

**Pandit Muni Lal Kalia :** What I am saying is that this resolution, as it is worded, is meaningless and the motive of the resolution is not removal of corruption but finding employment for the people who are unemployed. That is my point and I want to develop it further.

**Mr. Speaker :** Whose motives is the honourable member discussing ?

**Pandit Muni Lal Kalia :** As it is given out by the previous speaker that the Government wants to move this resolution, and he is one of the ministerial—

**Mr. Speaker :** One of the most important principles of parliamentary debate is that no motives should be attributed to any hon. member. (*Hear hear.*) So, please do not attribute or impute any motives.

**Pandit Muni Lal Kalia :** Very well, Sir. What I meant was that that could be a question of doubtful honesty.

**Mr. Speaker :** I request the honourable member to withdraw the expression used by him.

**Pandit Muni Lal Kalia :** As you please, Sir.

**Mr. Speaker :** Does the honourable member withdraw it ?

**Pandit Muni Lal Kalia :** Yes, Sir. What I was submitting was that the object of this resolution, as given out by the previous speaker, is that they try to find employment for the people who are unemployed and the main object of the resolution is not as it is being given out that they want to get rid of persons who are of doubtful honesty or who are inefficient. With these words I oppose this resolution as being a meaningless thing, unnecessary thing and in itself a censure motion on the Government. It would only show that the Government was so far silent about these defects and that at this time when there is another agitation going on, when they

want to see that the labours of Unemployment Committee should be fruitful, they come with a resolution which, as a matter of fact, they could do without wasting the time of this House on a deliberation of this nature.

**Malik Barkat Ali** (Eastern Towns, Muhammadan, Urban) : During the course of the discussion on this resolution it has been assumed by some of the speakers that the Government is really acquiring new powers for itself by means of this resolution. I desire to make it clear that there can possibly be no foundation for a suspicion of that kind. The relations between the Government servants and the Government are those of an employer and an employee. It is always open to the Government in the case of any Government servant—no matter whether he is of one year standing or two years' standing or three years' standing—if at any stage it finds that he is really inefficient or that he is a person of doubtful honesty, to proceed to remove him from service. The Government has got these powers at the present moment. The Honourable Leader of the Congress party said that this resolution is unnecessary. If he had said that it is unnecessary because Government has already got these powers, I could have understood the reason of his argument. But he said nothing of the kind. What is the essence of his argument ? It is simply this that this resolution is unnecessary and further that it is really harmful because in the case of those persons who have not yet completed their 25 years' service, it gives the Government the right of keeping them in service. Nothing of the kind. As I have already submitted, Government has got these powers. Government has already exercised these powers. We know of various officers—various Government servants—who have already been removed and have not been handed over to courts because of lack of proof. There are cases of persons whose retention in public service is nothing short of a scandal. The employer has the right of telling these employees at any time of the day to go. I am really sorry that in the discussion of a proposition of this kind, a proposition which to my mind is really unexceptionable, objections should have been taken on the ground that it is the thin end of the wedge, that it is really the introduction of communalism. Now what is there in the words of this proposition to suggest that this proposition really proceeds on a communal basis ? I refuse to share the suspicion of my friends on the right that this resolution has been introduced with a view to arm the present Government with greater powers so that they may weed out people in whom some of my friends on the right are interested. (*Voices : No.*) It is not fair. One of the speakers on the Congress benches said "We would gladly support the resolution if we were assured that if you weed out one man of the Sikh community, you will take out another member of the Sikh community in his place". My friends say that nobody said that. (*Interruption.*)

**Mr. Speaker :** No personal remarks please.

**Malik Barkat Ali :** I submit that this is not correct. It has been said that recruitment to services should be on the sheer ground of merit. This is a proposition which I entirely accept, but what about the practice ? Our friends forget that the question of the recruitment to services is a very controversial issue. We know that it is very easy to say that recruitment to services should be purely and simply on the ground of merit. But is it ever

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done? Who is the recruiter? What if the recruiter happens to be one of my learned friends on the right? There are so many companies which are floated by A, B and C. It is the complaint on the side of Muslims that if a company is run by a Hindu gentleman, he says, "We do not want any Muslims anywhere in the service of that company". I respectfully submit, if this is not communalism, what else is it? The sooner we face facts, the sooner we face realities, the better. Abstract propositions like these will not inspire any amount of confidence. You speak with double tongues. With one tongue you say that this resolution is harmful because it introduces communalism, because it is unnecessary, and you immediately speak with another tongue when you object to this resolution that it proceeds on wrong lines. It has been said that in the case of those persons who have not completed twenty-five years' service this resolution requires that Government should retain them in service. Does the resolution say anything of the kind? I submit that it is misleading to suggest that the mover and those who support this resolution mean that those persons who have not completed twenty-five years' service must be retained howsoever inefficient they may be, howsoever doubtful their honesty and integrity may be. My friends should remember that there are many cases where a person is very efficient right up to twenty years. He has been in service for twenty years and very efficient. His reputation, integrity and honesty is good and in the twenty-first year he lapses and becomes inefficient and he treads on wrongful paths. Therefore, my submission is, and as a matter of fact I have already made it clear, that to my mind the Government has already got this power and possibly the object of this resolution is to emphasise and to impress upon the mind of the Government that it should proceed immediately to weed out those officers who are really inefficient or of doubtful honesty, if they have completed twenty-five years' service, so that by weeding out those men the services may be purified and those men who are weeded out on these grounds may have the satisfaction of earning their pension after their compulsory retirement.

I would respectfully submit that the objections taken to this resolution are more imaginary than real and there is nothing in the resolution itself to support them; and I am really pained that this resolution should have been attacked in the manner in which it has been attacked. It cannot be from the nature of it a Muslim move. It is not a Muslim move; and it is really very sad and painful that an innocent resolution of this kind, which applies to Sikhs, Hindus, Muslims and Christians should have been singled out and attacked on the ground that it is really a communal attempt of the Unionist Government. I am not a member of the Ministerial party, but I am free to acknowledge and to say that if ever I find the Unionist Government taking steps which commend themselves to me I will not hesitate to extend my support to them. I, therefore, without taking any further time of the House, desire to lend this resolution my fullest support, if for no other reason than to meet the vicious criticism that has been levelled against it.

**Chaudhri Ram Sarup** (Rohtak Central, General, Rural) (Urdu): Sir, I am really very sorry to find that the Congress Party have opposed the resolution now before the House. They always advocate the cause of the



poor and from every pulpit and platform they declare themselves to be the well wishers of the poor. But when the question of helping them comes before the House, they are the first to oppose it. They are now opposing this resolution on the ground that it is defective. Before I discuss the subject matter of this resolution, I would like to define the words 'poor and rich. The poor people are those who are unemployed and who go from place to place in search of employment and who have no money to lead an honourable life. On the other hand the rich and capitalists are those who have plenty to consume and who live a very luxurious life. My honourable friends over there are always in the habit of remarking that the Treasury benches are not helping the poor. But my submission is that when a resolution is moved from this side of the House in order to help the poor, the members opposite come forward and say that the resolution under consideration of the House is not properly worded. I may submit that they are labouring under misapprehensions and all their fears are merely the creation of their own imagination. There is absolutely no reality in them.

Again my honourable friends opposite have remarked that this is a communalistic resolution. I very respectfully submit that its wording is very clear and there is not a single word in it from which it can be inferred that it aims at communalism. In my opinion this resolution simply means that those people who have enjoyed the blessings of Government service for twenty-five years and who have amassed sufficient wealth to live upon, should make way for others and allow them also to enjoy the same blessings which they had been enjoying before. (*Cheers*).

Sir, although you have given your ruling that this resolution is in order and there is nothing wrong in it, yet up till now the honourable members opposite who had taken part in the debate had been dilating merely on suppositions. It looks as if some evil spirit has taken hold of them and that is why they are giving expression to such imaginary things. (*Laughter*). I assure them that there is nothing wrong in this resolution.

Besides, in moving this resolution we are only following the footsteps of Pandit Jawahar Lal Nehru. The object of this resolution is to provide equal opportunities to all for entering Government service (*Interruptions*). Instead of supporting a resolution like this the members of the Opposition are opposing it.

Further, my submission is that the resolution now before the House is so clear and obvious that it requires no lengthy discussions. When it was introduced, I was very much pleased and I thought that every section of this House would wholeheartedly support it. But what happened was contrary to my expectations. I would, therefore, request them again that this is a very important matter and it is a question of creating opportunities for the unemployed, and they should support it whole-heartedly. With these words I strongly support this resolution.

**Diwan Chaman Lall** (East Punjab, Non-Union Labour) : Mr. Speaker, I had no intention to intervene in this debate, but the two last speeches have convinced me that a short reply is necessary. As far as my honourable friend Malik Barkat Ali is concerned, I do not know what his position is. I think the honourable Leader of the Opposition made his position perfectly

[Diwan Chaman Lal.]

clear. We are opposed to this resolution because it is a non-sensical resolution; it does not make sense. What does it mean? If the honourable member instead of trying to utter communal platitudes on the resolution would only consider the terms of the resolution dispassionately, he would come to the conclusion that there is no possibility of getting any sense out of the wording of the resolution. It says—

This Assembly recommends to the Government that all Government employees who have completed 25 years of service and whose retention in public service is undesirable on the ground of inefficiency or doubtful honesty should be retired compulsorily without any avoidable delay.

My friend Malik Barkat Ali said it is wrong that new powers were being taken by Government by this resolution as Government already had these powers. I ask, what then is the use of the resolution and what is the effect of the resolution? Its effect is to waste the time of the House. My honourable friend says that he is in favour of compulsorily retiring members of the service who have completed 25 years, but who are inefficient and who are doubtful in their honesty. May I take it that the honourable mover of the resolution and the very learned and cultured speaker (*laughter*), who spoke last that these gentlemen are in favour of keeping in service those people who have completed 24 years and 9 months of doubtful, inefficient and dishonest service. Are they in favour of doing that? If they are not in favour of that what is the sense of the resolution? The position is very simple. If there is a man who has completed 25 years or 25 minutes service, if he is of doubtful honesty, if he is inefficient, he ought to be kicked out of his service.

What is the idea of limiting yourself to 25 years? (*Interruptions*) I am prepared to give way to my honourable friend and he may interrupt me. I am very sorry that the ordinary Parliamentary procedure is unknown to my honourable friend opposite. I gave way to him and asked him to interrupt me, instead of murmuring in his seat. What does he want? Does he want to retain people with less than 25 years' service who are dishonest and inefficient?

**Minister for Development:** Does or does not my friend know the difference between removal and compulsory retirement? If he does not know that, then he has no business to make a speech on the subject.

**Diwan Chaman Lal:** My honourable friend says, "Does my friend know the difference between compulsory retirement and removal?" What is the effect of compulsory retirement? Is it to retain the man in service and not to remove him? The effect of compulsory retirement is removal. That is another method of removing a man from service. What is the honourable member hair-splitting for? What is he driving at? What sense is he getting out of it? If my honourable friend would only apply his mind to this subject, he would not see any difference in effect between removal from service and compulsory retirement. It is exactly the same. (*Minister for Development:* No, there is the question of pension). I am not talking about pension. If you want to retain dishonest men, you may do so. It is your policy. It is not my policy. When I want to remove a dishonest person, I will remove

nim completely. I do not want to keep him partly a charge upon the revenues of this province because he is proved dishonest. (*Hear, hear from the Opposition benches*). It is not my policy.

Another boggy, a boggy of communalism, has been raised. Let me make it clear that so far as we on this side of the House are concerned, we do not want jobs 50 per cent. or 40 per cent. or 30 per cent. for any community. We will adopt that policy which will give jobs to every man in this province, irrespective of religion, caste or creed. This is our policy. My honourable friend's policy is different. My honourable friend's policy is a policy of communalism. My policy is a policy of nationalism. It is for this reason that we want that more jobs should be created and not for the reason given by the last speaker, who wanted to distribute amongst his friends, the fruits of dishonesty and inefficiency. If he wants jobs for every man, then let him follow the policy that we wish to adopt, namely large scale planning, which other civilised countries are attempting to adopt, namely, to secure jobs for every man, irrespective of his religion and irrespective of the caste to which he belongs. It should be the duty of the State and of my honourable friends opposite to provide jobs for every one and not merely to look to percentages. Let me ask them, what does this percentage mean? As I said once before on the floor of the House, .004 per cent. of the population of this province is engaged in public services. It is more or less a minor matter as far as the proportion of the population is concerned. (*Premier* : It is 1.5 in every thousand). I am glad that my honourable friend agrees with me.

The other problem is much bigger, namely, the problem of raising the standard of life of the people. It should be secured by legislative action, by executive action and by administrative action so that no man, whether he is a Hindu, Muslim or Sikh, remains unemployed and that he is taken into service. That is the reason why we oppose this resolution. It is nothing but mere eyewash. It does not make any sense. It could not commend itself to any reasonable man. For instance, would the Honourable Minister for Development, who interrupted me, agree not compulsorily to retire a man who is proved to be inefficient and dishonest, but who has put in 24 years' service? Is that the proposition?

**Minister for Development :** It shows the extent of your sense.

**Diwan Chaman Lall :** My honourable friend says that it shows the extent of my sense. I gave way to my honourable friend and I am quite willing to give way again. I put the question categorically. Read the resolution once again. It says—

This Assembly recommends to the Government that all Government employees who have completed 25 years of service and whose retention in public service is undesirable on the ground of inefficiency or doubtful honesty should be retired compulsorily without any avoidable delay.

That is to say, it does not put a ban on members of the services who have put in 24 years' service, no matter whether they are undesirable because they are inefficient or of doubtful honesty. I made that statement and I make it again. Let him read the terms of the resolution. Does it or does it not mean that only people who have completed 25 years' service and who are inefficient or of doubtful honesty should be retired? Now does it make

[Diwan Chaman Lal.]

sense? The people who are inefficient or of doubtful honesty, but who have not put in 25 years' service, would not be covered by the terms of this resolution. Has the honourable member any sense? Does he not agree with the interpretation of this resolution, or is he befogged—as usually in all such matters he is befogged—about the interpretation of this matter? If there is any sense in him, will he not support us now? Let it be perfectly well understood that it is for no other reason that we are opposing this resolution. We are entirely in favour of finding ways and means for securing jobs for every class of persons, no matter whether he is a Hindu, Muslim or Sikh. It should be the duty of the State to provide jobs irrespective of caste or colour or creed. As far as this resolution is concerned, it is sheer waste of the time of the House. It is nothing but camouflage. My honourable friends opposite know it perfectly well that it does not mean any sense whatsoever. (*Applause.*)

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

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

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

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

My honourable friend, Diwan Chaman Lall, said that these things were obvious, where was the use of moving this resolution? Let me point out to him that so far as I am concerned this resolution would be of the greatest practical use to me, because at the moment the position is this that whereas the local Government has got the fullest power and authority to remove or compulsorily retire people after they have put in 25 years service in the case of the Provincial Civil Service or the superior services, I have not the same authority with regard to the subordinate services. The words used in this resolution are: 'all Government employees,' which means that if this House wants to give me this power, I will have to frame a rule and issue instructions to all heads of departments that they should immediately when an officer has completed his 25 years' service look into his record and if for reason of inefficiency or doubtful honesty they consider that his retention would not be in the interest of the public service they should at once recommend his removal from the service. But the removal will not be made by the head of the department. Let me assure my honourable friends in every part of the House that we will not allow the departmental heads to have the final say. It will be for the Government to see that nobody is unduly punished. It will be the duty of Government to see that nobody is unjustly victimised. I can assure my friends that nobody will be victimised for any reason whatever. But if my honourable friend the mover of the resolution will let me say so, I may point out that while there is an advantage from the point of view which I have just explained, he is also trying to fetter my discretion by moving this resolution, and if the

[Premier.]

House passes this resolution it would to some extent fetter a discretion, which I possess at present. With regard to the provincial services and gazetted officers, I have a much wider power than what is sought for in the resolution. My honourable friend wants me only to use that power if the officer is inefficient or dishonest. At the present moment I have got the authority and power under the existing rules and regulations to remove an officer after he has completed 25 years of service if it is in the public interest to do so without assigning any reason, and let me tell my honourable friend that during the 1932 retrenchment campaign we came to the conclusion that it was in the public interest to reduce the cadre of certain services but it could not possibly be done without amending the law and you could not send away servants who were already in service without breaking the contract, but this particular section of the Civil Service Regulations gave me the power to send away redundant officers. We had to eliminate the worst officers or the least efficient, if I may put it that way. My friend sitting opposite will remember that we weeded out several officers during 1932 from the Forest Department, I sent away seven officers from the Forest Department, about two dozen officers belonging to the executive and judicial branches of the Provincial Civil Service and a dozen belonging to the engineering service, not because they were inefficient but because they were the least efficient. All these were officers who had put in 25 years of service and we sent them away under these rules in the interest of the province. If my honourable friend fetters my discretion, I would be very reluctant to allow my power to be circumscribed or restricted because it may be found necessary to-morrow to reduce the number of public servants if there is not work sufficient to keep them in service, and therefore if this resolution is passed, it would not enable me to do so unless that officer is found to be inefficient or his honesty is doubted. The present rule, i.e., note 1 to Article 465-A., of the Civil Service Regulations reads thus:—

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

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

So, if my honourable friend wants to fetter my discretion, he is at liberty to do so and I will have no objection in accepting it if it is passed. If he thinks that my discretion should be fettered, it will be fettered. But if the House thinks that my discretion should not be restricted with regard to these officers, then it will not be necessary for my friend to press his resolution, because I can give him the undertaking that I will frame a rule so far as the subordinate services are concerned, something to this effect: that every Government servant under the control of the provincial Government shall be liable to compulsory retirement after the completion of 25 years of service if his retention in service is undesirable in the public interest because of

inefficient or unsatisfactory record and a Government servant thus retired will have claim to no compensation. This is what I propose doing if my honourable friend wants to have it with regard to subordinate services. With regard to other services I think that he will be well advised not to press this resolution because otherwise he would be fettering my discretion and the power of Government under the existing rules to dispense with an officer who has completed 25 years of service. I hope I have made myself clear.

**Chaudhri Ali Akbar (Urdu) :** Sir, in view of the assurance given by the Honourable the Premier I beg leave to withdraw my resolution.

*The resolution was by leave withdrawn.*

#### WATCH AND WARD CESS IN URBAN AREAS.

**Chaudhri Ram Sarup (Rohtak Central, General, Rural) (Urdu) :** Sir, I beg to move—

This Assembly recommends to the Government that a watch and ward cess be levied in all urban areas where the levy of a chowkidara cess has not been enforced.

Sir, before I proceed with my speech I would like to remove misunderstandings of the Opposition that the resolution which I have just moved aims at a new taxation. The Congressites would be glad to find that my resolution is quite in accordance with their wishes. I hope I am expressing their views—

**Sardar Sohan Singh Josh :** He is not representing our views. Those are not the Congress views.

**Mr. Speaker :** Every member of the House is at liberty to make a speech in conformity with our rules of procedure.

**Sardar Sohan Singh Josh :** He does not know anything about our views.

**Mr. Speaker :** Please let the honourable member proceed.

**Mrs. J. A. Shah Nawaz :** Several members on the opposite side sometimes speak in Punjabi, sometimes in Urdu and sometimes in English. If they are permitted to speak in several languages, why not we?

**Mr. Speaker :** Some members, when they ask questions or raise points of order, speak in English; but when they make speeches, they speak in vernacular.

**Chaudhri Ram Sarup :** Sir, it is extremely difficult for me to proceed with my speech as the whole House is making so much noise that my voice is being drowned in it. It is impossible for me to make my point clear because nobody cares to hear me. I was saying that no new taxation is proposed by this resolution. At present the villagers pay the Government a certain sum as chowkidara cess, but no such cess has ever been levied on the urban areas. It is but just and proper that the urban classes should also be required to pay a similar cess. The honourable lady member, Shrimati Raghbir Kaur, always urges upon the Government the desirability of taking steps towards the amelioration of the condition of the poor agriculturists, who are dying of starvation. I strongly endorse every word of the honourable lady member. I am perfectly aware of the fact that not a pie out of the land revenue paid by the poor villagers is spent on their welfare.

[Ch. Ram Sarup.]

It is a pity that the income which the villagers earn with the sweat of their brows is being recklessly spent on the urban areas. The urban classes are getting the benefits whereas the villagers are being kept uncared for. My object in moving this resolution is that the urban classes should be made to bear their own expenses. I am definitely of the opinion that so far as the object of the resolution is concerned it would certainly find favour with the Congressites. If the sympathies of the Congressites towards the agricultural classes are genuine, they would certainly support this resolution.

Sir, the Opposition members complain on the one hand that our young men cannot get employment in Government service, and on the other hand they are opposed to the imposition of any additional tax. I wonder whether the honourable members themselves would consider that a consistent attitude. I should like to put a ban on speeches, that lead us nowhere. Only such speeches as have got some definite purpose or aim should be permitted.

Serious allegations are constantly brought against the police, inside and outside this House. The police as you know, Sir, is under the Honourable Premier. My submission is that if you levy this watch and ward cess in urban areas every thing will be all right. With these words I beg to move this resolution.

**Mr. Speaker :** Resolution moved—

This Assembly recommends to the Government that a watch and ward cess be levied in all urban areas where the levy of a chankidara cess has not been enforced.

**Dr. Sir Gokul Chand Narang :** May I rise to a point of order to enquire whether this resolution is in order? Is there any existing law under which the Government as such can impose a watch and ward cess on urban areas? If not, does it not mean that this resolution proposes legislation without adopting the proper procedure?

**Mr. Speaker :** Will the honourable member please make his point of order clear?

**Dr. Sir Gokul Chand Narang :** My point of order is this. Is there any law under which the Government can be asked as has been done in this resolution to impose a watch and ward cess on urban areas? If not, does it not amount to proposing legislation without adopting the procedure for legislation?

**Mr. Speaker :** Does not the law allow the Assembly to pass a law, if necessary, with the sanction of the Governor-General, for imposing a watch and ward cess upon urban people?

**Dr. Sir Gokul Chand Narang :** That is not what the resolution says. The resolution says that the Government should impose a watch and ward cess.

**Shaikh Faiz Muhammad :** I want to draw the attention of the Chair to section 87 of the Punjab Municipal Act. It reads—

Every committee shall unless relieved of this obligation by the Local Government maintain a sufficient police establishment for police requirements within municipal limits and for the performance of the duties imposed on it by this Act.

And the section that follows lays down the duties of the municipal police.



**Premier :** I am sorry to see that my honourable friend has so quickly forgotten the law which he ought to have known by heart. So far as the bigger areas are concerned where you have local bodies—my honourable friend there has cited the law with regard to other places—we have got what we call, Small Town and Village Patrol Act. Under that Act we can levy cess.

**Pandit Muni Lal Kalia :** The point of objection raised by Dr. Sir Gokul Chand Narang is just to the effect that this House is debarred from considering a resolution of this nature as it implies that the urban areas have to be taxed for the purpose of watch and ward by the Government. There is a list given called the provincial legislation list in the Government of India Act where the taxes which are within the ambit of the provincial legislature are enumerated. This tax is not mentioned there; but other taxes are specifically mentioned. Omission of this tax here and the inclusion of such a tax in the central list shows that it is not within the power of this House to consider such a resolution as the House does not hold that power under the Government of India Act.

**Dr. Sir Gokul Chand Narang :** My objection is that what the resolution proposes is that the Government should levy a watch and ward cess in urban areas.

**Raja Ghazanfar Ali Khan :** Not to levy but to be levied.

**Premier :** If the opinion of my honourable friend the legal adviser of the Congress Party is correct it means that the chaukidara taxes throughout the province cannot be legally imposed. (*A voice : Yes.*) It is levied under the law.

**Raja Ghazanfar Ali Khan :** May I submit that Dr. Sir Gokul Chand Narang has not given us any reference to any rule under which this resolution cannot be moved. I would submit that even if there is no law under which Government can levy a cess, then even the resolution cannot be ruled out of order because after all what the resolution says is that the Assembly recommends to the Government to levy a certain tax.

**Mr. Speaker :** Not to pass legislation.

**Raja Ghazanfar Ali Khan :** That does not mean that the Government would do it without passing any legislation. I submit that the Assembly has a right to recommend to the Government to take steps which include bringing forward legislation to levy such a tax.

**Pandit Muni Lal Kalia :** I want to invite your attention to item 54 of list 1 of the Government of India Act given in Schedule 7. There it is given that the Federal Government can tax income other than agricultural income while the provincial governments can only tax agricultural incomes. It is given in item 41 of list 2 and the other taxes that the provincial legislature can impose are on lands, buildings, hearths and windows. But no such tax has been included in that list and when there is no provision in the law, what is the idea of moving a resolution like that ?

**Mr. Speaker :** If I understand the honourable gentleman aright, what he means is that a law exists under which the chaukidara cess can be levied. I shall be glad, if he will point out that law.

**Shaikh Faiz Muhammad :** It is not one solitary section, there is a whole chapter on the subject.

**Dr. Sir Gokul Chand Narang :** Where is the law which authorizes the Government ?

**Shaikh Faiz Muhammad :** Maintaining the police means maintaining it. And this is all that the resolution requires.

**Dr. Sir Gokul Chand Narang :** I do not claim that I have the law on my fingers' end but I would like my honourable friend who has been a public prosecutor and a Government lawyer, to quote some provision of the law under which the Government as constituted at present can straight off levy a cess on urban areas. That is my point.

**Mr. Speaker :** What this section provides is that Government can direct municipalities to levy taxes. The question is whether Government can levy a tax.

**Dr. Gopi Chand Bhargava :** My submission is that according to this section municipal committees are authorised to spend on the maintenance of police the funds which they get by taxation. It does not authorize the municipalities to levy taxes for its maintenance.

**Premier :** If I read out sub-section (2) of that section which my honourable friend has read out it will make the position quite clear.

Section 87 of the Punjab Municipal Act is as follows :—

87. (1) Every committee shall, unless relieved of this obligation by the Local Government, maintain a sufficient police establishment for police requirements within municipal limits and for the performance of the duties imposed on it by this Act.
- (2) The establishment maintained under sub-section (1) shall consist either of a body of watchmen or of part of the general police force under the Local Government within the meaning of section 2 of Act V of 1861, or partly of one and partly of the other, as the Local Government may determine—

The determination rests with the provincial Government and not with the committee.

—and shall consist of such number of officers and men who shall respectively receive such pay, leave allowances, gratuities and pensions as the committee may from time to time, after consultation with the District Magistrate and the Inspector-General of Police, and subject to the final decision of the Local Government, direct.

So the provincial Government has got fullest authority to ask any municipal committee to employ police.

**Mr. Speaker :** Dr. Sir Gokul Chand Narang's objection is, can the Government direct municipal committee to impose certain taxes for the maintenance of police? Government can only direct municipalities to maintain certain police or watch and ward staff from taxes levied and collected by them under the law in force. The question is whether Government itself can levy a tax.

**Raja Ghazanfar Ali Khan :** May I draw your attention to Punjab Legislative Assembly Standing order No. 57 which relates to resolutions? (*Interruptions*). The standing order is as follows :—

57. Subject to the restrictions contained in the rules and to the provisions of these standing orders, any member may move a resolution relating to a matter of general public interest :

Provided that no resolution shall be admissible which does not comply with the following conditions, namely :—

- (a) it shall be clearly and precisely expressed, and shall raise substantially one main definite issue ;
- (b) it shall not contain arguments, inferences, ironical expressions or defamatory statements, nor shall it refer to the conduct or character of persons except in their official or public capacity ; and
- (c) it shall not relate to any matter which is not primarily the concern of the provincial Government.

I would request Dr. Sir Gokul Chand Narang to point out under what standing order this resolution can be declared as invalid. I would like to know under what clause of this standing order this resolution can be declared as out of order by the Chair.

**Chaudhri Ram Sarup (Urdu) :** Sir, I want to draw your attention to the point raised by my honourable friend, Dr. Sir Gokul Chand Narang who has asked as to how this tax can be levied. I may submit to him that this cess can be levied according to the same law by which chowkidara tax can be levied on the zamindars.

**Premier :** I have sent for the Punjab Laws Act and it is quite possible we may be able to find a specific section in that Act.

**Lala Bhim Sen Sachar :** I am surprised that my honourable friend Raja Ghazanfar Ali Khan should have taken an objection of the nature that he has. Anybody who did not know anything about the parliamentary rules when he came to this House must now have become fairly acquainted with the salient procedure and the features of the law therein and much more my honourable friend Raja Ghazanfar Ali Khan after your repetition in this House so many times that if any provision of law offends against the Government of India Act, then that provision of law or rule cannot possibly stand. In the standing order to which reference has been made by Raja Ghazanfar Ali Khan, the direction is with respect to the form of the resolution and that it must primarily be the concern of the provincial Government. As Pandit Muni Lal Kalia has submitted before you, this provision is not there in the Schedule that he has read out. Either the law is there or it is not. If the law is there it could have been shown, but even if the law is there and if it offends against the provisions of the Government of India Act—

**Premier :** Which section? Are these villages and towns the concern of the Afghan Government or the Nepal Government or the Japanese Government?

**Lala Bhim Sen Sachar :** That is not the point. The point is that we have to see the nature of taxation which the provincial Government is authorised to levy. Whether the framers of the Act have missed it or not we are not concerned with it. All we have to see is the nature of the cess and we have to determine it by a reference to that list. It does not come therein and the reference that was made to the Municipal Act by my

[L. Bhim Sen Sachar.]

friend merely means that the police may be ordered to be maintained by a municipality, but it does not anywhere say that this shall be done; and even if it were there it is an act of the committee and if it offended against the Government of India Act, it will have no effect. But, as it is, it does not even contain any provision for levying this tax.

**Dr. Sir Gokul Chand Narang :** I was asked by the honourable Raja Ghazanfar Ali Khan, whom I did not consider to be one of the law officers of the Unionist Party, under what part of standing order 57, I considered this resolution to be out of order. He read out three restrictions. The last one was :—

“(c) it shall not relate to any matter which is not primarily the concern of the provincial government.

My submission is that when he read it out, he should have considered himself fully answered. When the Local Self-Government legislation is in force it means that the Government intends to give discretion to local bodies and when the levying of certain taxes is within the powers and discretion of a local body, it is certainly not the primary concern of the local Government. When a local body fails in the discharge of the duties imposed upon it by any legislation, then certainly the Government can call that local body to order. Either it can take action under certain provisions of the law which give Government power to supersede that local body or it can take some other measures or simply issue an advice. That advice may be respected or that advice may be rejected. I can quote an instance where Government did issue advice, because it had no power under any law to impose its will on local bodies and that advice was accepted by some local bodies and was rejected by some other local bodies. For instance, instructions were issued by the local Government sometime ago—

**Raja Ghazanfar Ali Khan :** I do not want to interrupt my honourable friend but —

**Dr. Sir Gokul Chand Narang :** Then do not. I am not giving way. Instructions were issued to the district boards that it was considered desirable that in place of halsiat tax profession tax should be introduced. Some district boards accepted that advice while other district boards did not accept that advice. Government could take no  
 7 P. M. action. In the same way there is no provision of the law which gives authority to the Government to impose a tax such as the one now proposed by the honourable member from some part of Rohtak. Government has no authority to impose such taxation. Any resolution which asks Government to do something which it has no power to do is a nullity and is out of order. That is my submission. Then my honourable and learned friend, Pandit Muni Lal Kalia, read out to you the list of taxes which it is open to the local legislature to impose or the provincial Government to impose, and that list does not contain this tax, and if this legislature has no power to impose that tax *a fortiori* Government has no power to impose that tax. It is certainly out of order to ask Government to impose that cess in urban areas when it has no power to do so. I know attempts

are being made and this is one of the attempts foreshadowed and which we apprehended would be made to impose extra burden on—

**Raja Ghazanfar Ali Khan :** May I ask one question from the honourable member ? He has been a Minister for Local Self-Government for such a long time that it was called Gokul-Self Government. I would like to ask him whether any local body has got the power to levy taxes or is it the Government which gives sanction.

**Dr. Sir Gokul Chand Narang :** Local bodies have got the power to impose taxes. There are certain taxes which they can impose on their own authority and there are others —

**Premier :** If you will see section 39-A of the Punjab Laws Act, it is quite clear there. I will just read a few lines. It says—

The (Provincial Government) may establish a system of village-watchmen or municipal watchmen in any part of the territories under its administration, and in furtherance of this object may, from time to time, make rules to provide for the following matters.

These matters are about the levy of cesses and how they are to be paid. So far as the Government of India Act is concerned, I was not surprised when my honourable friend opposite raised an objection on the score of the schedule in the Government of India Act ; but I am surprised when my honourable friend Dr. Sir Gokul Chand Narang also took a cue from him or rather was prompted by him and spoke on the subject. If you will see the various lists in the Schedule you will find that we can impose taxes on agricultural income, taxes on land, buildings, hearths and windows, duties in respect of succession to agricultural land, taxes on mineral rights, capita-tion taxes, taxes on profession, etc., etc. The question as to what form the tax should take is a different matter. It is only then that an objection could be raised. Suppose it is decided that Government should impose house tax just as the village chaukidara tax is levied subject to certain exemptions. (*Dr. Sir Gokul Chand Narang :* But where is this watch and ward cess) ? Government has the power to impose house tax or any other form of taxation just as in the villages they impose the village chaukidara tax.

*The Assembly then adjourned till 2 P.M. on Monday, 7th March, 1938.*

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# PUNJAB LEGISLATIVE ASSEMBLY

## 2ND SESSION OF THE 1ST PUNJAB LEGISLATIVE ASSEMBLY.

*Monday, 7th March, 1938.*

*The Assembly met at the Council Chamber at 2 P.M. of the clock. Mr. Speaker in the chair.*

### STARRED QUESTIONS AND ANSWERS.

#### VERNACULAR COPYISTS.

**\*1911. Khawaja Ghulam Samad :** Will the Honourable Finance Minister be pleased to state—

- (a) whether it is a fact that the services of all the vernacular copyists employed in the courts of the district and sessions judges and of the judges of the small cause courts in the Punjab have recently been dispensed with under orders of the Lahore High Court issued recently regardless of the period of service put in by these copyists and of the work of copying in these courts ; if so, the reasons which have led to the taking of this drastic step ;
- (b) whether Government intends to find employment for these retrenched hands somewhere else, if not, why not ?

**The Honourable Mr. Manohar Lal :** (a) and (b). Under rule 20 of the rules in Chapter 17-C. of the High Court Rules and Orders (Volume IV) the number of copyists to be employed, depends on the amount of work of copying and as such it is subject to increase and decrease as the state of work may require. The Honourable Judges of the High Court have issued instructions to all district and sessions judges that the existing staff of vernacular copyists be scrutinized and the services of copyists in excess of actual requirements dispensed with. In the circumstances the question of finding employment for those whose services may be thus terminated does not arise.

**\*1912—46.** *See Debates of 4th March, 1938.*

#### ASSISTANT LEGAL REMEMBRANCER.

**\*1947. Dr. Gopi Chand Bhargava :** Will the Honourable Minister for Finance be pleased to state—

- (a) whether it is or is not a fact that an Assistant Legal Remembrancer has to appear in the High Court free of charge in criminal cases for 6 or 7 days each month according to the terms of his appointment ;
- (b) whether any of the Assistant Legal Remembrancers has recently applied for permission for exemption from appearing in the High Court ; if so, whether he has been so exempted, and, if so, why ?

**The Honourable Mr. Manohar Lal :** (a) Yes.

(b) Since 1935 the Assistant Legal Remembrancer (Conveyancing), whose reference and conveyancing work has been steadily increasing, has not been required to appear for Government in court.

**Dr. Gopi Chand Bhargava :** Was any Assistant Legal Remembrancer ever exempted from appearing in the High Court before this ?

**Minister :** I have already said that since 1935 the Assistant Legal Remembrancer, whose conveyancing work had increased very largely, has not been required to appear for Government in the High Court.

**Diwan Chaman Lal :** May I ask the Honourable Minister whether he is aware that this Assistant Legal Remembrancer was appointed in 1935 ?

**Minister :** No, I think he was appointed long before.

**Diwan Chaman Lal :** May I ask the Honourable Minister whether this special exemption has been given to this particular individual and not to any body else ?

**Minister :** I do not quite follow the question. As I have said this is only being done since 1935.

**Diwan Chaman Lal :** May I ask the Honourable Minister whether it is a fact that this particular individual is also doing the work of Administrator-General ?

**Minister :** Yes.

**Diwan Chaman Lal :** Is he specially paid for that ?

**Minister :** Yes.

**Diwan Chaman Lal :** Is it because of that special work that he is unable to appear in the High Court ?

**Minister :** I have already answered that his work as Assistant Legal Remembrancer (Conveyancing) in the way of answering references and actual conveyancing has increased so largely that he has had to be exempted from doing the court work.

**Diwan Chaman Lal :** Is it because this particular gentleman continues to do the extra work as Administrator-General and Official Trustee for which he is paid extra, that his work has increased to a large extent ?

**Minister :** What work ?

**Diwan Chaman Lal :** Why is the work of Administrator-General and Official Trustee not entrusted to somebody else ?

**Minister :** That would not be any cheaper to Government.

**Dr. Gopi Chand Bhargava :** How much does it cost the Government for engaging somebody else to appear in the High Court on behalf of the Assistant Legal Remembrancer ?

**Minister :** I cannot say what the Government exactly have to pay to somebody else for appearing six days in the month that the Assistant Legal Remembrancer had to do free of charge.



**Diwan Chaman Lall :** Therefore the effect would be that if he is given the work of appearing in the High Court for 6 days in a month, the cost of three or four hundred rupees would be saved.

**Minister :** No, how would it be saved? Then somebody else will have to do the additional and increased conveyancing and reference work which the Assistant Legal Remembrancer is doing at present.

**Diwan Chaman Lall :** May I ask the Honourable Minister whether the work, which the Assistant Legal Remembrancer is doing, is references and conveyancing?

**Minister :** Yes.

**Diwan Chaman Lall :** What is the actual state of the number of references per month?

**Minister :** When the position was last examined it was found that his work is nearly double now as compared with 1932. The honourable member may take it from me that his work has very largely increased between 1932 and 1935 and is increasing still more. In 1932 the position was that he had to answer 214 references and in the end of 1934 it was 310 and similarly about conveyancing.

**Diwan Chaman Lall :** If he is given less than one reference a day, would not the conditions improve?

**Minister :** He also does conveyancing work which is also increasing.

**Diwan Chaman Lall :** How much?

**Minister :** I have not got the exact figures with me but that is also substantially increasing.

**Diwan Chaman Lall :** Is this particular incumbent an Englishman?

**Minister :** Yes.

#### ASSISTANT LEGAL REMEMBRANCERS.

**\*1948. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Finance be pleased to state whether any of the Assistant Legal Remembrancers are at present performing duties other than those of his office and that he is being paid separately for it; if so, these other duties and the amount of remuneration that is paid to him for the performance of those other duties?

**The Honourable Mr. Manohar Lal :** Yes. The Assistant Legal Remembrancer (Conveyancing) also performs the duties of Administrator-General and Official Trustee. For these additional duties he is paid Rs. 300 per mensem.

#### APPOINTMENT OF AN OFFICER ON SPECIAL DUTY TO ASSIST THE LEGAL REMEMBRANCER.

**\*1949. Dr. Gopi Chand Bhargava :** Will the Honourable Premier be pleased to state whether it is a fact that an officer on special duty has been appointed to help the Legal Remembrancer, Punjab; if so, the salary or allowance or both that are paid to him?

**The Honourable Major Sir Sikander Hyat-Khan :** Yes. The officer is being paid his pay on the senior time-scale of the Indian Civil Service (*i.e.*, Rs. 1,700) *plus* a special pay of Rs. 150 per mensem.

**ARRANGEMENTS MADE BY GOVERNMENT FOR REPRESENTING THE CROWN  
IN CRIMINAL AND CIVIL CASES.**

**\*1950. Dr. Gopi Chand Bhargava :** Will the Honourable Minister for Finance be pleased to state the arrangements made by the Government for representing the Crown in criminal and civil cases coming up before the High Court at Lahore and the nature of emoluments that are paid to those who are appointed to represent the Crown in such cases ?

**The Honourable Mr. Manohar Lal :** I regret that the answer to this question is not yet ready.

**GRIEVANCES OF TWO HEADMEN OF VILLAGE GHARYALA ABOUT  
PANCHOTRA.**

**\*1951. Dr. Sant Ram Seth :** Will the Honourable Minister for Revenue be pleased to state—

(a) whether he received a letter, dated the 16th December, 1937, on the 20th December, 1937, from S. Sohan Singh, Dr. Muhammad Alam, Dr. Saif-ud-Din Kitchlew, Master Kabul Singh, and five other members of the Punjab Legislative Assembly, regarding the grievances of two headmen of village Gharyala, district Lahore, about the distribution of Panchotra ;

(b) if the answer to (a) above be in the affirmative, whether he will kindly lay a copy of the letter on the table of the House and state whether any inquiry was made about the matter referred to in the aforesaid letter ; if so, with what result ;

(c) the decision, if any, that has been arrived at by the Government about the complaints of the two village headmen ?

**The Honourable Dr. Sir Sundar Singh Majithia :** (a) Yes.

(b) and (c) A copy of the letter and of the reply given is laid on the table.

*Copy of a letter from Sardar Sohan Singh Josh, M.L.A., and others to the  
Honourable Revenue Minister, Punjab Government, dated 16th  
December 1937.*

WE the undersigned members of the Punjab Legislative Assembly have the honour to bring to your kind notice the following facts for favour of consideration and immediate action :—

(1) Village Gharyala, tahsil Kasur, district Lahore, is divided into two turfs (1) turf Rai and (2) turf Fattu for land revenue purposes. Up till 1920 there were four headmen in turf Rai and three headmen in turf Fattu and every one of them was allowed to have his panchotra according to his collections and deposits as laid down in Land Revenue 21 (iii), Standing Order 61 (13) and Punjab Land Administration Manual, paragraph No. 308.

(2) We are told that,—vide Sub-Divisional Officer, Kasur's order, dated the 13th October, 1921, number of headmen in turf Fattu was raised from three to four and Chaudhri Ali Gohar was appointed a fourth headman in Patti Mirza of turf Fattu. While appointing him headman the Sub-Divisional Officer passed a curious order that all the four headmen of turf Fattu should divide their panchottra equally. Since 13th October, 1921, the aforesaid order of the Sub-Divisional Officer, Kasur, is being worked out though it is quite contrary to the provisions of Law. We fail to understand why the revenue authorities of Lahore district have not been able to see the illegality of the order and have not tried to get it cancelled.

(3) What surprises us more is the fact that in one and the same village law is being administered differently. The headmen of turf Rai get their panchottra according to their collections and deposits. While the headmen of turf Fattu are being treated differently in one and the same matter. We are told that Chaudhri Ibrahim, Fateh Din, Chaudhri Fateh Muhammad and Chaudhri Ali Gohar collect land revenue Rs. 657, Rs. 630, Rs. 382 and Rs. 164 per harvest respectively, but as aforesaid each one of them is being given panchottra equally. This system is quite unjust and against the provisions of law and, therefore, should be brought to an end immediately.

(4) We have also been told that the petitions of Chaudhri Ibrahim and Chaudhri Fateh Din, the aforesaid headmen who suffer most by the order of the Sub-Divisional Officer, Kasur, to the various Government officials have not been attended to. May we request you to look into the matter and see that the wrong is righted and the provisions of law are enforced in their true spirit.

*Demi-official No. 537-R., dated 15th February, 1938, from Mr. Akhtar Hussain, Senior Secretary to the Financial Commissioners, Punjab, to Sardar Sohan Singh Josh, M. L. A.*

PLEASE refer to the representation, dated 16th December, 1937, addressed by you and 8 other M. L. As. to the Honourable Minister of Revenue. I am desired to inform you that it has been ascertained that the arrangement regarding equal distribution of panchottra among the lambardars of taraf Fattu, village Ghariala, tahsil Kasur, district Lahore, is the result of an amicable agreement between them. If any of the lambardars feels aggrieved he is at liberty to approach the local officers.

#### REALIZATION OF EXTRA MONEY BY HEADMEN OF VILLAGE MANHALA JAI SINGH.

**\*1952. Dr. Sant Ram Seth :** Will the Honourable Minister for Revenue be pleased to state—

- (a) whether he received a letter No. 1, dated the 18th October, 1937, sent by me to him regarding certain complaints of the land-owners of village Manhala Jai Singh, tahsil Kasur, district Lahore, wherein it was stated that the aforesaid headmen had been realising a certain sum of money from them each harvest at the time of the realisation of land revenue in order to meet the expenses of the officers coming on tour to the said village ;
- (b) if the answer to (a) above be in the affirmative, whether any inquiry has since been made by the Government about this matter ; if so, with what result ;
- (c) whether the evidence of the complainants was recorded during the course of the inquiry and if so, when and where ;
- (d) the number of the complainants who were served with notices to appear before the inquiring officer and the date on which such notices were issued ?

**The Honourable Dr. Sir Sundar Singh Majithia :** (a) Copy referred to is not traceable.

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

**REFUND OF EXCESS MONEY REALISED AS COST OF ADDITIONAL POLICE  
POST AT VEHGAL.**

**\*1953. Dr. Sant Ram Seth :** Will the Honourable Premier be pleased to state—

(a) whether his attention has been invited to the figures regarding the additional police post located at village Vehgal, district Lahore, as given in the statement appended to the answer to unstarred question No. 30<sup>1</sup> asked on 17th June, 1937, during the Simla session of the Assembly as total cost of the post Rs. 17,422-0-8 and actual amount recovered Rs. 17,717-8-0 ;

(b) if the answer to (a) above be in the affirmative, whether and when the Government proposes to refund Rs. 295 realised obviously in excess of the actual cost of the post to the inhabitants of the aforesaid village ?

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

(b) The honourable member is asked to refer to the reply given in the last session to his question \*1306<sup>2</sup>.

**Dr. Sant Ram Seth :** The question is clear that the Government realised an additional sum of Rs. 295. Is it prepared to refund this money ?

**Premier :** The honourable member is asked to refer to the latter part of my reply to his previous question and there the answer also is clear.

**COMPENSATION FOR FURNITURE PURCHASED FOR ADDITIONAL POLICE  
POST RAJOKI AND WAN.**

**\*1954. Dr. Sant Ram Seth :** Will the Honourable Premier be pleased to state—

(a) whether it is a fact that the furniture purchased at the cost of the village inhabitants for the additional police post Rajoki and Wan in Lahore district after the withdrawal of the police post on 31st March, 1930, was taken to the Lahore Police Headquarters without any compensation to the inhabitants of the aforesaid villages ;

(b) if the answer to (a) above be in the affirmative, whether the Government proposes to refund the cost of the furniture referred to in (a) above ; if not, the grounds for the same ?

**The Honourable Major Sir Sikander Hyat-Khan :** It is not possible, after the lapse of eight years, to obtain this information.

**Dr. Sant Ram Seth :** May I ask the Honourable Premier whether the Government has refunded the additional sum realized in connection with the punitive police posted at village Rajoki ?

**Premier :** Each case was considered on its merit.

**Dr. Sant Ram Seth :** The additional sum has just been refunded in the case of village Rajoki.

<sup>1</sup>Volume I, pages 233—89.

<sup>2</sup>Volume II, pages 673-77 .

**Premier :** Then Rajoki should be grateful to the present Government.

**Lala Duni Chand :** Why should not the other people be given an opportunity to be grateful to the Government ?

**Premier :** I have already said that each case is considered on its merit.

**Dr. Sant Ram Seth :** Is it not a civilised dacoity ?

**Premier :** Refunding money which was not legally refundable ? I do not think so.

REFUND OF EXCESS MONEY REALISED FOR ADDITIONAL POLICE POST  
AT JAHMAN.

**\*1955. Dr. Sant Ram Seth :** Will the Honourable Premier be pleased to state—

- (a) whether his attention has been invited to the figures relating to the additional police post at village Jahman, district Lahore, given in the statement appended to the answer to unstarred question No. 30<sup>1</sup> asked on 17th June, 1937, as "total cost of the post and total amount recovered Rs. 29,964 ;
- (b) if the answer to (a) above be in the affirmative, whether and when he proposes to refund Rs. 206-9-7 obviously realised in excess of the actual cost of the said post ?

**The Honourable Major Sir Sikander Hyat-Khan :** This has already been answered in my reply to one of the honourable member's questions in the Simla session, No. 84<sup>2</sup>.

**Dr. Sant Ram Seth :** The question is clear—whether the Government is prepared to refund Rs. 206 ?

**Premier :** I think my honourable friend has not studied the previous answer carefully. My answer is quite clear and if he does not remember I might point out to him that this amount was refunded in 1931.

COMPENSATION FOR FURNITURE PURCHASED FOR ADDITIONAL POLICE  
POST AT VILLAGE SUR SINGH.

**\*1956. Dr. Sant Ram Seth :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that the furniture purchased for the additional police posts located at village Sur Singh, district Lahore, on 15th September, 1924 and 1st December, 1929, for the period of 4 years and 13 months, respectively, was taken to the police Headquarters, Lahore, after the withdrawals of the said posts without any compensation to the inhabitants of the aforesaid village ;
- (b) if so, whether Government propose to compensate the inhabitants of the village for the cost of the furniture ?

**The Honourable Major Sir Sikander Hyat-Khan :** It is not possible to obtain information on this subject after the lapse of so many years.

<sup>1</sup>Volume I, page 283—89.

<sup>2</sup>Volume I, page 323.

## PENSIONS TO QUETTA EARTHQUAKE SUFFERERS.

**\*1957. Munshi Hari Lal :** Will the Honourable Minister for Revenue be pleased to state—

- (a) whether it is a fact that a list of widows, old men invalids and children belonging to Dera Ghazi Khan who had suffered during the Quetta earthquake in 1935 was prepared with a view to granting them pension ;
- (b) if so, what was the amount of pension recommended per child and per individual ;
- (c) whether it is a fact that during the last year and-a-half nothing has been paid to the persons who were recommended for pensions ;
- (d) whether it is a fact that some amount is lying with the Punjab Government for pensions and help to Quetta sufferers ; if so, what is that amount and when the Government intends to sanction pensions to the said sufferers ?

**The Hon. Dr. Sir Sundar Singh Majitbia :** I regret that the answer to this question is not ready.

## DISCREPANCY IN FIGURES FOR ADDITIONAL POLICE POST AT SUR SINGH.

**\*1958. Dr. Sant Ram Seth :** Will the Honourable Premier be pleased to state whether it is a fact that in the statement appended to the answer to unstarred question No. 30<sup>1</sup>, asked by Dr. Gopi Chand Bhargava on 17th June, 1937, it was shown that the total cost of the additional Police Post located at village Sur Singh in Lahore district, was Rs. 36,780-13-3 and that the total amount recovered from the inhabitants of that village was Rs. 29,201-2-4 thus leaving a balance of Rs. 7,579-10-11 due from these inhabitants and that in the statement appended to answer to starred question No. 395<sup>2</sup> put by me on 13th July, 1937, it was stated that arrears outstanding amounted to Rs. 7,444-4-6 and that it was further stated in the statement appended to the answer to unstarred question No. 204<sup>3</sup> asked by me on 11th January, 1938, that a sum of Rs. 7,920-4-6 as due from those inhabitants had been waived off by the Government : if so, how does he reconcile the discrepancy in those figures ?

**The Honourable Major Sir Sikander Hyat-Khan :** The original cost was Rs. 37,256-13-3. A sum of Rs. 476 was waived in 1936, reducing the total to Rs. 36,780-13-3, the figure given in the reply to question 30<sup>1</sup>. Further, a sum of Rs. 135-6-5 was paid from the General Police Fund towards the cost. The difference between the figure of Rs. 7,444-4-6 first mentioned as recoverable arrears and that of Rs. 7,920-4-6 quoted as having been waived by Government is represented by the first of these items ; while the second accounts for the difference between Rs. 7,444-4-6 and the sum worked out by the honourable member, namely, Rs. 7,579-10-11.

<sup>1</sup>Vol. I, pages 283—89.

<sup>2</sup>Vol. I, pages 1373—75.

<sup>3</sup>Vol. II, page 204.

AMOUNT OF TRAVELLING ALLOWANCE DRAWN BY THE HONOURABLE  
PREMIER AND THE HONOURABLE MINISTER OF DEVELOPMENT.

**\*1959. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

- (a) the amount of travelling allowance drawn by the Honourable Premier and the Honourable Minister for Development, respectively, in their tour of the Ambala division, just after the last session of the Assembly ;
- (b) the number of days they spent in the division and the number of public meetings they addressed in those days ;
- (c) the nature of official business that was transacted by them during the tour ?

**The Honourable Major Sir Sikander Hyat-Khan :** (a) Rs. 522 by each of the two Ministers.

(b) *First part.*—5 days.

*Second part.*—6 public meetings.

(c) The honourable member is referred to the reply given to starred question No. \*1110<sup>1</sup> on the 18th of January last.

**Diwan Chaman Lall :** Is the Honourable the Premier satisfied that the reply given to question 1110<sup>1</sup> was correct ?

**Premier :** I drafted the reply myself.

**Diwan Chaman Lall :** Is he satisfied that the business on which the Honourable Minister for Development went was of a public nature ?

**Premier :** If you would define what is public business.

**Diwan Chaman Lall :** Will he please state whether it is a fact that apart from the public meeting to do propaganda there was no official business ?

**Premier :** No.

**Diwan Chaman Lall :** Will he be pleased to give an indication of the nature of the public business other than that propaganda meeting ?

**Premier :** I think it is the duty of the Ministers of Government to keep in touch with the people of the province and also to keep in touch with the officials.

**Diwan Chaman Lall :** Is it the duty of the Honourable Ministers of this Government to spend money from public sources for the purposes of travelling to do their own private personal party propaganda ?

**Premier :** There is no question of doing any propaganda. The thing is that when a Minister goes out on tour he has to come into contact with the people and also with the officials to see how the work of administration is going on.

**Lala Bhim Sen Sachar :** Is it the work of the Ministers while on tour to be addressing public meetings ?

**Premier :** Is that objectionable ?

**Diwan Chaman Lall :** But why do it at the cost of public revenues ?

**Premier :** A public meeting is not convened out of public revenues.

**Diwan Chaman Lall :** Are the party funds of the Unionist Party so exiguous that they cannot utilise them for the purposes of party propaganda ?

**Premier :** The party propaganda is done by the headquarters.

**Diwan Chaman Lall :** May I ask whether it is not a fact that apart from doing their propaganda during these visits, the Honourable Ministers in question did not do any other official business ?

**Premier :** Certainly not. I have already answered that question. They go about and see how the administration of the province is being carried on.

**Pandit Shri Ram Sharma :** May I ask whether the Honourable the Premier and the Minister for Development delivered speeches to rural masses at Sonapat in their capacity as Ministers or as members of the Unionist Party ?

**Premier :** In our capacity of members of the present Ministry.

**Pandit Shri Ram Sharma :** Were the speeches made at Sonapat in accordance with the declared policy of the present Government ?

**Premier :** Everything which was said there was in consonance with the policy of Government, though perhaps not in accordance with the policy of my honourable friends opposite.

**Pandit Shri Ram Sharma :** Is it a fact that the Honourable Minister for Development remarked about the Minister of Finance that he was our (ministry's) *talahtu* ?

**Premier :** That does not arise out of the question.

**Diwan Chaman Lall :** Is that part of the policy of the Unionist Government ?

**Mr. Speaker :** That question cannot be asked.

**Pandit Shri Ram Sharma :** Is the Honourable the Premier aware of the fact that the Minister for Development said during his speech that the Minister for Finance is "our *talahtu*" ? Does he know that the word *talahtu* is used in a bad sense ?

**Premier :** That does not arise out of the question.

**Diwan Chaman Lall :** Is it a fact that this expression was used by one member of the Cabinet as against another member of the Cabinet ?

**Premier :** My impression is that no disparaging remarks were made.

**Diwan Chaman Lall :** Is the Honourable the Premier prepared to ask his colleague to deny that statement ?

**Premier :** No disparaging remarks were made.

**Diwan Chaman Lall :** Does he consider this expression disparaging or not ?

**Mr. Speaker :** The Premier cannot be asked as to what speeches were made by other members.



**Pandit Shri Ram Sharma :** Did the Honourable the Premier say the following :—

“ The interests of the rural and urban people clash, therefore when the representatives of the urban classes declare to protect your interests either they prove false to their constituencies or deceive you (the rural masses). ”

**Premier :** I do not think that that is an absolutely correct report of what I said. What I said was that the interests of those people who are returned on the vote of the urban people are not identical with those who are returned on the vote of the rural people and where their interests clash it is for the audience to judge which side they should take. When there is a conflict of interest, if they take the side of the rural people, they are not honest to their own constituency and *vice versa*.

**Pandit Shri Ram Sharma :** Is it a fact that those members of the Unionist Party or their allies who have been elected from urban constituencies are either deceiving their electorate or cheating the zamindars ?

**Mr. Speaker :** That question is disallowed.

**Lala Duni Chand :** Is it a fact that the Honourable the Premier stated at Shahpur on the 3rd of February that the Congressmen were wolves in the garb of sheep ?

**Premier :** I never said that. What I said was that they should not be duped by their so-called friends who are in fact wolves in the garb of sheep's clothing.

**Lala Duni Chand :** Whom did he refer to ?

**Premier :** Those dishonest people who say one thing and do quite a different thing.

**Diwan Chaman Lall :** Might I ask the Honourable the Premier whether drawing allowances for the purpose of travelling to do this kind of propaganda out of the public funds is honesty or dishonesty ?

**Pandit Shri Ram Sharma :** Is it a fact that in the presence of the Premier in the rural conference held at Sonepat the Honourable Minister for Development remarked that if it were in his power, he would have showered hailstorm on the shops of the fat bodied banias ?

#### MUSLIM RELIGIOUS HOLIDAYS.

**\*1960. Khan Muhammad Yusuf Khan :** Will the Honourable Premier be pleased to state—

- (a) whether the Muslim religious holidays were used to be declared “ Subject to the appearance of the moon ” previous to the current year ;
- (b) whether during the current year the same have been gazetted without any qualification as to the appearance of the moon ;
- (c) whether they are aware of the fact that as a result of this new practice regarding Muslim religious holidays the courts of Non-Muslim magistrates remained open and caused a good deal of inconvenience to the Muslim litigant public ; if so the action they intend to take in the matter ?

**The Honourable Major Sir Sikander Hyat Khan :** (a) and (b) Yes.

(c) The change was made at the request of representatives of banking and commercial interests, who complained that the gazettement of holidays in an alternative form was confusing to the public and liable to cause technical difficulties in the working of the banks. Government have no reason to think that the new system causes serious inconvenience to any one, and no reversal of the present policy is contemplated.

**Khan Muhammad Yusuf Khan :** Is the Government prepared to declare two days as holidays for each Id ?

**Premier :** I am afraid it is not possible, because we will have then to increase the other holidays, which will be detrimental to public interest. If the honourable member wants to know our difficulty, it is this. Under the Negotiable Instruments Act Id-ul-Zuha is a close holiday and all treasuries and banks have to be closed on that day. Now we tried to arrange with the Anjuman-i-Islamia to give us the necessary information immediately after the first of the lunar month so that we could notify the holiday at least a week ahead, so that the banks and other business houses would know that such and such a day would be a holiday. My honourable friend perhaps does not realise that there are several difficulties in the way of declaring a day as a holiday without giving adequate notice to the business houses and banks. The difficulty is that certain bonds mature on a certain day and if they are not realised on that day, it might mean considerable loss to the people. We asked the Anjuman-i-Islamia to help us and we said that we would be prepared to accept the information which they give us after the first of the lunar month. For two years they gave us a date and we notified it accordingly. But on the day prior to the notified day they again told us during both of these years that the day they originally gave us was not the correct day and this put everybody to inconvenience and loss.

#### CIVIL COURTS IN RAWALPINDI DISTRICT.

**\*1961. Khan Muhammad Yusuf Khan :** Will the Honourable Finance Minister be pleased to state—

- (a) the number of civil courts in the Rawalpindi district including the honorary civil courts ;
- (b) the number of cases pending in the civil courts in the Rawalpindi district together with the number of cases pending during the last year in the corresponding months ;
- (c) whether the Government is considering the advisability of increasing the number of civil courts and the strength of the judiciary at Rawalpindi ; if so, reasons for the same ?

**The Honourable Mr. Manohar Lal :** (a) In addition to the court of the district judge there are 6 permanent stipendiary civil courts and 3 honorary civil courts. This information is given at page 229 of Part I of the Punjab Civil List and pages 19-20 of Part II of the Punjab Civil List. Under a temporary arrangement one of the subordinate judges from Campbellpur works 15 days a month in Rawalpindi.

(b) January 1937 .. .. .	5,417
January 1938 .. .. .	4,747
(c) No.	

#### CRIMINAL COURTS IN THE RAWALPINDI DISTRICT.

**\*1962. Khan Muhammad Yusuf Khan :** Will the Honourable Finance Minister be pleased to state—

- the number of criminal courts in the Rawalpindi district including the courts of honorary magistrates ;
- the number of cases pending in the criminal courts in the Rawalpindi district together with the number of cases pending during the last year in the corresponding months ?

**The Honourable Mr. Manohar Lal :** In addition to the court of the district magistrate, there are 22 stipendiary and 7 honorary criminal courts.

(b)			January 1937.	January 1938.
Regular .. .. .			302	295
Summary .. .. .				34
Total ..			302	269

#### PAYMENT OF SALARIES TO TEACHERS EMPLOYED BY THE DISTRICT BOARD, RAWALPINDI.

**\*1963. Khan Muhammad Yusuf Khan :** Will the Honourable Minister of Education be pleased to state—

- whether it is a fact that the salaries of the teachers in the district board service in the Rawalpindi district are not being regularly paid ;
- the number of cases wherein they have been paid irregularly during the last 6 years ;
- the number of months for which their pay was in arrears on the 1st of February, 1938 ;
- whether the Government is prepared to take any action in the matter ?

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

#### ELECTIONS FOR THE DISTRICT BOARD, RAWALPINDI.

**\*1964. Khan Muhammad Yusuf Khan :** Will the Honourable Minister of Public Works be pleased to state whether it is a fact that the general elections of the Rawalpindi District Board were due in the middle of the year 1937 ; if so, reasons why they have not been so far held ?

**The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana :** It is true that the general election of the Rawalpindi District Board was due in the middle of last year. The delay in holding it is chiefly attributable to a proposal of the board to increase its members, the examination of which naturally took time. The election work was taken in hand as soon as the proposal was turned down and the election will now be held between the 11th and 20th May this year.

MUNICIPAL COMMITTEE, LYALLPUR.

**\*1965. Seth Ram Narain Virmani :** Will the Honourable Minister of Public Works be pleased to state—

- (a) with reference to the answer given to question No. \*1260<sup>1</sup> asked in the last session of the Assembly, whether the Government have made up their mind regarding the nomination of members to the Lyallpur Municipal Committee for the intervening period and, if so, to what effect ;
- (b) whether the Government is aware that the president, the vice-president along with several other members have expressed in writing to the Deputy Commissioner, their intention of resigning from membership in case the Government carry the said proposal into practice ?

**The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana :** (a) No decision has so far been taken.

(b) No such intimation has been received by the Deputy Commissioner.

S. RATAN SINGH, BABAR AKALI.

**\*1966. Sardar Hari Singh :** With reference to the answer to starred question No. 800<sup>2</sup> and supplementaries in the last session, will the Honourable Premier be pleased to state—

- (a) whether any compensation was paid to the lambardar whose only son was killed by Ratan Singh, out-law ; if not, why not ;
- (b) whether the owners of buildings which were damaged by fire were prosecuted and proved to have assisted and harboured the said out-law and protected him from arrest ; if not, reasons why no compensation was paid to them for damage to their property ;
- (c) the law under which the police may damage the property of those believed to have assisted or protected an out-law without incurring legal obligation to pay compensation ;
- (d) whether he is aware that Ratan Singh was concealing himself in one particular house whereas some other houses were also burnt along with it ; if so, who is responsible for the damage done to the said houses ?

<sup>1</sup>Volume II, page 660.

<sup>2</sup>Volume II, pages 87-8.

**The Honourable Major Sir Sikander Hyat-Khan :** (a) A gratuity of Rs. 500 was given to the widow. The question whether any other form of award should be made is now under consideration.

(b), (c) and (d). The owners of the buildings do not appear to have been prosecuted. For the rest, I do not think I can usefully add anything to the reply given in the last session, in which the facts were clearly stated.

**Sardar Hari Singh :** May I ask the Honourable Premier whether 'useful' is from his point of view or from the point of view of the member putting the question? Does he mean to say that the information will not be useful to me or to himself?

**Premier :** I mean that the honourable member would study the previous answer and he will find that no further information is useful from his point of view also.

**Sardar Hari Singh :** As regards the information already given, it is not satisfactory from my point of view. Any further information will be useful from my point of view.

**Premier :** My friend has probably not followed me carefully. I have given him the additional information which was available to me and that is that the owners of the buildings do not appear to have been prosecuted. For the rest, I said, I do not think I can usefully add anything to the reply given in the last session.

**Sardar Hari Singh :** 'Useful' from his point of view or from my point of view?

**Premier :** He can draw his own inferences and conclusions.

**Sardar Hari Singh :** With reference to the answer already given to the previous question that no compensation was given to certain people whose houses have been burnt by the out-law, how is the Government satisfied that they harboured the outlaw?

**Premier :** How does it arise out of this question?

**Sardar Hari Singh :** It does.

**Premier :** He puts a supplementary question arising out of the answer previously given.

**Sardar Hari Singh :** I refer in my present question to starred question No. 800<sup>1</sup>. So this question is to be taken along with answer given to that question.

**Premier :** I have already given my answer with regard to compensation in that question.

**Sardar Partab Singh :** When the Honourable Premier says that the owners of the buildings were not prosecuted, does it not mean that they did not harbour anybody?

**Premier :** No, certainly not.

**Mr. Speaker :** A question based on inferences can not be asked.

**Sardar Partab Singh :** Why did not the Government prosecute those persons?

## POLICE OFFICIALS CENSURED BY JUDICIAL COURTS.

**\*1967. Sardar Hari Singh :** Will the Honourable Premier be pleased to state the names and ranks of police officials whose conduct has been the object of censure in judicial pronouncements since 1st April, 1936, and details of action taken in each case ?

**The Honourable Major Sir Sikander Hyat-Khan :** I regret that the answer to this question is not yet ready.

SCHEME FOR SUPPLYING DRINKING WATER FOR BEIT AREA IN  
HOSHIARPUR DISTRICT.

**\*1968. Sardar Hari Singh :** With reference to answer to starred question No. 836<sup>1</sup> put in the last session of the Assembly, will the Honourable Minister of Education be pleased to state the details of the scheme of supplying drinking water to the inhabitants of Beit area in Hoshiarpur district ?

**Parliamentary Secretary (Mrs. J. A. Shah Nawaz) :** The scheme provides for pumping water from River Sohan to a reservoir on the Beit tableland 635 feet above Sohan valley. From this reservoir it is proposed to lay down a skeleton distribution system with standposts to supply the villages with potable water. The scheme also includes 2 balancing tanks.

This scheme was considered and approved by the Sanitary Board, Punjab, at its meeting held on the 9th October, 1937. Government has since accorded its sanction to the payment of a cent per cent. grant-in-aid of Rs. 5,28,152 the revised estimated cost of the scheme. The payment has to be spread over a period of 5 years.

Rupees 1,06,000 have been placed at the disposal of the District Board, Hoshiarpur, during the current financial year and the balance of Rs. 4,22,152 will be paid during the succeeding years in equal instalments of Rs. 1,05,538 each.

**Chaudhri Kartar Singh :** Does the Government intend to impose any tax for the water supply on the zamindars ?

**Parliamentary Secretary :** I am afraid this question does not arise out of the original question.

POSTING OF I. C. S. OFFICERS.

**\*1969. Dr. Sir Gokul Chand Narang :** Will the Honourable Premier be pleased to state—

- (a) the exact number of I. C. S. officers posted in the Punjab, from 1930 up to date, communitywise ;
- (b) the number of Punjabi I. C. S. officers who have been posted in provinces other than Punjab ;
- (c) whether the Government contemplates taking any action to recommend that all the Punjabi I. C. S. officers are posted to the Punjab itself in future ?

**The Honourable Major Sir Sikander Hyat-Khan :**

- |                   |    |    |    |    |    |
|-------------------|----|----|----|----|----|
| (a) Europeans     | .. | .. | .. | .. | 30 |
| Muslims           | .. | .. | .. | .. | 15 |
| Hindus            | .. | .. | .. | .. | 7  |
| Sikhs             | .. | .. | .. | .. | 4  |
| Indian Christians | .. | .. | .. | .. | 8  |
| Anglo-Indians     | .. | .. | .. | .. | 1  |
- (b) The Punjab Government have no information.
- (c) No such general recommendation can be made.

**INTERNMENT OF TEHAL SINGH, A POLITICAL WORKER.**

**\*1970. Mian Muhammad Iftikhar-ud-Din :** Will the Honourable Premier be pleased to state—

- (a) whether it has been brought to his notice that Sardar Tehal Singh, a political worker of village Bhangali, tahsil and district Lahore, who was released from jail in January, 1937, after serving a sentence of 7 years' rigorous imprisonment and who was interned a few months after his release in the limits of his village is suffering from an acute stomach trouble and is in urgent need of medical treatment ;
- (b) whether it has also been brought to his notice that income from his land is so small that he is unable to pay for his treatment and that, being a motor driver, he is unable to earn his living during the period of his internment ;
- (c) if the answer to above parts be in the affirmative, whether the Government intends to take any action in the matter ?

**The Honourable Major Sir Sikander Hyat-Khan :** (a) and (b) Yes.

(c) No. The attention of the honourable member is invited to the reply given to his unstarred question No. 2921.

**Mian Muhammad Iftikhar-ud-Din :** May I ask the Honourable Premier to state whether it is fair to a man who has been in jail for seven years and who immediately after his release has been interned in a small village and whose profession happens to be motor-driving to prevent him from coming to Lahore to undergo treatment ?

**Premier :** He has never asked for that. I think it should be possible to make arrangements for his treatment if he was really ill, but I thought he preferred to stay in his village.

**Mian Muhammad Iftikhar-ud-Din :** As he is a driver by profession and cannot earn his living and as he has been seven years in jail, will the Government consider the advisability of allowing him to earn his living outside this village ?

**Premier :** I am afraid I cannot give any reply off hand. I shall have to consider it. If my honourable friend will give me further notice, I will try to see whether I can help the gentleman in any way.

**Sardar Sohan Singh Josh :** May I know if Tehal Singh applied to the Government on the 16th of December that he should be allowed to go to Lahore and get himself medically treated ?

**Premier :** I cannot give any reply off hand.

**Lala Duni Chand :** Does the Government observe the well established rule that every person released should be given some time in order to reform himself ?

**Premier :** He is not a prisoner.

**Lala Duni Chand :** Does that principle apply to detainees also ?

**Premier :** The honourable member apparently is not aware of the question. The question admits that he was interned several months after.

**Lala Duni Chand :** Is it a fact that the man was a prisoner and had been sentenced to 7 years and shortly after he was released he was shut up again ?

**Premier :** What does the honourable member mean by 'shortly afterwards' ?

**Lala Duni Chand :** Within a few months.

**Premier :** A man can commit several offences during a few days.

**Lala Duni Chand :** Is it the policy of the Government that in order to prevent crimes every prisoner that comes out of jail should be immediately sent back ?

**Premier :** No, unless he commits an offence.

**Pandit Shri Ram Sharma :** Does Government make any provision for the maintenance of the internees ?

**Premier :** This gentleman has been interned in his own home.

**Mian Muhammad Iftikhar-ud-Din :** His profession is motor driving and evidently he cannot ply his lorry in the village.

**Premier :** 'Was' and not 'is'.

**Dr. Gopi Chand Bhargava :** May I know the nature of the offence for which he is interned ?

**Premier :** I am afraid I am not in a position to give that information, in any case it would not be in public interest to divulge that information.

**Dr. Gopi Chand Bhargava :** Is it not in public interest to tell a prisoner his fault before punishing him ?

**Premier :** How does the honourable member know that he was not told ? He was told of his fault.

**Dr. Gopi Chand Bhargava :** Will the Honourable Premier let the House know what he was told ?

**Premier :** No it would not be in public interest to divulge that information.



**Dr. Gopi Chand Bhargava :** Shall it be in public interest if the internee were to print and publish the information? I mean the information that was supplied to him.

**Premier :** It would be very interesting reading, if we were to publish it, though it is not in public interest to do so, the information that these internees give us about themselves.

**Dr. Gopi Chand Bhargava :** If it is in public interest to publish all that the detainees have said, why does not the Honourable Premier then publish it?

**Premier :** It is not in public interest to do so. All I said was that it would be an interesting reading.

**Dr. Gopi Chand Bhargava :** What is there in it to make it against public interest?

**Premier :** I am afraid my honourable friend cannot draw me out like that.

**Lala Duni Chand :** Is it not true that such policy pursued by the Government gives rise to violence?

**Mr. Speaker :** That question need not be answered.

**Pandit Shri Ram Sharma :** Is it in public interest that an internee should die of hunger and starvation in his home?

**Premier :** Can any honourable friend give any single instance of an internee dying of starvation?

#### REJECTION OF LORRY No. P.-8627-B AT AMRITSAR.

**\*1971. Mian Muhammad Iftikhar-ud-Din :** Will the Honourable Minister for Revenue be pleased to state—

- (a) whether it is a fact that a motor lorry No. P.-8627-B was produced for quarterly examination on 8th August, 1937, before the Motor Vehicle Inspector, Amritsar, but was rejected on the ground that the enlarged welded chassis were not safe, and when produced again on 16th August, 1937, along with a certificate from the welding expert, the same lorry was passed for the quarter ending October, 1937, as being a changed one and of a half to two ton capacity and the permit issued;
- (b) whether it is a fact that on 22nd August, 1937, the Superintendent, Police, Amritsar, sent for the same lorry owner and got back the permit without giving him any written notice as required by the Punjab Motor Vehicle Rules; if so, the reasons therefor;
- (c) whether it is a fact that even on producing certificates of the Government Engineering subsequently, the lorry in question was not passed; if so, the reasons therefor;
- (d) whether it is also a fact that the Government has been approached in this matter by means of an application by the owner; if so, the action, if any, that the Government proposes to take in the matter?

**The Honourable Dr. Sir Sunder Singh Majithia :** (a) Yes. The chassis, one with a wheel base of 181", had been converted into a 157" one by cutting it in half and welding in extra strips of metal.

(b) Yes. Action was taken under rule 50 (a) of the Punjab Motor Vehicles Rules, 1931. The owner has since demanded that the opinion of an expert be taken under rule 50 (b). The names of two experts have been suggested, but the owner has not accepted either of them. Efforts are still being made to find an acceptable expert for the purpose.

(c) On the 22nd October the owner produced before the registering authority, Amritsar, a certificate signed by a professor in the MacLagan Engineering College giving the results of certain tests applied by him to the girders of the chassis. The results of these tests do not, however, by any means prove that the reconstructed chassis is fit for use on the road.

(d) No representation appears to have been addressed to Government, but the Assistant Inspector-General of Police (Traffic) has been approached on several occasions.

#### NEWSPAPER "SHOLA."

**\*1972. Mian Muhammad Iftikhar-ud-Din :** Will the Honourable Premier be pleased to state—

(a) whether the Government is aware of the fact that the weekly newspaper "Shola" ceased its publication in Punjab only due to the demand by the Punjab Government of the deposit of security by the paper ;

(b) whether he is aware of this fact also that the Punjab Police is seizing and confiscating the copies of the said newspaper published at Saharanpur in the United Provinces whenever such copies are sent to the Punjab ?

**The Honourable Major Sir Sikander Hyat-Khan :** The attention of the honourable member is invited to the answer given to question No. 1732<sup>1</sup>.

**\*1973.—Cancelled.**

#### FORM OF TRAFFIC CHALLANS.

**\*1974. Mian Muhammad Iftikhar-ud-Din :** Will the Honourable Minister for Revenue be pleased to state—

(a) whether it is a fact that the form used in the notices of prosecution for traffic challans provides a space for particulars of offences as well as entries regarding the section and rules applicable ;

(b) if the answer to (a) above be in the affirmative, whether the Punjab Government instructions for properly completing the above-mentioned form are carried out by the police officials ;

(c) whether the scrutinizing authorities disallow the incomplete forms of challans from appearing in the courts ; if not, why not ?

**The Honourable Dr. Sir Sundar Singh Majithia :** (a) Yes.

(b) The instructions apply to a large number of officers and it is possible that some mistakes are made, but Government have no reason to think that there is any general disregard of the instructions.

(c) No. The report form and not the intimation-cum-receipt form is scrutinized.

#### HINDU-MUSLIM RIOT AT HISSAR ON ID DAY.

**\*1975. Pandit Shri Ram Sharma :** Will the Honourable Premier, be pleased to state—

(a) whether a Hindu-Muslim riot took place at Hissar on the Id day, the 11th February, 1988 ;

(b) whether the trouble was brewing for some days before and some semi-official panchayats were arranged to settle the disputed cow-slaughter question ;

(c) what precautionary measures the police and local authorities took in this matter ;

(d) what was the number of the police force in Hissar town at the time of the riot ;

(e) what steps were taken to check the riot when it actually broke out ?

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

(b) Yes.

(c) and (e). The attention of the honourable member is drawn to the *communiqué* issued by Government on the subject on 18th February, 1988.

(d) This information is not readily available but the honourable member may rest assured that the entire police force that could be made available at Hissar at the time of the riot was used to suppress the disturbances. Ninety-five police constables, with the necessary complement of officers, were drafted from other districts into Hissar by the 12th of February.

**Khan Sahib Chaudhri Sahib Dad Khan :** When the trouble was brewing, was it guarded by the police ? Was section 144 enforced in the town the previous evening and if not, who was responsible ? Was all the police force present used to suppress the riot ?

**Premier :** If the honourable member will kindly split up his question, I will reply.

**Pandit Shri Ram Sharma :** Was any police called for from outside before the 11th February ?

**Premier :** Ninety-five police constables, with the necessary complement of officers, were drafted from other districts into Hissar by the 12th of February. They must have been requisitioned.

**Pandit Shri Ram Sharma :** May I take it that no police was called from outside as a precautionary measure before the riot actually broke out ?

**Premier :** Not according to the information available to me.

**Pandit Shri Ram Sharma:** Was it not known that there was a likelihood of a riot breaking out?

**Premier:** I am afraid I cannot give a reply off hand but my information is that the trouble had been more or less settled by the panchayat.

**Pandit Shri Ram Sharma:** Were steps taken to station any police belonging to the local police post to that place where there was a mixed population of Hindus and Muslims?

**Premier:** I should like to have notice of that question.

**Pandit Shri Ram Sharma:** Is it a fact that as soon as the riot broke, the civil surgeon reported the matter to the local authorities on the 'phone? Again, the assistant surgeon also informed but no police reached the spot?

**Premier:** I am not aware of the fact. If the honourable member will give me notice, I will enquire. Probably there was no police left.

**Lala Duni Chand:** Do any instructions exist regarding the precautionary measures to be taken before such an occasion and if they do exist were they carried out in that case?

**Premier:** I have already said that a settlement had been arrived at between the Hindus and Muslims and, therefore, no trouble was apprehended.

**Lala Duni Chand:** My question was, "Do there exist any instructions with regard to the precautionary measures to be taken on such an occasion?"

**Premier:** Very elaborate instructions do exist.

**Pandit Shri Ram Sharma:** Was any police present at the place where three persons were murdered?

**Premier:** I am afraid I am not in a position to answer that question and I do not think it will be fair to ask that question at the moment when the investigation is going on.

**Pandit Shri Ram Sharma:** After three murders had been committed, how long did the police take to reach the places of disturbance?

**Premier:** My opinion is that these poor victims were killed in stray assaults at different times and in different places.

**Pandit Shri Ram Sharma:** Was the deceased second master also a victim of a stray assault?

**Premier:** I am afraid he was waylaid by the furious mob when he was coming back or going to his house. He met this mob which committed this most heinous offence.

**Pandit Shri Ram Sharma:** Is it a fact that the said second master was murdered in the boarding house before the very eyes of his wife and children?

**Premier:** The boarding house is on the main road and it has an open courtyard.

**Pandit Shri Ram Sharma:** Is it or is it not a fact that he was butchered within the *thata* and not outside it?

**Premier:** Very likely it is so.

**Khan Sahib Chaudhri Sahib Dad Khan :** Where the trouble was brewing, was it guarded by the police on that day ?

**Premier :** Yes.

**Khan Sahib Chaudhri Sahib Dad Khan :** Was all the police force used ?

**Premier :** All the police was made use of.

**Khan Sahib Chaudhri Sahib Dad Khan :** Was section 144 of the Criminal Procedure Code enforced in the town at 4 P.M. ? If it was not enforced who was responsible for the delay ?

**Premier :** I have already answered that. The real situation, as reported to me, is this. A settlement had been arrived at between Hindus and Muslims of that particular *mohalla* and my information is that no trouble arose in that *mohalla*. It was in another *mohalla*, and probably the trouble arose due to the mischief of somebody.

#### HINDU-MUSLIM RIOT AT HISSAR ON ID DAY.

**\*1976. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that on Id day (11th February) a cow was allowed to be butchered under police escort in a Muslim house in a populated area where some Hindu houses were also situated; if so, reasons for the same ;
- (b) what were the previous Government instructions on this point and whether they were carried out ;
- (c) whether there is anything to show from the records that there existed any such custom of slaughtering cows in the locality whether in the open or inside a private house ?

**The Honourable Major Sir Sikander Hyat-Khan :** (a) If the reference is to the cow slaughter that took place on the occasion of the Bakr 'Id on the 11th February, 1938, in a Muslim quarter of Parao Mohalla, Hissar, the answer is in the affirmative. The slaughter took place under an agreement entered into by responsible members of the Hindu and Muslim communities.

(b) The only instructions of Government on the subject are the rules framed under section 85 of the Punjab Laws Act, IV of 1872. These forbid the slaughter of kine in town except in places licensed by the Deputy Commissioner.

(c) There is nothing on record as regards past custom in Parao Mohalla, but local enquiries tend to show that it was customary to slaughter cows on the occasion of the Bakr 'Id in that *Mohalla*.

#### HISSAR RIOTS ON ID DAY.

**\*1977. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that four persons were killed and many seriously wounded on the last Id day at Hissar town ;

[Pandit Shri Ram Sharma.]

(b) whether it is a fact that a poor villager was killed outside the Delhi gate by a furious mob under the very nose of the police ;

(c) the number of the police guard posted at the spot and what action they took when the man was being butchered ?

**The Honourable Major Sir Sikander Hyat-Khan :** (a) No. Three persons were killed and four seriously wounded.

(b) A villager was killed by the mob outside the Delhi Gate, but the police were not present on the spot at the time.

(c) Does not arise.

**Pandit Shri Ram Sharma :** On the report of which department is the Honourable Premier relying—civil or police ?

**Premier :** On the official report received from the Deputy Commissioner.

**Khan Sahib Chaudhri Sahib Dad Khan :** Is it a fact that there is no slaughter house at Hissar and cows even for daily use are being slaughtered in the town since times immemorial ?

**Premier :** This question does not arise from the main question but I think there is no slaughter house at Hissar.

**Pandit Shri Ram Sharma :** Is it a fact that no police guard was stationed outside Delhi Gate ?

**Premier :** I am not in a position to add to the information which I have already given to my honourable friend.

RAM SINGH, B.A., B.T., A VICTIM OF HISSAR RIOT.

\*1978. **Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

(a) whether it is a fact that one Ram Singh, B.A., B.T., second master, Government High School, Hissar, was killed by a mob in the school boarding house on the last Id day ;

(b) whether the Government is prepared to consider the question of granting a pension to the widow of the deceased who was killed ?

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

(b) The question is under consideration.

**Lala Duni Chand :** Has the Government, since this riot, considered the question that the death of Ram Singh has been most tragic and was the result of communal riot and if so, whether the Government has devised any further means to prevent such tragic happenings ?

**Premier :** So far as this tragedy is concerned, I am completely in harmony with my honourable friend opposite to say that this was a dastardly and cowardly offence that was committed, and Government will consider very sympathetically what it can for the widow and the children left behind. (Hear, hear) With regard to future preventive measures, I think my honourable friend could equally endeavour working in that direction.

**Lala Duni Chand :** I am working and I have been working for the last so many years.

COMMISSION EARNED BY OFFICIAL RECEIVERS.

**\*1979. Captain Sodhi Harnam Singh :** Will the Honourable Minister for Finance be pleased to state whether answer to starred question No. 1480<sup>1</sup> asked by me on 25th January, 1988, is ready ?

**The Honourable Mr. Manohar Lal :** Reply to this question will be given along with the reply to question regarding the official receivers.

SCHEME FOR THE SUPPLY OF DRINKING WATER AT FEROZEPORE.

**\*1980. Captain Sodhi Harnam Singh :** Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that owing to the water level in the wells in Ferozepore having risen, the water drawn from these wells for drinking purposes is not hygienic and that for this reason and other insanitary conditions, Ferozepore has become the abode of typhoid and other diseases ;
- (b) whether it is a fact that Municipal Committee, Ferozepore, is not in a position to take up a scheme of water works for the city ;
- (c) if answer to (a) and (b) be in the affirmative, the action proposed to be taken in the matter ?

**Parliamentary Secretary (Mrs. J. A. Shah Nawaz) :** (a) Since the construction of Hussainiwala Headworks in 1927 there has been a rise in water level of wells in and around Ferozepore city, but the statistics do not indicate that this has produced any increase in the incidence of typhoid and similar diseases.

(b) Presumably the Municipal Committee, Ferozepore, are not in a position to take up water works schemes as they have made no move in this respect so far.

(c) Does not arise.

**Diwan Chaman Lall :** May I ask the Parliamentary Secretary how (c) does not arise out of (b) ? The question is what steps are likely to be taken to provide a decent water supply for Ferozepore ?

**Parliamentary Secretary :** The question asked in (a) is whether owing to the lack of proper supply of water there has been an increase in typhoid cases. The reply given is that there has been no increase in any diseases or in the cases of typhoid ; therefore the municipality has not approached the Public Health Department ; hence (c) does not arise.

## BURNING OF GURU GRANTH SAHIB AT DIPALPUR.

**\*1931. Captain Sodhi Harnam Singh :** With reference to answer to my starred question No. \*1544<sup>1</sup> asked on 27th January, 1938, will the Honourable Premier be pleased to state what further action has been taken by the police to arrest the culprits who burned the holy Guru Granth Sahib at Dipalpur ?

**The Honourable Major Sir Sikander Hyat-Khan :** All efforts to trace the culprits in this case have failed so far. It may be stated, for the information of the honourable member, that the relations between the Sikhs and Muslims of Dipalpur are now happy and that in the month of January last, members of both the communities took out a joint procession to instal the Guru Granth Sahib and the Quran Sharif in a gurdwara and a mosque in the town.

## BUDGET—GENERAL DISCUSSION.

**Mr. Speaker :** May I suggest that duration of speeches may be fixed ?

**Lala Duni Chand :** I suggest 25 minutes may be allowed.

**Dr. Gopi Chand Bhargava :** I submit it would be much better to fix the time limit after you have received the list of names of those members who want to speak.

**Mr. Speaker :** May I take it that honourable members do not wish any time limit to be fixed ?

**Premier :** I suggest that 15 minutes should be the usual time except of course in the case of my honourable friend the Leader of the Opposition who should be given more time.

**Mr. Speaker :** I have already received the names of 15 gentlemen for to-day only, and some more may yet send in theirs. To-morrow, I am sure, the number shall be larger and the day after to-morrow it shall be still larger.

**Syed Amjad Ali Shah :** Fifteen minutes would be a reasonable time limit.

**Mr. Speaker :** I think 15 minutes will not be sufficient for some members. The Honourable Premier has intimated that he will take 45 minutes. The Honourable Minister for Finance says he will take one hour. So, 15 minutes duration is fixed subject to further extension, if necessary.



**Dr. Gopi Chand Bhargava** (Lahore City, General, Urban): Mr. Speaker, I do not claim to be one of those who can say that they know the economics which is usually exhibited in the preparation of the budget. The Honourable Premier the other day remarked that I was only a medical man and that I did not know the intricacies of the preparation of the budget. I admit that I do not know the intricacies involved in the preparation of the budget and therefore I cannot be expected to appreciate the labour which the Honourable Finance Minister might have put in in the preparation of such a big thing. Last time the Honourable Finance Minister was displeased at my remarks when I said that if we were to judge it from the point of view of book-keeping it was a very good thing. Though he was displeased, yet he admitted that budget is a good book-keeping. I do not know book-keeping either. Therefore, if I depart from the usual practice of congratulating the Finance Minister I think I have got enough reason to be excused for it. Sir, the budget is not only to show the finances of the province nor to give an explanation of the figures, but it also indicates the policy of the Government which they intend to follow in the general administration and in particular the beneficent departments. Sir, we are told, as is the practice, that the budget estimates are prepared on the income and expenditure of this year, the year 1937-38. Let us examine the figures firstly for receipts and then for expenditure for the year 1937-38. We are told that the income increased by 62 lakhs under different heads. In one of the heads, that is, land revenue, the gross income increased by 8 lakhs. Then there are other heads, for example provincial excise, stamps, forests, Motor Vehicles Taxation Acts, etc. Under irrigation it is 28½ lakhs; beneficent departments, 2 lakhs; civil works, minus 8½ lakhs; hydro-electric scheme, 1½ lakhs; and miscellaneous adjustments between Central and Provincial Governments, 1 lakh.

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

I am concerned first with the increase in income under irrigation, because this is probably the largest amount, that is, 28½ lakhs. It is said:

3 P.M.

The increase is due to increase in irrigated area, mainly on the Western Jumna, Lower Chenab, Upper Chenab and Sutlej Valley Canals. Reduction in the unrealized balance of previous years is also responsible to a certain extent for the increase apparent in the current year.

Meaning thereby that this year more arrears were realized, and there were very few unrealized items left. It comes to this that because people take more water out of canals, therefore, the income is increased as a whole. But my submission is that the rate of assessment of irrigated water and abiana has not been decreased by any figure.

Then, we come to land revenue. It is said—

"Gross land revenue receipts show an increase of 8 lakhs in spite of remissions and suspensions at a very generous scale and the extension of the sliding scale system of assessment to the Nili Bar Colony on the same scale as in force in the Lower Bari Doab Canal Colony. In 1937 actual remissions both ordinary and special on account of hailstorm, graminblight and shrivelling of wheat grain, etc., amounted to 14 lakhs and suspensions 1 lakh."

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Then, Sir, further it is said—

"In spite of these remissions and suspensions increase is due to larger area under cultivation and better realization of arrears of previous years. It seems that the paying capacity of zamindars is improving, which in the absence of a marked increase in prices, can only be attributed mainly to larger yields, owing to, better cultivation and use of improved seeds and partly to the prevailing tendency to curtail extravagant expenditure as a result of the efforts of the Co-operative Department and Rural Reconstruction movement."

"This clearly shows that Government thinks that the condition of the zamindar has improved and the reasons for improvement are that better seeds have been provided and better methods of cultivation have been adopted by the zamindars and they have also grown thrifty owing to the efforts of the Co-operative Department and the Rural Reconstruction Department. When we go about, we are always told that the condition of the zamindars in villages is growing worse and it is not that it is improved. But the Government thinks that the condition of the zamindars is improving. Last time, when we were discussing the Department of Agriculture, under which supply of better seeds and improved methods of cultivation fall, we tried to show that the conditions of the agriculturists and zamindars have not at all improved. If that method of administration is continued in that department, it would not improve the conditions so far as the betterment of general public is concerned. My opinion is that whatever is described here is not a true state of the conditions that prevail in villages. The Land Revenue Committee is working and what I have heard is that people have represented that the rate of assessment is such that they cannot bear it. They want a reduction in the rate of assessment as also a change in the method of assessment. They say that they cannot bear the taxation of Government on land and yet the Government says that the conditions of zamindars are improved. Is it because the figures supplied to the Honourable Minister in charge of the department are not correct and so his conclusions are quite different or is it that the reports sent to him are not correct ?

If we go further we find that the increase under almost all heads is due mainly to a change in the accounting procedure relating to the Government of India grants for rural development. There is one good thing which I find in the budget ; but I do not know the other side of the picture. It is said that under industries, the increase is Rs. 97,000 only in spite of the income from the Lahore Exhibition being Rs. 2,50,000 compared with Rs. 1,20,000 anticipated. I said that I do not know the other side of the picture because I do not know what the expenditure was. The expenditure has been divided, when the supplementary grants were put before us, all the departments came forward with certain big items to meet the expenditure incurred by them in connection with the exhibition.

Then, Sir, I come to the revenue expenditure. Under revenue expenditure for this year, I am only concerned with the creation of a Special Development Fund. Fifty-five lakhs of rupees have been put in that fund and we are told that according to the methods of budget preparation, this

item falls under expenditure. Out of this special fund, it is proposed to spend 6 lakhs in the year 1938-39 as follows :—

	Rs.
Improvement of rural water supply .. ..	1,00,000
Agricultural improvement .. ..	1,00,000
Consolidation of holdings through the Co-operative Department .. ..	50,000
Consolidation of holdings through the Revenue Department .. ..	50,000
Co-operative activities .. ..	50,000
Industries .. ..	50,000
Veterinary activities .. ..	50,000
Education .. ..	50,000
Public Health .. ..	40,000
Medical .. ..	10,000
General Purposes .. ..	50,000
<b>Total ..</b>	<b>6,00,000</b>

If we proceed further we are told that the Government propose this year to advance a loan of Rs. 4 lakhs to the Administrator of the Lahore Municipality and Rs. 20 lakhs to the Lahore Improvement Trust. I would propose to take these two items first. The Lahore Municipality was suspended about more than a year and a half ago and an Administrator has been put in charge of it and the term of the municipality expires on the 9th March. Last year we were told that the municipality had got prepared a scheme for the improvement of water supply and drainage for the town of Lahore, and that it would cost the municipality 3½ crores. We wanted to know what that scheme was. I wrote to the Administrator as well as to the Sanitary Engineer to supply me with a copy of the scheme so that we might also be able to take the opinion of experts on that question. Had we taken the opinion of experts if any expense was to be incurred, we would have stood that expenditure. But the reply sent to me was that there was only one copy and therefore they could not supply any copy to me. In January this year in the last session a resolution was tabled by Government to give a grant-in-aid of 40 lakhs and to advance a loan of 60 lakhs to the Lahore Municipality. The resolution was not discussed. I do not know why. An application of the Administrator, Lahore Municipality, was published in the *Gazette* on the 4th February, 1938, where though the Administrator says that the scheme has not yet received the administrative sanction of Government yet he wanted a loan for that scheme. We do not know how the Administrator, even granting that he is legally authorised to apply for a loan of that kind when his term is going to finish could do so, and I do not know how the Government could entertain such an application and publish it in the *Gazette* for objections when the administrative sanction for the

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scheme was not given. Last time when we were discussing this question we wanted the scheme to be published and the methods of finding out money to meet the expenditure to be discussed and public criticism to be invited on that. Are we to understand that when the Government grants a loan for this purpose, then the scheme is approved and when that scheme is approved and the Lahore municipal funds are mortgaged to the Government against that loan, the municipality must find out that money by levying any cess they thought proper without inviting any criticism from the public? To advance a loan of this kind and to make a provision without considering the criticism of the public on the question amounts, I think, to flouting public opinion. When I am discussing that point, I must say a word or two about the condition of the Lahore Municipality. I had the privilege of working as a member of the municipal committee in the years 1922 and 1923, I think. I find that the sanitation of the town has grown worse since that time. I have been living in the town myself, in the middle of the town, up to December 1935, and even now, though I live in the civil station, I go there, and I find that the sanitation of the town has grown worse. Last time during the budget session the Honourable Minister for Education was pleased to lay a statement regarding the typhoid epidemic in the Lahore Municipality and we were told that the municipal committee had taken precautions to stop that epidemic, but the reports show that the water supply of the Lahore Municipality was greatly responsible for that epidemic. We had several discussions about the Lahore Improvement Trust and though a notice of a resolution was given and it was ballotted, yet my honourable friend who was to move the resolution withdrew, I do not know why. It may be that his grievance had been redressed or it was for some other reason that he withdrew it. But it goes to show that the grievance is there.

**Minister for Education :** What resolution is the honourable member referring to?

**Dr. Gopi Chand Bhargava :** I am referring to the resolution which was to have been discussed on the 4th of March, 1938, during the present session.

**Minister For Education :** But he gave his reasons.

**Dr. Gopi Chand Bhargava :** He did give his reasons, but the Honourable Minister in charge was silent. We do not know whether that was the position of Government. Had he told us what the real position was, we would have tried to extract something out of him.

There is an item of 8½ lakhs which is given by the Government of India for the following schemes :—

- (1) Water supply schemes in the Shahpur, Hissar, Hoshiarpur and Kangra districts ;
- (2) Consolidation of holdings through the Co-operative Department ;
- (3) Consolidation of holdings through the Revenue Department ;
- (4) Reclamation of chos ;
- (5) Village industries ;

- (6) Award of prizes for good cattle belonging to the members of co-operative societies ;
- (7) Village improvement schemes through co-operative societies ;
- (8) Women's welfare work through the Education Department ;
- (9) Scholarships for the training of nurse-dais and dais in rural areas ;
- (10) Appointment of an assistant inspectress-general of civil hospitals ;
- (11) Sheep development in the south-west Punjab ;
- (12) Development of indigenous sheep breeding in the Hariana tract ;
- (13) Chakwal tahsil conservation project ;
- (14) Cinema films and loud speakers ;
- (15) Coloured pictures and posters ;
- (16) Touring lorries and carts for rural reconstruction work ;
- (17) Well boring ; and
- (18) Village improvement schemes through district officers.

I am not concerned with that. I only wanted to invite your attention to the schemes for which the Government of India has donated 8½ lakhs.

Increased provision has also been made for adult education. Provision has been made to increase the grant of the Punjab University by Rs. 30,000 per annum if and when it decides to appoint a whole-time vice-chancellor. Last time I gave notice of a question but that question was probably disallowed by the Speaker on the ground that the Government had got nothing to do with the administrative business of the University. My question was, whether the Government of the Punjab was prepared to consider the question of the appointment of an Indian as vice-chancellor, because in almost all other universities in this country the vice-chancellors are all Indians. It is only the Punjab probably where we have not an Indian vice-chancellor. But the question was disallowed. We have been feeling for the last eight months that in this province Indians are not counted to be abler than or even as able as the Europeans or foreigners. We feel that Indians are as able, if not abler than those who are called upon to hold posts of responsibility.

**Minister for Education :** May I point out with your permission, that the appointment of a vice-chancellor does not rest with the Punjab Government.

**Dr. Gopi Chand Bhargava :** I know it does not rest with the Punjab Government, but I have a right to refuse this demand if I feel that it is going to be spent in a way in which I do not want it to be spent, and therefore I am perfectly within my right to criticise that action.

**Minister for Education :** Are you going to do that as a protest against the constitution under which we are working or under the constitution of the University ?

**Dr. Gopi Chand Bhargava :** Sir, my objection is that if and when we find that we have not got any control over the appointment of the vice-chancellor, why should we give any money to the University? (*Hear, hear*). Last time—perhaps two days ago—we were told that on the Lahore-Jhang road lorries could not be permitted to run because the Government gave an undertaking to the Government of India that they would consider the matter of competition between the lorries and the railway and because the Government of the Punjab had agreed to that, they could not permit the lorry drivers to run on that road. If the Punjab Government could agree to such a condition, why can we not impose a condition on the University when we are going to give them a grant of Rs. 30,000? This is not a small sum. When the question of the appointment of a Professor of History in the Government College arose it was a European who was given preference. When it is a question of town planner for whom we are going to provide Rs. 81,000 two-thirds of which is to be met by the Lahore Improvement Trust, we find that it is a foreigner who shall be given preference.

**Minister for Public Works :** Not at all.

**Dr. Gopi Chand Bhargava :** My friend says "not at all." He says it is only a question of advertisement. But why are you providing such a high pay? The provision of such a high pay means that you want to appoint a foreigner. Otherwise reduce the amount and we will take it that you are going to appoint an Indian.

**Minister for Public Works :** What about the Government Architect? We have just appointed one.

**Dr. Gopi Chand Bhargava :** I would submit that if the Government feels as we feel that an Indian should be the head of the University as its vice-chancellor, let them reduce this amount of Rs. 30,000 to Rs. 24,000 and then we will see that the post is reserved for an Indian and not for a European. Provision of such a high salary means that they have got a certain man in view and only they want our sanction for it. (*Hear, hear*). This is how the Government always works.

Now I would say a few words about the proposed expenditure under the Special Development Fund. I would draw your attention to the item of Rs. 50,000 under Education. It is said here—

It is proposed, funds permitting, to select one tahsil in each district where a model school could be established. In co-operation and collaboration with other beneficent departments efforts will be made to make this school the best educational institution from all points of view. It would, for instance, have the best enrolment and average attendance; it would possess up-to-date equipment and educational appliances; it would teach rural science on an attached farm; it would introduce the latest methods of instruction as adapted to the needs of the locality; it would give a definite rural bias to all instruction in the various classes; it would, if possible, encourage co-education; its boys would have a milk bar; a medical officer would hold regular inspections followed up by suitable treatment; it would have its parents' day; its specially chosen teachers would take active interest in rural uplift work; it would be a leader in all physical training work including the organisation of village games, clubs, etc.; it would have a smart scout troop, and, if possible, a band; it would run its own school magazine, and a co-operative supply shop and thrift society, and it would also have a radio. It may or may not be possible to achieve all the objects enumerated above, but every effort will be made—circumstances permitting and provided the other departments co-operate whole-heartedly—to achieve the end in view.

Sir, this Rs. 50,000 is to be spent on such a school one for each tahsil. I understand there are 112 tahsils in our province and therefore Rs. 50,000 is to be spent probably on all the 112 tahsils at a time or they may begin with those districts which may be called their pet districts. Sir, what we expected was—probably we should not have expected it—that a change in the system of imparting education would be put before us. We find that the old system of education does not suit us. The present day school is only a factory of unemployment. Those who are given primary education are not fit for their own work and those who are given secondary and university education are no better. Unemployed clerks are really manufactured in these high schools and colleges. All over the country people are thinking of devising a system of education which would be within our means as well as which would suit our requirements. But we do not find any change in the policy of the Punjab Government so far as the imparting of education is concerned. We have got a Bill before us; but, do we find therein that all education, university or high or whatever it is, shall be given in our own language? Or do we find that we are going to have such a compulsory and free growth of education which would prepare the people to earn their own livelihood? Nothing of the sort. What we are told is that we will have radios; we will have village games and all those scientific exhibitions which we had in our Exhibition here recently.

In the same way if we take the Medical Department, they are going to spend ten thousand out of the Special Development Programme. Special Development Programme means that they are going to do something wonderful for the villages and for the rural people, but what do we find? It is not the relief that was expected, but the amount is to be spent probably on travelling allowance of Rs. 10 a month to all the rural doctors so that they might be able to go about from village to village and find out whether there is any sick or needy who deserve their help and treatment. So, these ten thousands are to be spent on the travelling allowances of doctors and not for any medical relief. In thirty-seven thousand villages there are only 360 dispensaries, for one hundred miles there is one dispensary or for every 80,000 people there is one dispensary and if they give ten rupees a month as travelling allowance and provide a horse they shall be able to visit these thirty thousand villages once a year only. In my opinion the Punjab Government spends, I would say, wastes, thousands and lakhs of rupees for medical relief in the towns and they do not care anything for medical relief in the villages and still they claim that they stand for the welfare of the people. What do they provide? They provide rural dispensaries. Though I am an allopath—no, I was an allopath, for I am not practising as a doctor nowadays—and being an allopath feel that allopathic system is very costly and is not one which we can afford to provide for ourselves. It is a very costly method and it cannot suit us (*hear, hear*). What we desire is that provision should be made for the supply of home medicines or the ordinary cheap and domestic remedies. It does not mean that a man, if he really stands in need of help should not be provided with the best and the costliest of medical treatment, but do we not know that 80 per cent. of patients are such as do not stand in need of any further treatment than being told how to remedy themselves by the change of diet or the method of living? That is all what is required. Therefore these ten thousands under the Special Development Programme are

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really to be spent on travelling allowances of doctors and not on the medical relief of the people. Not a single pie out of it is to be spent on medicines which the patients or the villagers are expected to receive and which the doctors advise them to take. Now turn to Public Health. Under Public Health it is proposed to spend 1,40,000 but how are they going to spend it? They want to provide a sanitary well in 232 villages out of 37,000 villages in this province. Then they say that they will supply skilled labour necessary for drainage and paving works in 286 villages. How do they propose to carry out a complete paving and drainage scheme for an average village of hundred houses in a period of four months? At this rate I have not been able to visualize when the Punjab will improve and how much shall the Government have to spend if they want really to improve this province. Rupees 50,000 or Rs. 40,000 to spend in 286 villages for giving one pump or one well for which the villagers shall also be called upon to spend about one-fourth per well is too slow a process. And then there is the question of providing drainage in 286 villages. If we were to estimate the cost and the period that will be required to complete the work in all the villages of the province, then one can well imagine that it will not be in our lifetime nor in the lifetime of our children that we can expect to improve the province.

**Deputy Speaker :** May I request the honourable member to wind up his speech?

**Dr. Gopi Chand Bhargava :** Leaving this Department of Special Development Programme, I will submit only one thing more and that is under the head Miscellaneous. It is stated that it is proposed to employ a lady welfare organizer and her staff. They also propose to give each deputy commissioner Rs. 500 to be given away as cash awards by him. The total amount provided is Rs. 50,000. If we multiply Rs. 500 by 29 the number of districts, this comes to about Rs. 14,500 leaving Rs. 35,500 which is to be spent on the staff and the travelling allowances and salaries of the lady organiser and her staff. One can easily be led to believe that the Special Development Programme is to be carried out not for the welfare of the people but only for propaganda work of the party and that they only want to beat their own drum of the Unionist Party. There is nothing which will help the welfare of the people.

Under new expenditure it is proposed to spend under civil works Rs. 88,87,977 out of which 19½ lakhs are to be contributed out of the Central Road Fund and about 20 lakhs are to be spent by the Punjab Government. Out of this amount, Rs. 47,000 are non-votable because they have to be spent on buildings in the Government House at Lahore or at the Barnes Court at Simla. When we objected to the Government exodus to Simla, we were told that Punjab Government held property worth crores in Simla and therefore if they were not to go to the hills that property would be ruined, but now they are after increasing that property. They do not want to dispose it of and stop exodus to hills, but they want to stick to that and to add more to it. But this is nothing, it is only Rs. 47,000 out of a budget of 11 crores and does not matter much. I, however, invite your attention to capital outlay on civil works to be met out of extraordinary receipts. One



is an item of Rs. 1,17,000 for the Simla superintendents' quarters; for the residence of the Chief Secretary, Rs. 40,000; for three palaces for the three Ministers, Rs. 2,00,000; and then electrification of buildings, Rs. 2,21,000; and for the provision of electric fans, Rs. 15,880. It is argued that if private people work under fans and can provide those fans, why should not the Government servants also get fans. Therefore they are going to spend Rs. 15,000 for fans. Then they are going to spend 6 lakhs out of 55 lakhs on the Rural Development under the Special Development Schemes of which we hear and read so much in the papers daily. They are going to spend 6 lakhs on these buildings out of extraordinary receipts.

Now I want to say a few words on the political policy of the Government and I want to invite your attention to two or three matters. The other day in January last, when we were discussing the question of release of political prisoners we were told by the Honourable Premier that these prisoners were not political prisoners, but they were murderers.

It is very good of him to remember us in these words who try to serve their country (*A voice*: Murderers). They call us by the name of murderers, but it does not lie in the mouth of a man who himself held those opinions some years ago and who even now advocates that he does not believe in non-violence but believes in violence. If we were to judge the political actions of the Government and actions of the anti-Government party, it will be seen that there is more murder on the side of Government than on the side of the public (*hear, hear*). We find that the ministries of other provinces went to the extent of even resigning on this question of release of political prisoners, but here we find that the prisoners are still there and the Government is not prepared even to release them when their releases are due. The other day the Honourable Minister for Finance was pleased to say that a life imprisonment ordinarily means fourteen years including remissions. Why are these political prisoners not released when they have served for ten years including remission? Out of a total of forty-four there are about sixteen who have just served that imprisonment. In passing, I would also invite your attention to the policy of repression which is being carried on in this province.

**Deputy Speaker**: The honourable member has taken forty minutes. He may kindly wind up.

**Dr. Gopi Chand Bhargava**: The other day I gave notice of an adjournment motion and I was told by Mr. Speaker that I could invite the attention of the Government in my speech on the general discussion and that was the case of Mr. Dev Chand Narang. That man is the proprietor of a publishing house. His books were admitted by the University. But now the Government have issued orders to all the departments under them that no book or magazine is to be published in his press and if it were published, the Government will not recognise that publication. There is a girls' school here which decided to get its magazine printed in that press. The Government asked the authorities of that school not to get the magazine printed there. What is his fault? The fault is that his brother, his sister and he himself are political workers. People have been penalised simply because they hold special views.

I would like to make an observation about the boy scouts. I would draw the attention of the Honourable Minister to what he said last time. We find that in spite of the fact that boy scouts who have got nothing to do

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with politics—either with the Government politics or with anti-Government politics—are recognised by many of the other Governments, here we find that it is the official scouts who get that recognition and not the non-official ones. I have tried to survey the budget as also the policy of the Government so far as the administration is concerned, and I beg to submit that instead of finding any orientation in the policy of the Government, instead of being told that they want to run the beneficent departments in such and such a way, we find that the Government is being ran on the same old lines. What is being done? A thousand here and a thousand there are spent in this or that department. There is no change in the policy of the Government. Are we to feel that there can be no possible change in the policy of the Government or the administration of the beneficent departments at least? They cannot think of anything else than the methods that they have adopted which, to their way of thinking, are the best suited to our province. If it is so, I can safely say that there is no change in the system of government. It is only a change of colour or, as they call it, the old wine in new bottles.

**Mir Maqbool Mahmood** (Parliamentary Secretary): Sir, in spite of my respect for my honourable friend the Leader of the Opposition, I must say that I have been disappointed by his speech to-day. If you will forgive me, his speech is not a general discussion on the budget but general excursion into some items of the budget and if he will forgive me further, I would say that he has only started discussion on certain specific items of the budget in anticipation. I will not be guilty of the same procedure and I can only say that with regard to the specific items which have been raised by him he will get the reply in retrospect when the occasion comes. But at this stage I will only content myself with the remarks, if he will forgive me, of Mahatma Gandhi on Miss Mayo's book 'Mother India'. He said that it was a "Drain Inspector's Report" and I hope my honourable friend the Leader of the Opposition will forgive me if I can apprise his speech to-day as "Drain Inspector's Report". (*Interruption*). Wait and see. I claim that the general discussion of the budget is a solemn occasion and on this occasion it behoves members of all parties to review the past year's working and to make constructive suggestions for the ensuing year in a constructive and broad-minded spirit and I expected with the expectation of farsightedness, which we ordinarily get from the Leader of the Opposition, that he would have at least paid a due compliment to the Government on some outstanding good events in the budget. But it has not been so and, therefore, he will forgive me if I cannot also compliment him on the speech which he has initiated on the general discussion of the budget. With regard to the budget I think it is held that it is a technical general discussion. We have to look broadly and squarely to the salient features of the budget. What do we find? In spite of the obvious limitation of the Act, in spite of the so many non-votable items which the Honourable Minister for Finance or the ministry cannot touch, we give a budget, within one year of the working of autonomy by our Government, in which without a penny of additional taxation we give beneficent departments 41 lakhs more than what was budgetted for in 1936-37. There is not a penny of additional expenditure, additional taxation and recurring expenditure. But there is one 'fatal

flaw' in it that it unfortunately places Punjab in the vanguard of all provinces of India in respect of expenditure on beneficent departments. Therefore, according to the Leader of the Opposition, the Honourable Minister for Finance should not be congratulated and the budget must be condemned. Take another aspect—the rigid control of expenditure. We find that there have been specific savings of Rs. 8,74,000 under the working expenses of irrigation and savings of Rs. 2,24,000 under general administration but not a word has been mentioned by the Leader of the Opposition. It must not be mentioned because Mr. Manohar Lal does it. Take next the question of working expenditure—the collection expenditure. We have budgetted for 82 lakhs of working expenses or the collection expenses which are direct charges on the revenue. The same figure was provided in 1928-29 for a collection of Rs. 10,42,00,000. This year we have provided the same amount for collection of Rs. 11,72,00,000. But this side of the House does it, therefore, it should not be mentioned. Take again the expenditure on law and order. I am sure that both sides of the House want that the conditions in the province should be such that a substantial decrease in the expenditure on law and order should be possible. But even as it is we have budgetted for the same amount of expenditure on law and order this year which was budgetted in 1930-31, i.e., one lakh more, but then our income was Rs. 10,84,00,000 while this year it is Rs. 11,42,00,000—a reduction in percentage of 10 per cent. and yet it must not be mentioned because the Unionist benches are responsible for it. Take the question of beneficent expenditure. What do we find there? In 1922-23 the expenditure on beneficent departments was Rs. 1,81,00,000 on an income of Rs. 10,84,00,000. This year on an income of Rs. 11,42,00,000—an addition of only Rs. 1,08,00,000—we have budgetted for Rs. 3,28,00,000 for expenditure on beneficent departments. In other words, all the increase in income and even additional forty lakhs have been budgetted for beneficent departments.

**Diwan Chaman Lal :** What was the condition in 1929-30 ?

**Mir Maqbool Mahmood :** If the honourable member is a little patient, he will get my reply. If he will refer to 1922-23 he will find that the budget was more rigid. I, therefore, submit that not a word of appreciation of that—not a mention of that—has been made because it is the Unionist benches that have done it. This omission on the part of the Opposition reminds me of a famous story of a Mr. Simpson who used to sell hot potatoes and ice cream in London according to the exigencies of the weather, keeping hot potatoes and ice cream in two different barrels. The rhetoric of my friends opposite is of the same fashion. There is criticism and censure attached to everything said by the Opposition who try to condemn whatever is done by the Government. On a mentality of that kind I would not like to waste the time of the House. All I can say is that people with that mentality had better be left to the judgment of the future, if history condescends to take any notice of them.

I am sure, that the whole House will endorse the fact that the greatest feature of the budget is the creation of the Special Development Fund. Opinions may differ as to the specific items of expenditure under that head. I am sure on this question of details opinions may differ even on this side of the House. It should be the duty of the Government here as elsewhere

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to see that the money which comes out of the pockets of the tax-payer is well spent. I am sure Government shall see to it. I am only taking the broad aspect of this Special Development Fund. I am particularly happy over the creation of this fund because you will remember, Sir, last year during the general discussion of the budget I was privileged to make a special suggestion that as our savings and surpluses are being spent and frittered away, we should create a special fund containing our surpluses and savings which should be earmarked and spent for beneficent activities, for the remission of taxation and for the relief of the unemployed. Let me on behalf of myself and on behalf of my friends congratulate Government and particularly the Honourable the Finance Minister for having created this fund. It is a great feature ; no petty Government and no petty Finance Minister would have been able to create it and no one should refuse to give him credit for that. That is with regard to the special aspect of the budget.

I am sure my honourable friends opposite will concede that every budget is to be tested by certain specific tests. Budget making is not an end in itself : it is a means to an end, and the end to which it is to be directed is the service of the province ; and we have to see how far the budget of the Punjab, as presented, meets this test. What is the first test ? I would submit that the first test is the question of production. In the Punjab we have a land where people are mostly agriculturists. We have a land where the population is increasing. From 1921—31 our population increased by 1½ per cent., it has been so in the past also. On the other hand our dependence on agriculture is increasing. It was 61 per cent. 40 years ago and it has now risen to 70 per cent. We have it also on the highest authority under the law of diminishing returns that the land is not producing as much as it used to do in the past. I have it on the authority of the Banking Enquiry Committee and of Mr. Darling that the production of the Punjab is not keeping pace with the increase of population. In other words the saddest problem which any administration must face is that we have an increasing population with which production of the province is not keeping pace ; and in order to apply any budget on constructive lines we have not only to increase the productive capacity of the land but also to improve the condition of the fibre of the human material responsible for it. I would submit that by providing such a large amount of money for this purpose Government has presented a real zamindara budget. Instead of giving small remission in taxation this will be applied to improving the productivity of the soil and of the human material responsible for it. I must submit that everything that is possible under the limitation imposed by the Government of India Act has been done and no other province of India has done better. The second test to be applied is with regard to indebtedness. We in the Punjab are notoriously an indebted province. Here again, I would submit that it was quite easy for the Government to dole out these 55 lakhs by giving remissions, and if they had done so it would have only added 2 or 4 annas to an individual's income or in the capacity of saving of an average small holder. They have not done that. They have wholly applied this to the question of indebtedness by introducing debt conciliation boards. That is an item on which I think both sides of the House will congratulate the Finance Minister. I feel that Government is spending every penny on

the object in view on proper lines to give the fullest benefit to the agricultural population of the province. But, I should be forgiven if I make a specific suggestion in regard to this matter and it is this that the Debt Conciliation Act as it stands is not very effective. I hope Government will very soon bring forward a special Bill to make it more effective and useful to the province. Moreover in the selection of the personnel I hope special care will be taken to select only those people who command the confidence of all classes, specially of the debtor class for whose benefit these boards are being created.

The next question on which I should like to speak is the question of remission of taxation. I have seen certain interviews and statements by responsible members of this House drawing attention to the fact that there has been no remission in taxation in this budget. Let us face that question calmly and dispassionately. It is recognised that so far as both sides of the House are concerned there are no two opinions that every possible remission in taxation should be given to the poorer classes in the province; both stand committed to it. Government have appointed a committee to deal with this problem.

**Lala Duni Chand :** You have got 85 lakhs more from the agriculturists who want some relief.

**Mir Maqbool Mahmood :** If my honourable friend were as patient as he is subtle he will have my reply in the next sentence. With regard to that item, that is, remission of taxation it will be found that Government had 55 lakhs and it was quite easy for them, if they had the mentality of Bacha Saqao, to have spent this sum by giving relief of two or four annas to each small holder without any increase in the productive capacity and without giving any relief in indebtedness. What the Government have done is that they have made the position clear. I would invite honourable members' attention to page 2 of the Memorandum. This is what is stated in the end of paragraph 2—

One more committee needs special mention, viz., the Land Revenue Committee which has been appointed to report whether a practicable scheme can be devised by which the principles of income-tax assessment can be applied to the assessment of land revenue and whether any other scheme can be recommended by which the land revenue system can be revised to give relief to the small holders. Its conclusions may have an important bearing on the provincial finances. Till they are known and examined and final decision on them is arrived at, it will be most inadvisable to form the surplus of 1936-37 or the estimated surplus of 1937-38 or 1938-39 a ground for either reducing taxation or permanently increasing expenditure.

The Government is fully alive to the necessity of reducing taxation and they will do it, God willing, in a business-like fashion and not in Bacha Saqao fashion. I hope you will be satisfied that they are dealing with this matter in a constructive spirit. Secondly, I would go a step further and say that in this matter I have myself a grouse against the Government and it is this. While our friends in other provinces talk about remission of taxation and do not give it, our Government provides for remission of taxation but do not talk about it. We know that last year they actually gave 32 lakhs for remission, in the form of reduction of taxation. For the next year they have set aside a sum of 26 lakhs for remission of

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land revenue. I beg to ask that if it is not remission of land revenue and relief to poor zamindars, then what else is it ? This has been achieved without burdening the tax-payer.

The Government have applied themselves as to how to use money which they have in their hands and they have rightly come to the conclusion that unless we know definite scheme for future where we put this money, it will not increase the income of the zamindar and will not help him in his produce. So, we are providing for more panchayats and by the coming in of panchayats the poor zamindar will be relieved to a large extent. I would, with all the emphasis at my command, make some suggestions in this matter. Firstly, the Panchayat Act should be forthwith amended ; as it stands it cannot effectively serve the province and the rural areas ; secondly, these panchayat officers should be made to go through the cases of the debt conciliation board and know the condition of relief. It should be the duty of all in the province to give them the best advice about debt realisation.

**Lala Duni Chand :** You are going to create a dangerous body in the form of panchayat officers.

**Mir Maqbool Mahmood :** I congratulate the honourable member for his frankness. Here the cat is out of the bag. He belongs to a particular profession to which I also belong and he should know that it would be no hindrance to the tax-payer or to the interest of the poor zamindar and Government will think of the protection of individual claims and rights. The next suggestion I will make is that it should be the duty of the panchayat officers and also the duty of all district officers in the area to see that the zamindar is engaged in such activities which would bring him better relief and would be of interest to him. I have the honour to represent a rural constituency and I feel confident that if this proposal were placed before the voters, that is, whether they want remission out of this lump sum that has been provided for this year or whether they want relief in taxation and want to start a conciliation board, I know what the answer will be. Zamindar is no fool. Whatever huff of the movement may be, he is very satisfied with the proposition. (*Interruptions*). If my honourable friend would refer to that he will find that he has unique institution in the world. His spiritual home is in Russia and his political home is in Ireland and he leads a most comfortable life and always talks of socialism. He naturally reminds me of famous remarks of Shanks. He said that all his life he has worked under handicaps. I hope that if my honourable friend realises the implication of my submission, he would talk as sweet as he ordinarily does when he is not in his Assembly dress.

**Diwan Chaman Lall :** Did my honourable friend say that my spiritual home is in Ireland ?

**Mir Maqbool Mahmood :** I would not pay that compliment to my honourable friend.

**Diwan Chaman Lall :** Did the honourable member say that his financial home is in Patiala ? (*Ironical cheers*).

**Mir Maqbool Mahmood :** I would have said that my honourable friend's financial home is in the pockets of poor peasants and so on, but I will not say that. (*Laughter*).

I submit that the question of unemployment is another test by which this budget should be considered. What is the position? Government recognises that the problem of unemployment is to be tackled but that it is being handicapped every year. They have appointed the Unemployment Committee and when the report of that committee is available they will go into the matter. I put forward some specific suggestions for the consideration of the Honourable Finance Minister and others. I would say firstly, that you have before you this Special Development Fund, out of which you have only set aside 6 lakhs this year. The balance is with you. (*Lala Duni Chand*: The honourable member's time is up). I am grateful to my honourable friend for the compliment he has paid by inviting the attention of the Chair to my time. I was submitting that out of the balance, at least the interest should be spent immediately for employing some of our young hands. Secondly, I would say that we should speed up our committee's report. A great deal can be done on speeding up this report and I submit that we are anxious that this is speedily expedited. Thirdly, I would say that a scheme of industrialisation should be taken in hand. A scheme of industrial renaissance is needed. But that you will not be able to evolve in one year. It is necessary that you will require industrial boards, men of industrial talents should associate themselves with the scheme so that a constructive industrial scheme may be started in the Punjab, which may employ youngmen and train them in small industries. You should start industries on special lines and I think that it should be your duty to come forward here. Next, I would submit that there are in services a large number of people who are nearing retirement. No extension should be given to them and youngmen should be given their places. Preference should be given, other things being equal, to the dependents of those people who have done excellent service in their own departments.

Take next the question of beneficent departments. It should be another test of the budget. I am sure that all members of this House would realise that there has been a substantial increase in the beneficent activities of the province.

I am particularly grateful for the new degree college for women at Amritsar. I also appreciate the grants to local bodies and the item with regard to the conciliation boards and panchayats. But there is one particular point to which I wish to draw the attention of the Finance Minister and that is that a great amount of expenditure has been allotted to items which are not beneficent. There is a great need of expenditure on beneficent activities, and I hope that as an earnest of their *bona fides* Government will place that expenditure which is not beneficent before the Retrenchment Committee so that whatever amount can be cut out of it must be given to additional expenditure on beneficent items after it has been placed before the searchlight of the Retrenchment Committee.

**Deputy Speaker**: The honourable member should now wind up his speech.

**Mir Maqbool Mahmood**: There is one aspect of the question and that is the question of compulsory primary education. I am one of those who expected that the budget would give us some substantial advance but I must say that it is a matter of disappointment to me that it is not so. But I am

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happy knowing the minds of the Honourable the Premier and the Minister for Finance and the Ministerial party, and I take it that the reason is not indifference on their part to this question, but the fact is that they do not want to commit themselves to any recurring expenditure until the various committee's reports are available. As soon as their reports are available and more funds can be found, I hope Government will give consideration to the question of compulsory free education.

There are certain items of expenditure which have been mentioned by the Leader of the Opposition. They are such that all of us must subscribe to them and I think the Government would lose nothing in prestige, in fact they will gain if they courageously reconsider the items of expenditure and see whether they could not be more usefully employed on other items.

I associate myself with the Leader of the Opposition, and I am personally anxious and trust that when a permanent whole-time Vice-chancellor is appointed he will be an Indian.

One word more and I have done. I beg to invite the particular attention of the Finance Minister. We find—you will forgive me for putting it bluntly—that we have had years of recurring surpluses. Before long when the reports of these committees are ready my honourable friend the Finance Minister will have to decide as to how recurring expenditure should be taken with regard to primary education. When that time comes I think you will appreciate my own opinion that the state of over-prudence in funds has been reached, that you have had years of recurring surpluses, and that you will courageously apply yourself to the readjustment. From 1923-24 to 1927-28 you have had a surplus in revenue of 8 crores on the revenue side and of 4½ crores of extraordinary receipts. Then the years 1928-29, 1929-30 and 1930-31 were abnormal years, owing to bad wheat crop and failure of cotton in 1928-29, unprecedented floods in 1929-30 and the world-wide depression in 1930-31. In the years 1933-34 the extraordinary receipts were more than balanced by 34 lakhs, in the year 1934-35 by 43 lakhs, in the year 1935-36 they were minus 2, but 15 lakhs were given towards road fund which would have turned it into a surplus year. During the last two years there has been a surplus not even taking account of money taken from the Government of India. I do hope and trust that when the time comes for consideration of this question, these factors will not be forgotten.

One word more and I have done. The expenditure under law and order continues to keep a very large part of the public expenditure. I hope that both sides of the House would endorse the Premier's oft-repeated appeals for inter-communal harmony and good-will, and that conditions may not arise in this province when we will have Hindus killing Muhammadans, and Muhammadans killing Sikhs and the Sikhs killing Hindus. In this connection I must refer to the volcano of the Shahidganj mosque. I appeal to my friends opposite who should bear a large share of responsibility for the continuance of the agitation (*Cries of 'no, no' from the Opposition benches*).

**Diwan Chaman Lall :** Did you join the Muslim League ?

**Mir Maqbool Mahmood :** Yes. The Congress is holding both the Ahrars and the Akalis in its lap.



**Diwan Chaman Lall :** Did the Muslim League pass a resolution asking for the return of Shahidganj mosque to the Muslims ?

**Mir Maqbool Mahmood :** Yes, they did.

**Diwan Chaman Lall :** Did the honourable member approve of that resolution ?

**Mir Maqbool Mahmood :** Yes, but not of the methods adopted by the Ahrars. When these two fight or launch or threaten to launch civil disobedience, the Congress should either enforce its will on these allies or have the courage to disown them.

**Diwan Chaman Lall :** You have yourselves set the house on fire.

**Mir Maqbool Mahmood :** History will record who are responsible for these things. But I will appeal to my friends to try and bring the two parties together and find a solution worthy of the Punjab and worthy of the Sikhs and the Muslims.

One more word and I have done. This is not only a zamindara budget, but it is a poor man's budget—a budget which is likely to help the poor zamindars of the province, and I hope that all sides of the House will combine to strive for the objective to which we have set our eyes.

**Chaudhri Kartar Singh** (Hoshiarpur West, General, Rural) (*Urdu*): Mr. Deputy Speaker, my learned friend, Mir Maqbool Mahmood, has delivered a lengthy speech in which he has praised the Government very much. I have gone through the budget myself. So far as my personal opinion goes, I would like to say that the first thing that amazed me much was this that the Honourable Finance Minister has not done anything substantial for the unemployed youths of the constituency from which he has himself been elected. It has been said that the present budget is a zamindara budget and much has been done for the amelioration of the zamindars. I want to tell the House in a few words as to what is being done for the betterment of zamindars, under the present budget. First, veterinary hospitals will be opened, secondly, panchayat officers will be appointed and thirdly, officers of the debt conciliation boards will be engaged.

**Minister for Development :** What will be done then ?

**Chaudhri Kartar Singh :** The Minister for Development asks : "What will be done then" ? May I tell him that Jats of the Ambala and Rohtak districts, youngmen of Tiwana and Co. and the relatives of the prominent members of the Unionist Party would be appointed as panchayat officers.

I was submitting that it has been said by the opposite side that the present budget is a zamindara budget. This is wrong and absurd. The Unionist Party, as a matter of fact, is making these attempts in order to strengthen its political power and to please those officials of the debt conciliation boards, zaildars and honorary magistrates who helped these members during the last election. Now the Unionist Government will provide them with facilities and comforts in return for the labour which they had put in during the last election, so that, the Unionist Party may again be in power after five years. I may point out that this is a preparation for the next election. Let me say again that this is not a zamindara budget. It is nothing but selfishness in the name of the poor. (*Hear, hear*). It has been

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said by the honourable members sitting on the opposite benches that the income has considerably increased this year. They say that this increase of income is due to the realisation of land revenue. As the cultivation has flourished in the province, so the land revenue has also increased. In reply I may tell the House that everybody is aware of the fact that the zamindars of the Multan, Jullundur and Ambala Divisions were acutely suffering from scarcity of rain at the time of sowing the late crop. I have seen personally that the fodder crop has been totally ruined in the Hissar and Rohtak districts. In Jullundur, Lyallpur and Montgomery districts the cotton crop has yielded a small produce. In areas where previously the yield of cotton crop was 20 or 22 maunds per acre now the yield is practically very little. In spite of this fact the present Government do not want to grant the zamindars of these areas any remission at all.

It is said that this time the receipts have increased. I would tell you how this increase has been brought about. The areas which once were lying uncultivated have now been brought under cultivation by the efforts of the zamindars. Now the Government seeing that these areas have been brought under cultivation, have now reduced their water supply and have carried the water to other ilaqs. In this way the Government have increased their income. In my opinion this is not commendable. I would request the Honourable Finance Minister to have a look at the canal which is situated near the Khalsa College at Lyallpur. Twenty years ago this canal had plenty of water supply, so much so that if anybody entered it for taking a bath, he was in danger of being drowned. Now even a child can jump into it without any fear of being drowned. Further, the Irrigation Department has reduced the water supply of all the canals and minors. The amount of water thus saved has been supplied to ilaqs which have been newly brought under cultivation. In Lyallpur previously 10 or 12 acres of land out of every square of land were brought under cultivation, but now only 2 or 4 acres could be cultivated. When the district of Lyallpur was lying uncultivated, the Government brought zamindars from the districts of Hoshiarpur, Jullundur and Amritsar in order to colonise this ilaq. Now when these zamindars have brought the uncultivated land of this district under cultivation the Government have reduced their water supply and have distributed the water in other ilaqs. This is the reason for the increase in income.

Now I would like to say a few words regarding conciliation boards. I would request my honourable friend Raja Narendra Nath who is at present siding with the Unionist Party that a great responsibility lies on his shoulders. When the members of the conciliation boards are appointed he should see that the zamindars do not get 100 per cent. representation on these boards. I suggest that three members should be appointed to serve on every conciliation board. One of them should be the representative of the zamindars, the second should represent the sahuks and the third member should be a retired sub-judge. I am submitting this merely because I do not like that injustice should be done to any party. I would also point out to the Honourable Premier that he has accepted a responsible office. It is his duty to see that zamindars and sahuks are treated alike. He should not accord any preferential treatment to the zamindars. I may submit that if preferential treatment is accorded to the zamindars,

it is likely to lead to class war in the province. I am suggesting this because I have seen that in the past some kind of preferential treatment for the zamindars have led to murders of sahu-kars. Two months ago two sahu-kars, i.e., a father and his son were murdered simply because they had gone to recover their debts from the zamindars. The murderers have not yet been traced out. Two years ago a lad was killed in tahsil Samundari. His murderers have also not been traced yet. I would request my honourable friend Raja Narendra Nath and his companions who are at present co-operating with the Unionist Party, that they should demand that on every conciliation board one representative of the zamindars, one of the sahu-kars and one retired sub-judge should be appointed.

Now I would like to say a few words regarding the policy of the Government. It is a fact that since the time this Party has come into power, section 124-A, Indian Penal Code, has often been used. It will be no exaggeration if I say that since our Honourable Premier—who is sometimes considered a nationalist, sometimes a well wisher of country and sometimes a socialist—has accepted office, section 124-A has been often applied in this province. I am constrained to remark that in this respect the Sind Government is much better than our own, because they have not imposed any such restrictions in their province and especially they have not imposed any such restrictions on the political activities of the Congress, as have been imposed here in the Punjab. I may submit that the present Government is an Indian Government and the ministers are also Indians. Further they are not only Indians but they are Punjabi and agriculturists as well. But what do we get from them? If anybody goes to the rural areas and delivers speeches for the welfare of the zamindars, our Honourable Premier instantaneously gets him arrested. I think that the present zamindar ministry in the Punjab is only an agent of the English bania. It is here simply for the sake of keeping the British Imperialism alive in this country. (*Cheers from the Opposition benches*).

Now I would discuss the very important matter of release of political prisoners. This matter has come up for discussion twice before this House. On both the occasions my learned friend Mir Maqbool Mahmood and the Honourable Premier stated that the political prisoners were dacoits, murderers and disturbers of the peace of the country. Further more, it has been stated that they have murdered many countrymen of ours and that is why they are kept in jails. I would like to say a few words for the information of those honourable members who are opposed to the release of the political prisoners. At present there are something like 50 or 55 political prisoners interned in the different jails of the Punjab. Some of them are Babar Akalis, who were imprisoned at the time of the Akali movement. This movement started with the Guru-ka-bagh incident in 1923. This movement began because the police disrespectfully treated the women of the Doaba (*shame, shame from the Opposition benches*) they disrobed them and wantonly insulted them. (*Shame, shame from the Opposition benches*). This movement was started as a reaction against the insulting and repressive policy of the Government. I may submit that many police men were killed during this movement. Many Akalis were also killed and those who escaped death were arrested. Some of them were hanged and some of them were burned to death (*shame, shame from the Opposition benches*), and the rest were thrown

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into prison. These are the glorious deeds of the past Government. But look at our Government, they are still keeping them in jails, because they say that they are dacoits and murderers. The Government should realise that this movement was started as a reaction against the repressive policy of the Government in the Doaba.

Besides, every body knows that trials of the accused are generally held at those places where they are imprisoned. But here the case was quite the reverse. The accused remained imprisoned at a certain place while the trial was carried on in the Poonch House. This is a strange kind of trial. Take for instance, the case of Bhagat Singh. He was imprisoned at a certain place while his trial was being carried on at quite another place. Again everybody knows that the accused have the right to defend themselves in courts. But no one cared a straw for their right of defending themselves. Further, I would like to point out that it was found out that there was one judge on the tribunal who was just-minded. The Government at once asked him to submit his resignation.

**Deputy Speaker :** The honourable member should confine himself to the general discussion of the budget.

**Chaudhri Kartar Singh :** Thus the trials of the political prisoners were conducted. I may submit that whenever the Government found out that the trials of the political prisoners had not been conducted in accordance with their wishes or if the sessions court acquitted the prisoners, they requested the High Court to convict them which readily agreed to do so. Thus the political prisoners were imprisoned in jails.

**Minister for Education :** May I point out that the honourable member is not in order in criticising the High Court ?

**Deputy Speaker :** The honourable member is again irrelevant.

**Chaudhri Kartar Singh :** I am speaking to the motion. I am only pointing out to the honourable members that grave injustice had been done to the prisoners when they were under trial. If a sessions court or a special tribunal acquitted them, the High Court awarded them enhanced sentences of imprisonment on the appeals of the police.

**Minister for Education :** I want to point out that the honourable member has on two occasions said that certain persons who were acquitted by certain sessions judges were convicted by the High Court, thereby he has distinctly insinuated that the High Court's action was unjustified.

**Sardar Sampuran Singh :** He is only giving the history of these cases.

**Deputy Speaker :** The honourable member should not refer to the High Court.

**Chaudhri Kartar Singh :** I submit that those prisoners who are now behind the bars, were placed in the category of C class prisoners. My honourable friends opposite are absolutely ignorant of the treatment meted out to these C class prisoners. I want to tell them that worthless food is supplied to them. They are provided with turnips, which when fresh are used as fodder for the cattle, and when dried are served out to these prisoners. Recently they have been confined in dark cells under the orders of the

Inspector-General of Prisons. They are not even allowed to visit the latrines or to take a bath. Each one of them is confined in a cell measuring 8' x 9' x 15'. The honourable members can well imagine the pernicious effect of this solitary imprisonment on the health of these prisoners. My honourable friend Khan Bahadur Mian Mushtaq Ahmad Gurmani, who has visited the jails, is fully aware of the fact that the cells of the Multan jail are so dark that rays of light cannot pass through them even during day-time. He also knows that the cells of the Montgomery Jail are the breeding places of germs of tuberculosis and of other fatal diseases. It is a thousand pities that those patriots are imprisoned in these wretched jails. I would submit that under the previous Government they were of course, maltreated, but now that after the inauguration of provincial autonomy, a ministry of the Punjab has been set up and the zamindars of the province have come to power, may I know whether Government is prepared to release these patriots?

Now I will come to some specific cases. Sardar Hazara Singh, a Babar Akali, had absconded from the Montgomery jail. When he was re-arrested, a punishment of 90 canes was awarded to him by the jail authorities. Ordinarily under jail rules a person guilty of an offence of this kind can at the most be given punishment of 30 canes. After being caned, he was condemned to solitary confinement. Again, the prisoners of the Multan jail went on hunger-strike, but after two months' prolonged hunger-strike they were caned. I would ask the honourable members to think of the miserable plight of those prisoners who are rotting in jails for the last fourteen years. Some of them have developed piles; some are suffering from leprosy, and some have fallen victims to tuberculosis. The children of some have died; others have been rendered penniless as their properties have been confiscated by the Government. It is a matter for great regret that under these circumstances the Honourable Finance Minister during his visit to the jails, enquires of the officers-in-charge whether the prisoners confined therein have changed their revolutionary ideas.

It is our deep-rooted conviction that India can attain her independence only through Mahatma Gandhi's cult of non-violence. Again, when these prisoners have abandoned the cult of violence, they should no longer be subjected to hardships and rigours of the jails. I may tell the honourable members the reasons which led those prisoners to resort to violence. The atrocities that were perpetrated upon unarmed, non-violent, Sikhs at Guru-ka-Bakh made Babar Akalis take to violent activities. The death of Jatin Das also forced many of the prisoners now in jail to adopt violent methods for the liberation of their motherland.

**Deputy Speaker :** The honourable member is again irrelevant.

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

**Chaudhri Kartar Singh :** Those prisoners have completed 14 years' imprisonment and yet they do not know when they will be released. Ordinarily prisoners convicted of some moral offence are generally let off at the latest after 12 years. But it is a great pity that the Government is not prepared to release even after 14 years' imprisonment, those persons who are political prisoners or those whom the Government regards as its political opponents. I would request the Honourable Premier and the Honourable Finance Minister to release Mr. Gupta. When he was on hunger-strike,

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the Honourable Premier had expressed his willingness to release him provided he gave up his hunger-strike. This has been complied with by him. Now the Honourable Premier should fulfil his promise. Besides, I read in the newspapers a letter published by Khan Bahadur Ahmed Yar Khan Daulatana that the Punjab Government intends to release the political prisoners one by one after going through their files. It is a matter for surprise to me to find that Government has not been able to go through the files of 52 political prisoners during 11 months.

Next I propose to say something about State prisoners. Suffice it to say that their condition is hopeless. They are under imprisonment for the last five or six years without undergoing any trial and their sufferings are being prolonged merely on the reports of the Criminal Investigation Department. I am constrained to say that Mr. Ram Kishan is suffering from tuberculosis. The Honourable Premier had promised in his case also that if he could assure him of his belief in non-violence, his release might be expedited. But in spite of the fact that he has abandoned revolutionary ideas he has not been released so far. I draw the attention of Government to those gentlemen also who were involved in Bhagat Singh's case. There are young men among them who are quite well behaved and excellent citizens. There is one Mr. Vije Kumar Sinha amongst them. When he used to speak in the court, the Government Advocate was compelled to consult the Indian Penal Code. But it is a matter for great regret that my honourable friends opposite who are now at the helm of affairs because of the selfless sacrifices made by these men, call them as dacoits and thieves. They must bear in mind that the nation would demand reasons from them for having failed to release these patriots who command the same amount of esteem and veneration as Mr. De Valera and Kemal Pasha command in their respective countries.

**Mr. Speaker :** The honourable member's time is over.

**Chaudhri Kartar Singh :** Sir, I close my speech by quoting the following verse :—

رہا کر دے قید سے اب تو اے صیاد  
کای چھکنے کو آئی رنگ پہ گلاب آیا

**Khan Bahadur Chaudhri Riasat Ali** (Hafizabad, Muhammadan, Rural) : Sir, I must first congratulate the Honourable Minister for Finance for the very vivid picture of our finances which he has produced.

**Sardar Sohan Singh Josh :** من ترا حاجی بگوئم-تو مرا ملا بگو

**Mr. Speaker :** I wish the honourable member had not made that remark. I request him to withdraw it.

**Sardar Sohan Singh Josh :** There is nothing to withdraw, but if you insist I do so.

**Khan Bahadur Chaudhri Riasat Ali :** The whole of the political horizon of India resounds with applause and appreciation of the lucid and excellent speech with which the Honourable Minister presented the budget. It is a matter of great gratification that he personally examines each and every item of expenditure before according his sanction to it ; and as long as he is

the keeper of our coffers, none need nurse any apprehension on that score, as there breathes no other in the Punjab adorned with greater qualification and higher attainments to fill that important post.

An educationist of exceptional merits, he possesses considerable skill, in dealing with figures and tables which he digests with an ease which is very rare to find. After this I would take you back into the history of our budget. You should know that our autonomous province inherited a minus balance of 42 lakhs. Within the working of one year of provincial autonomy, that budget was reduced to 36 lakhs and if you do not create a special Development Fund and use your surplus of 50,20,000, or 61 lakhs, if we add what we will receive from the Central Government, you will have a plus balance of 19 lakhs. This is a matter for which you should congratulate your Government and the member who is incharge of your finances. In 1936 and 1937 there was an estimate of a deficit budget of 16 lakhs but according to the adjustment of 1937 in the month of August and the revised figures, the result is that the year ended with a surplus of 31 lakhs even if we do not take into account the 15 lakhs which was paid to write back interest on revenue charges. The budget which was presented at Simla had a nominal surplus of 1,72,000 and now after the close of the year again we have a surplus of 50,20,000. This is a very hopeful state of affairs. Take the budget estimate for 1938-1939. You see that excluding the money earmarked for the special fund, i.e., 55 lakhs, you have still a surplus of 6 lakhs and it has been absolutely made clear that this will be used towards beneficent departments. The Leader of the Opposition was pleased to say that nothing has been done for the villagers or the people living in the rural areas. Had he cast even a cursory glance at the budget figures and the proposals entered therein, he would not have made this remark. I am very sorry that our critics insist on ignoring the reality of the situation and the actual state of affairs. The proposals for the next year are very clear. The Haveli Project should speed up so that water may reach, as early as possible, those people who are thirsting for it. The next is the education of girls. As has already been remarked, the programme is going to be intensive and extensive. It has been announced that a Government high school will be established at Ferozepore and that the Intermediate College for Girls at Amritsar is to be raised to the degree standard. Nine schools will be opened in rural areas for vernacular education. Next comes the Medical Department and under that four hospitals are to be provincialised during this financial year at the tahsil and district headquarters. Grants-in-aid to the extent of three-fourths of a lakh more are to be made to the local bodies and the district boards, to improve the condition of the dispensaries under their charge. Ten veterinary hospitals are to be opened in rural areas and the grant which is given for their equipment, or their expansion in rural areas to the district boards is also going to be augmented. Under public health 5 lakhs are granted for providing a Field Epidemiological unit for work in connection with plague, cholera and such like other epidemics. In respect of Agriculture it has to be brought to your notice that, at a cursory glance at the budget, again you will find that intensive programme of consolidation of holdings is to be taken in hand and, as has been referred to by my honourable friend, Mir Maqbool Mahmood, one panchayat officer in each district and one assistant panchayat officer in each tahsil will be

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appointed. The proposal further is that the number of agricultural assistants should be increased by fourteen and that of the muqaddams considerably, so that there should be one agricultural assistant at the headquarters of each district and two muqaddams at the headquarters of each tahsil. There are at present five debt conciliation boards and nineteen more are to be set up which will help towards the relief of the poor cultivators in liquidating their debts. Under general administration there has been a saving of 2 lakhs, under Civil Works a saving of 5 lakhs, and under Hydro Electric Schemes of 4.76 lakhs. There have been remissions to the extent of 32 lakhs and remissions to the extent of 26 lakhs in the two preceding years. If, taking into account all these things, you still say that nothing has been done for the poor villagers or nothing has been done to ameliorate the position or fortune of the people living in rural areas, then my remarks will be—

گو نه بیند بر روز شیرازه چشم—چشمه آفتاب را چه گناه

(If the bat is unable to see the light of the day, it is no fault of the sun who is the fountain of light.) The next thing which I would like to refer to, is that inspite of the fact that no extra taxation or burden of any tax has been brought to bear on the shoulders which are unable to bear it, even then you are getting surplus at least for the period during which the provincial autonomy has been run by your Government. It has been remarked by the Leader of the Opposition that the Special Development Fund is being created for the propaganda of the Unionist Party. I have assured him many times, and I would like to assure him again today, through you, that this party does not stand in need of any propaganda. According to the Persian saying—

مشک آنست که خود ببوید نه که عطار بگوید

The party does not stand in need of any regular propaganda and its own actions, its interest which it goes on to take every day and will continue to take day by day, will show to the people what are its merits and what are its drawbacks. The same remark applies to the remark made by the honourable member who preceded me and who said that the appointments in the debt conciliation boards and appointments of panchayat officers and assistant panchayat officers will be reserved for those who will help the ministers in the next election. On the same ground as set forth already I refute this argument and I say that the Unionists do not count on these things and it is only a misgiving. They stand on their own merits and on the merits of the work done by them individually and collectively. As has been remarked in the budget speech that "Budgets are not merely affairs of arithmetic, but in a thousand ways go to the root of the prosperity of individuals, the relation of classes, and the strength of peoples," I would also like to make certain suggestions. The first is that there is a dire need for retrenchment. I myself am a member of that committee which is working for the retrenchment and sources of revenue and I would suggest that the expenditure in two departments which are called commercial departments, i.e., "Irrigation" and "Hydro-Electric" should be scrutinised even with greater care than it has been done hitherto. Every other day



there is a demand for remodelling which is a most dangerous thing. There is a remodelling of the headworks, there is a remodelling of the channels and there is a remodelling of the outlets, so on and so forth. These are the things which we as laymen cannot understand properly, and I would request the Finance Minister that he should kindly give his closer attention to the examination of the demands of these departments. The other department which I mentioned was the Hydro-Electric department. I criticised one of its schemes when I was a member of the Finance Committee in 1935—a scheme which involved an expenditure of 57 lakhs and which was to connect Lahore *via* Gujranwala, Sialkot, Hafizabad and Lyallpur. We opposed that scheme and it was postponed at that time with the recommendation that it would be considered on its merits by the provincial Government after provincial autonomy. I learn again that work has been taken in hand or that work is about to be taken up and that the scheme has been sanctioned. I would suggest that as this will involve the expenditure of a sufficient part of the revenues of the province it should be scrutinised more carefully.

While on this subject, I would like to point out that the interest which we have to pay for the loan which we have incurred for this department is 26 lakhs and our net income for the last year is only 21 lakhs. I would submit that when the total income from all sources of extension of this Hydro-Electric Scheme is not able to pay off the total interest even, which we have incurred on that debt, it is our greater duty to scrutinise each item of expenditure in this scheme. Another thing which I would like to mention is with regard to the sanction of the post of vice-chancellor. I would like to submit that it would have been very good if we could save the 80,000 provided for this item. I might request that one of our ministers should do that duty honorarily because it will be no use to spend this amount on the pay of a vice-chancellor.

Another thing which I would like to refer to is the comparative table of expenditure of our province as compared with that of other provinces under particular heads. I would refer only to two items. No. 1 is the Administration of Justice. In this respect you will find that our province is spending 4·9 per cent. of the total expenditure of the province, while Bombay is spending 5·1 and Madras 6·1. No. 2 is General Administration. In this you will find the percentage as follows:—Punjab 10·5, United Province 10·9, Bengal 12·5 and Madras 17·9. As I have already said and many other speakers have said, our expenditure on the beneficent departments is more than what it is in other provinces of the country. This shows that we are paying more attention to the extensive problems of development in our own province. As my time is up I will resume my seat.

**Sardar Hari Singh** (Kangra and Northern Hoshiarpur, Sikh, Rural): Sir, the Parliamentary Secretary who hails from Amritsar and who, I regret, is not present in his seat now, in his speech on the budget went out of his way to characterise the speech of the honourable the Leader of the Opposition in certain words of Mahatama Gandhi on another subject. Quoting scriptures, he said "It is a drain inspector's report." May I retort by saying that his speech was no more than "His Masters' Voice ? (*hear, hear*). Much has been said by both the speakers on that side about the expenditure for

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the next year on the beneficent departments. May I first examine that argument with facts and figures, by quoting chapter and verse. The other day when the Honourable Finance Minister delivered his budget speech he said that the Punjab was leading the whole of India and there were mechanical cheers from behind the Treasury benches which ill-reflected the views and sentiments of the people outside the Punjab. He said Punjab was leading the rest of India. Let me examine the real state of affairs. Mir Maqbool Mahmood compared the figures with those of the past years. Now, let me give him the facts and figures and percentages of expenditure that is proposed to be spent to the total revenues of the province. Since the year 1929-30 there has been an increase in the total receipts of revenue to the extent of Rs. 103 lakhs, but on the beneficent departments the expenditure has increased by only 5 lakhs. While 103 lakhs more have been recovered from the pockets of the peasants of the Punjab, as compared with the year 1929-30, they have only spent 5 lakhs out of these 103 lakhs on the peasants of the Punjab in the shape of beneficent activities and yet they boast that the Punjab is leading the rest of India. I may say without fear of contradiction that there has been actual deterioration as compared with some of the past years. When we compare next year's figures with figures for the years 1928 to 1932, four preceding years, we find that there has been actual deterioration in the percentage of expenditure on beneficent works to total revenue of the province. Does the Honourable Finance Minister deny that? I challenge him to contradict me. I have got facts and figures to show that there is actual deterioration and retrogression.

In the year 1928-29 the Punjab Government spent 28·76 per cent. on the beneficent department. In the next year it spent 31·09 per cent. In the year 1930-31 it spent 31·00 per cent. and that was the year when depression had touched the bottom of the trough and the next year, 1931-32, the Punjab Government spent 29·27 per cent. of its total receipts on the beneficent departments and now our popular ministry comes along and says: "We are spending 28·72 per cent. of the total receipts of the province on the beneficent departments; and wants congratulations from this side of the House. Let me repeat that there has been actual deterioration in percentage of expenditure on the beneficent departments and still they boast that Punjab is leading. In the United Provinces there is an increase of 1 crore and 10 lakhs for beneficent departments over and above what was spent last year, yet there is no beating of drums and fanfare of trumpets.

Let me now examine what the Government is going to do for the education of peasants of the Punjab. Those who had looked for energetic drive for liquidation of illiteracy will be sorely disappointed to see the expenditure that has been budgeted for education. When in the year 1831 British Parliament passed an Act by which the Common people were given a right to vote and when the power was passed into the hands of common people the Parliamentarians said, "Let us have an energetic drive for removal of illiteracy from our master. Let us educate our masters". Here our popular Ministry has devised a novel plan for removal of illiteracy. The Finance Minister and the Education Minister put their heads together

and devise a wonderful scheme for removing illiteracy. What do they say? They say: "We have got a huge budget for removal of illiteracy among the adult population of the Punjab." What is that huge sum? It is Rs. 1,500. They have devised a wonderful method for doing that. What is that method? This paltry sum is to be given to a vernacular weekly newspaper. What is that newspaper? The Fauji Akhoar of Simla. What will that newspaper do to remove illiteracy among the adults of the Punjab? It will carry on the propaganda—British imperialism amongst ex-soldiers of the Punjab and carry on a recruiting campaign for the next major war. That is how my friends want to remove illiteracy from this province. Should they be proud of it? As regards the figures compared with 1930-31, there has been an increase of 142 lakhs in the revenue receipts and expenditure on education has decreased by 9 lakhs as compared with 1930-31, when the depression was at its lowest. Then I dare say and I challenge the Ministry opposite when I make this statement that—last year excepted—while revenue estimates are the highest since 1920-21, i.e., are getting the greatest amount of revenue from people of the Punjab for the last so many years, the percentage of education budget to the total receipts is the lowest for the last decade. Does the Honourable Finance Minister deny that? I have got facts and figures with me to challenge him.

Mr. Speaker, only a few weeks ago we had a broad-cast talk by the Honourable Finance Minister and that was published in newspapers with broad headlines "India suffers from unbalanced economy," "Dependence on agriculture must cease." He said:—

"Agriculture and industry are the twin arms necessary to sustain a healthy economic structure for an old populous country like India. This is now fairly recognised but it is doubtful whether in planning relief for the agriculturist, we are not apt to forget the imperious necessity of building up industries."

When it comes to the question of translating it into practice what do we find? Our learned Finance Minister proposes to spend on industrialisation of the Punjab, the capital expenditure of Rs. 3,400 during the next year. That is how he proposes to translate precept into action. What is the Government doing to industrialise the Punjab and to raise its purchasing power? Nothing. In the United Provinces they are spending 1 lakh to assist young men to start industries.

Now I wish to expose the extravagant and wasteful expenditure in the budget. Our popular ministry is the very *alter ego* of the old bureaucracy. In Congress provinces they have definitely abandoned exodus to hills in the summer season and certain offices of the Central Government have definitely decided not to move to Simla during the next summer season. But here, our Ministers say, "If we do not go up to Simla, the Punjab Government's property at Simla will not be safe." The expenditure of this Simla exodus amounts to lakhs. I do not follow the Government's argument. It does not appeal to me, I fail to understand how they are justified to move to Simla involving an expenditure of lakhs, in order to save the Government property there.

There is another extravagant and wasteful item of expenditure of the Punjab Government. There is on the left bank of Upper Bari Doab Canal a tan ride which has been maintained by the Government since 1918, when

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it was first laid down. In answer to certain questions, the Honourable Revenue Minister said that the Government was spending Rs. 2,681 on maintaining that tan ride and when it was further asked for whose benefit it was maintained, he said that Indians use it more than Europeans do. If it is maintained for the purpose of riding for high officials and Ministers and for riding purposes for other Europeans then let those who call the tune pay the piper. Why should the Punjab peasants be made to pay for the luxuries of rich Ministers and high Indian and European officers or others? It is said that it was laid down during the time of His Honour Sir Michael O'Dwyer, the Lieutenant-Governor of the Punjab, at the instance of Lady O'Dwyer who used it for the purpose of riding, and ever since that year the Government has been spending thousands of rupees on maintaining it. It is a wasteful expenditure and is a typical instance of extravagance. If we look carefully through items of the budget, we can pick up sundry items of a similar nature where the peasantry has been burdened with unnecessary expenditure.

In his budget speech, the Finance Minister was pleased to make the following remarks and in making those remarks he preached a most dangerous doctrine. He said :—

But we must not listen to exotic and alien ideas that may press on our attention under the seductive garb of lessons from international developments. We must not be deflected from our course by the sweep of dangerous ideas. 'Strange crises today are rushing round the world.' We must shun these and live a sheltered life apart.

These words coming from a learned man like the Honourable Minister for Finance constitute a most amusing statement. I should say that these words uttered in the year 1938 are no less than midsummer madness. I ask him whether it is a reference to the speech of Pandit Jowahar Lal Nehru which he made at Lahore in which he said that India would make the fullest use of the next opportunity afforded by the international developments for winning her freedom. If it is a reference to that speech, let me tell him that when the next opportunity comes and the nation makes a bid for her liberty by taking advantage of international developments, the Punjab shall not lag behind, but take a plunge into the national struggle.

Mr. Speaker, in his speech the Finance Minister lamented. He shed tears and rightly because there were sundry restrictions and limitations laid on the Finance Ministers of the provinces by the Government of India Act. The finances were confined to narrow limits. He said :—

The main sources of our revenue, the chief claims for expenditure are largely fixed and invariable.

I hope he referred to the non-voted items in the budget when he made those remarks. If so, then we join with him in his lament. The House, the Finance Minister, the Government cannot touch Rs. 2,92,00,000 of the expenditure of the Punjab merely because the Government of India Act does not allow us to do it.

**Mr. Speaker :** The honourable member has already spoken for 16 minutes.

**Sardar Hari Singh :** Otherwise, Mr. Speaker, we would have made retrenchments in certain departments and released a good deal of money for the beneficent activities. But what has the Government done to lodge

a proper effective protest in the right quarters to amend the Act which is the cause of the limitations? Eight provinces, including one non-Congress province of Sind, have passed resolutions demanding that the Constituent Assembly should frame a constitution to replace the present constitution which would not allow our Finance Minister to make proper retrenchment.

Mr. Speaker, while examining the budget on the ways and means side, we find that 744 lakhs out of 1,142 lakhs come direct out of the pockets of the poor small peasants of the Punjab. This system of land revenue which is archaic, monstrous and ante-diluvian is oppressing the poor peasantry most heavily. The poorer they are the more heavily it weighs upon them. The Government have appointed committees to devise ways and means for the poor peasantry, but those committees are moving sluggishly at snail's pace, while the ministers sit tightly on the Treasury benches and look dignified in masterly inactivity.

In characterising the revenue side of the budget, I might use a certain couplet by Barthelemy :—

Annual Budget, leech aspiring

That sucks what the people sweat in acquiring.

That is a true account of the receipts of our budget. The expenditure side is marked by fabulous salaries and a glaring contrast between the top-dog and the under-dog. The Financial Commissioner gets as high a salary as 175 patwaris. The Inspector-General gets as much salary as 155 constables. And our Premier? When we compare his salary with the Premier of England, we find that whereas the Premier of Great Britain gets .00009 per cent. of revenues of Great Britain, our Premier gets .0004 per cent. of the revenues of this province of the Punjab. And relatively he gets four times that of Mr. Chamberlain. But while Sir Sikander is the premier of a province of a dependency, Chamberlain presides over the destinies of an Empire upon which the sun never sets.

Looking at the police expenditure, there is an increase of 3 lakhs. This increase gives an insight into the bureaucratic and reactionary mentality of the Punjab Government. This shows that in spite of his perennial smile the Minister in charge of law and order believes in the mailed fist. The increase shows that the Punjab is going to be converted into a police state to make the Unionist Raj safe. They lack the force of argument and have taken to the argument of force. Devoid of logic, devoid of the sanction of popular support and public opinion, they are resorting to the sanction of baton, bayonet and *mukha*. I think I might examine this police budget on another occasion. So, now in deference to your wishes, Mr. Speaker I resume my seat.

**Khan Bahadur Nawab Chaudhri Fazal Ali** (Gujrat East, Muhammadan, Rural) (*Urdu*): Sir, we would be regarded most ungrateful if we do not offer our heart-felt thanks to the Honourable Finance Minister. I may point out at the very outset that I do not want to discuss the budget as a whole because the time is limited. Therefore, I would like to refer to those matters only which relate villages and zamindars. I admit that certain items have been included in the present budget for the progress and prosperity of the zamindars. A big sum of money has been provided especially for the zamindars whose condition is apparent to almost everybody. Both sides of

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the House are aware of their bad conditions. As theory is quite different from practice, therefore much can be said about anything on the floor of this House. But to take a practical step is difficult. It is easier to criticise than to take a practical step in the matter. We are much pleased that the Honourable Minister has taken a practical step in this matter. I admit that almost every budget has its own defects. Anyhow I deem it necessary to congratulate the Minister of Finance on the preparation of the present budget. Almost everybody is aware of the fact that zamindars are hard-hit. They had been so hardly oppressed by the heavy hands of the money-lenders that they were not in a position to claim their wages even. They could not have taken to any other profession except cultivation on account of ignorance. Under these circumstances a helping hand has been extended to this class by the present Government. (*Hear, hear.*) I think this verse will be quite appropriate :—

اجوش دهد خدا که کرد است یاروی به آن کسان که یاور و ناصر نه داشتند

I will now turn to the remarks of those honourable members of this House who have criticised the policy of the present Government by saying that no heed has been paid to the betterment of the zamindars. I think, this remark is quite wrong. They should rest assured that the Government will take only those steps which can make the zamindars better and prosperous. The present budget is quite enough to answer their objections. I may submit that the Government have appointed Land Revenue Committee to ascertain whether land revenue could be levied on the basis of income tax. It has started its work and I am grateful to the Government that they have taken up the question of land revenue. My honourable friends over there are blaming the Government for not carrying out certain reforms. I may point out that it is easier said than done. As long as funds are not forthcoming no reform can be brought about. In this connection I would like to submit that reforms can only be effected if my non-agriculturist friends try to share our troubles and are ready to share half of our responsibility.

Further I would like to submit that the zamindar has to pay land revenue whether his income is one rupee or less. On the other hand only those people pay income-tax whose income is Rs. 2,000 per annum or more. Those people whose income is less than that do not have to pay any income-tax at all. In my opinion this is not justified.

I am glad that this year a large sum has been set apart for education in the budget and I would like to thank the Honourable Minister for Education. Besides, I may submit that female education is absolutely essential for our country. But I may point out that there is one difficulty in carrying out this much-needed reform, that is that women teachers are not prepared to go to villages for imparting education to the village girls. I would like to illustrate my point by citing an example. A girls school was opened in a village in the Gujrat district. A woman teacher went there, stayed for a few days and then came back. These are the difficulties in the way of spreading female education in the villages. My submission is that unless these difficulties are removed and female education started in the Punjab, no real progress can be made. I would, therefore, request that such women

teachers should be trained as would be willing to go villages and impart education to the village girls. In this connection I would also like to submit that women's colleges should be opened in every district.

Next I turn to agriculture. With the reduction in land revenue it is also necessary that the zamindars should develop and improve agriculture, so that their income should also increase. I may submit that unless the zamindars make progress in this direction and increase their income, the reduction in the land tax would not be of any great help to them.

Everybody knows that the holdings of the zamindars are being divided and sub-divided. In view of this I had the opportunity of asking my zamindar brethren a question, that is, that if the land continued to be divided and sub-divided, what would they do if their share of the land is reduced to a very small size, which in fact would be nothing more than zero? Here I may add for the information of the honourable members that I know of zamindars who have an acre or less than an acre in their possession. I asked this very question in two or three meetings of the zamindars. On one occasion one rather outspoken fellow replied that they would commit robberies and dacoities to make both ends meet. I told them that even if they committed robberies and dacoities, that would not profit them much either, for their ratio in the population of the country amounts to 85 per cent. while the rest of the people are only about 15 per cent. If the ratio of the zamindars and others had been quite the reverse of what it is today, perhaps it would have been possible for them to live on blackmail and brigandage for sometime. But that is not the case here. Today I put this very question to the honourable members of this House and I request them to give me some satisfactory answer.

I would request the honourable minister in charge of Industries to start some sort of industries in the villages. Further I would request the Honourable Minister for Development that if he wants to improve the condition of the zamindars he should appoint mukaddams in rural areas. These mukaddams should go to the rural areas and ask the zamindars to start small agricultural farms. These mukaddams should ask the zamindars to sow their crops under their instructions in these farms and thus they should teach the zamindars the modern methods of cultivation. That would be useful to the zamindars as well as to the Government. Further I would like to submit that agricultural assistants should be appointed who should inspect the above-mentioned farms. We often hear that at such and such a place sugarcane crops yield 105 or 110 maunds of gur per acre. True. But such results can only be obtained at places where intensive cultivation is carried on under the eyes of the Government. I may submit that unless and until the zamindars are shown that similar amount of yield can be obtained from their own lands, no real progress can be made in agriculture. This can only be achieved by the starting of agricultural farms in the rural areas, wherein sugarcane should be grown and if 100, 90, or even 80 maunds of gur per acre is obtained it should be brought to the notice of the zamindars. When they see that this result has been achieved in their own ilaqa they would also be emboldened to adopt similar measures. In this way the starting of such agricultural farms can act as a great incentive and encouragement to them. My submission is that the zamindars are uneducated and illiterate. There plight demands that we should give them practical lessons

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in agriculture. I may submit that if acting on the advice of the mukaddams and following the modern methods of agriculture a zamindar increases his produce by two maunds per acre and supposing the price per maund was two rupees, it would mean that he would be richer by four rupees. I may submit that after paying Rs. 2 per acre as land revenue his net saving would be Rs. 2.

Besides, I may submit that many witnesses have deposed before the Land Revenue Committee that a maximum limit of the agricultural income should be fixed below which no land revenue should be levied at all. I may submit that the income-tax is levied on those persons whose income is Rs. 2,000 or more per annum. But no agricultural income is exempt from the land tax. It is a strange thing that all the zamindars whether their income is Re. 1 or less have to pay land tax. In my opinion this is not justified. I admit that the zamindars have been paying land revenue since times immemorial, but this should not prevent the Government from doing a good turn to them. It is just possible that some one might get up and say that our case has been time-barred and therefore we cannot get this relief now. I may submit that if a limit has been conceded in the case of non-agriculturists that no income-tax can be levied below a certain limit, why should not the zamindars be treated on the same footing? I would request the Government to pay special attention to the fragmentation of holdings and should do its best to prevent it. This is a question of life and death for the zamindars and I would appeal to the Government to help them because they are the mainstay not only of the Government but of the rest of the population of the country, as well. Sir, once I happened to read somewhere—I do not remember exactly where, probably it was a printed paper where I found pictures of a king, a clergyman, a pleader, a soldier and a peasant. Below the picture of the king it was written, "I govern all," below that of the clergyman it was written, "I pray for all." Similarly below the pictures of the pleader and the soldier it was written respectively, "I plead for all"; "I fight for all." But below the picture of the poor zamindar it was written "I pay for all." And in my opinion the pictures of a sparrow, a crow, a wolf and jackal should also have been given side by side with that of the poor zamindar, as he provides food for all of them. But what I want to emphasise is that the zamindars who mostly contribute to the provincial exchequer, deserve as much help as may be possible at the hands of the Government. The land revenue being the greatest source of provincial income, they should as a matter of right be provided with all sorts of comforts. We are well aware that we cannot work miracles. However we can hope and expect that in future the Government would afford greater relief to the zamindars than they have granted them hitherto. We believe that Government will make a considerable reduction in the land revenue. That is all what I wanted to say about agriculture.

Now I would like to turn my attention to the Canal Department and make a few observations in connection with it. I may submit that the zamindars have greatly benefited from this department. Once I had a talk with the Chief Engineer, who told me that some time back the zamindars used to live in old fashioned houses and enjoyed no modern facilities, but now the village life has undergone a revolution so much so that one can



see any number of pucca houses of modern type in the villages. I pointed out to him that ordinarily a zamindar who owned two squares of land, was in debt to the extent of Rs. 85,000. Where a zamindar built a pucca house, his neighbours feeling a sort of indignity in being in kucha houses, followed his example and constructed pucca houses even if they had to borrow money at a heavy rate of interest, which ultimately resulted in their ruin. I gave him the position of the Lower Jhelum Colony as an instance.

**Mr. Speaker :** The honourable member's time is over.

**Khan Bahadur Nawab Chaudhri Fazal Ali :** Sir, I have yet to say one thing more and for that I will not take more than a minute or two. I was submitting about the Canal Department. In the first place I would suggest that amalgamation of the Canal and Revenue Departments should be brought about under one and the same officers in the interest of the zamindars. If that is done the Government will be able to save a considerable amount which can very well be utilized in affording some relief to the zamindars. In the second place, I would propose that levying of water rate and collecting land revenue should be entrusted to one and the same official. There should be no separate cadres of revenue and canal patwaris. I think I will be failing in my duty towards the zamindars if I do not make mention of kharaba rules which are the most objectionable owing to their stringency and rigidity. I may submit that if no kharaba is allowed it causes great hardship to the poor zamindars. In most cases when the crops fail by one reason or the other, no kharaba is granted and what makes the situation still worse, is that full land revenue is realised and nobody worries whether the zamindar got a yield of 2 maunds of wheat or  $1\frac{1}{2}$  maunds of cotton per acre, which if valued at the market price might have fetched him Rs. 4 in case of wheat and Rs. 10 in case of cotton, whereas he has to pay from Rs. 10 to Rs. 11 in case of wheat and from Rs. 12 to Rs. 13 in case of cotton as land revenue per acre. In other words it means that apart from the cost of seeds, labour, and manure which a zamindar has to incur, he is fined Rs. 6 to 7 for cultivating his land. Now you can very well imagine that if this state of affairs continues, the zamindar would no longer be able to put up with this intolerable hardship.

In the end I would request the Government to appoint a committee, at an early date to go into the question of kharaba and other matters connected therewith.

**Master Kabul Singh** (Jullundur East, Sikh, Rural) (*Punjabi*) : Sir, honourable members opposite have told us harrowing tales of the conditions of the peasants. My honourable friend who preceded me also related their troubles and difficulties. But by referring to the Finance Minister that he is earnest about the zamindars' lot, he has only tried to flatter him. I ask him, why should we be grateful to him? My friends over there have perhaps misunderstood the budget. The first thing that we should take note of is that the Punjab Government's revenues amount to Rs. 11,41,56,000. What are the biggest sources of income? I may point out to the honourable members that the Government derives 80 per cent. of its revenues from those persons who do not have enough to eat, I mean the zamindars. My honourable friend Mir Maqbool Mahmood has said with great pride that sufficient amount of money has been set aside for the amelioration of the

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condition of the zamindars. I may tell him that only 80 per cent. of that money is to be spent on those from whom Government derives eighty per cent. of its revenues.

Besides, I may submit that it has become a national convention everywhere that masses should be provided with four things, i.e., the barest necessities of life, medical relief, education and justice. Adequate food and dress are the indispensable necessities of life and even these are denied to the Indians. It is an admitted fact that in India the daily income of a peasant is only five pice. It does not exceed more than three or four annas according to Professor Kartar Singh of the Agricultural College, Lyallpur, even in his studies of special agricultural farms. Sir, it is a thousand pities that zamindars can hardly make their both ends meet while our honourable ministers draw fat salaries which can buy 42,000 maunds of wheat a year. Again, a sum of Rs. 2 lakhs is to be spent on building palatial houses for them simply to enhance their dignity and prestige. But may I know, whose services have secured new reforms for them and whose selfless sacrifices have placed them at the helm of affairs? It is as my honourable friend Chaudhri Kartar Singh has said, the prisoners who are still rotting in the jails. It is they who are the real masters of the Government. It is a great pity that the real masters should be placed behind the bars while their servants should rule the destinies of the province.

The second question is that of providing medical relief to the masses. Our Government have provided 360 hospitals for 37 thousand villages, which in other words means that there is one doctor for every forty thousand persons. The figures show how meagre is the medical relief that is provided to the people. If we work out the figures we find that if a doctor writes prescriptions for these patients, daily working for six hours and not attending to his meals or comforts, the first patient will receive his attention again after three years. Now let us divert our attention to the medical relief that is provided to the woman-folk. The population of women is 94 lakhs. You will be surprised to find that there is one dai (midwife) for every 2,70,000 women. I do not know what gratitude will my honourable sisters over there, feel for the Government responsible for this state of affairs. We have been told that a sum of Rs. 5 lakhs has been provided for sanitary purposes. But I may be permitted to point out that out of this amount a sum of Rs. 2 lakhs is to be spent on the sanitation of urban areas the population of which is very small (i.e., 35 lakhs out of 2,85 lakhs) as compared with the rural areas where it is proposed to spend only 3 lakhs. Besides the difficulty is that even this amount of three lakhs of rupees will not be spent wholly on sanitation. It will be used for other purposes like providing jobs to their favourites. (*Interruption*). What I mean to say is that in whatever manner you may employ persons in the Government service, the burden of the expenditure involved will fall on the shoulders of the peasants. Sir, I was submitting about the amount spent on medical relief. Now I come to the expenditure incurred in connection with the Veterinary Department. The plight of the cattle in the villages is very miserable. No arrangements exist for their treatment. Generally the villagers resort to charms and talismans for preserving their cattle from diseases. If you ever happen to visit a village you

will find a string of *chappanies* چینی hanging at the main entrance of the village. This is done in order to preserve their cattle from illness. I may submit that all this indicates the fact that there is no veterinary assistant in the village to attend to the diseased cattle of the villagers. I am constrained to remark that the Honourable Chaudhri Sir Chhotu Ram while touring the villages devotes the whole of his time in the fruitless task of bringing the Congress to disrepute. I wish he could give some of his time to devising ways and means for removing the difficulties with which the peasants are faced in connection with their cattle.

Turning to the question of education, I am sorry to observe that our educational system is rotten to the core. Its comparison with the educational system of other countries will put us to shame. Just imagine what Russia has achieved in this direction since the revolution in 1917. Within this short time the Russians have completely emerged from the abyss of illiteracy with the result that you cannot find even a single uneducated person among them. Their Government has educated the masses cent per cent. If our government is also keen on educating the ignorant people of this province, they should place before them a definite programme to achieve their objective. There is no use wasting the hard-earned money of the cultivators aimlessly. If you are unable to produce some useful scheme, try to follow others at least. There is the Wardha Scheme of education before you. You can very well adopt it in this province. The young graduates that you are turning daily from your colleges are not fit for anything, and the parents of these, are heard to offer two educated boys for one uneducated boy, because an uneducated boy will be useful at the agricultural farm while the educated boys are found unfit for the ordinary jobs of the cultivators. This is not the state of affairs of which any government may be proud. I also want to take this opportunity to protest against the practice of the Education Department by which boys are asked to carry flower-pots over their heads whenever the Education Minister pays a visit to some place. The sooner this practice is abolished the better.

Now I will direct my attention to the department of Mr. Brayne which is going to cost Rs. 88,000 for the simple object of telling the poverty-stricken cultivators to use mosquito curtains and put ventilators in their houses. May I tell you that under the pretext of uplifting the villagers this department is carrying on trade of certain institutions inasmuch as it requires the use of certain kinds of ventilators or mosquito curtains. In these days ventilators made of cement are being recommended to further the cause of some cement company. The officers of this department are acting as the agents of certain institutions. I protest against such practices. I also take strong objection to the appointment of a foreigner to the post of a vice-chancellor and even to the creation of this post as a paid one.

Let us now come to the department of administration of justice. The outstanding point concerning the administration of justice is the absence of justice in it. In vain should we look for equity and fair deal under the Unionists. In short the slow speed at which our Government wishes to move will require 100 years to achieve anything of note. The reason is obvious. The policy of this government is not a whit different from that of the British Government. That is why there is no substantial change in the province. Just look at the progress which they have made in the industrial

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field. Our Government is going to spend Rs. 17,000 to undertake a general survey of industry, what a huge sum !

Again, the Government is following a fruitless policy in the departments of Agriculture and Forest in Doaba. The Government should buy the land on which they want to grow a jungle. A report to this effect, I understand, was also made by the Deputy Commissioner of Hoshiarpur. The Government may not necessarily pay the peasants in cash but they can give them land instead.

Another point that I wish to stress is the lack of knowledge on the part of Government about the true principles of panchayats on which panchayats should be established. The election of members of panchayats is made very difficult inasmuch as too many conditions and qualifications are laid down for the candidates to fulfil. In my opinion, every adult should be made a voter for the election of a panchayat without any distinction of caste or creed. Moreover, Government seems to be trying to enhance the prestige of the lambardars, sufedposhes and zaildars among the villagers by establishing such panchayats thus creating "addas", centres of loyalty. Practically speaking we are in favour of increasing the number of debt conciliation boards in the province. We are prepared to go even further. We would prefer to see whole of the agricultural debt of the Punjab completely wiped off and the agriculturists of the province relieved of this heavy burden which is weighing heavily upon them. I would be failing in my duty if I do not admit the fact that the principles underlying the idea of establishing these boards are undoubtedly commendable, but what is highly objectionable is their present working as well as the lines on which they are being run now-a-days. I make bold to say that these boards are serving at present as the centres of propaganda in favour of loyalty towards the present Government. Just take the case of the Debt Conciliation Board at Jhang. Many allegations have been made against its members but no action has so far been taken against them. These boards have been established with the sole purpose of providing jobs to the devoted friends of the Government. During the last year many committees, such as the Land Revenue Committee, the Resources and Retrenchment Committee and the Unemployment Committee were appointed. Although these committees have not so far submitted any report as to their findings yet there is no doubt about the fact that they have proved themselves successful inasmuch as they have removed the unemployment of the well-wishers of the Government.

**Sardar Sahib Sardar Gurbachan Singh** (Jullundur West, Sikh, Rural): Sir, I wish to congratulate Honourable Finance Minister and his able Finance Secretary for this master-piece of work, and also the lucid manner in which the Finance Minister has dealt with the facts. Rather the whole Ministry deserves to be congratulated for their achievement in providing more money for the beneficent departments, and last but not the least for the step in the right direction in providing funds for the betterment of villagers. Although I must admit that it is not enough, yet certainly it is not a bad beginning. It is further gratifying to note that a sum has been provided for the village roads but a good deal would depend on the way in which it is going to be spent. I would say that if this money is ultimately going to the district boards, then I strongly protest against the

waste of this public money. I have been requesting the Government to help those poor zamindars who have so wonderfully helped themselves by making broad and straight roads during the consolidation of their villages. Both the Honourable Minister for Development and Khan Bahadur Nawab Muzaffar Khan, as Revenue Member, have seen the consolidation work in my district and I am sure they will bear testimony to the truthfulness of my statement. Leaving aside the filling of depressions in these roads, they have not even hesitated to remove graveyards to keep the road straight. That shows that no matter to what particular community these zamindars belong, they work like brothers for one common good. It is these people that deserve help. In fact it is but just that their labours should bear fruit. Save them and their children from dust. Give them the pleasure of having a mall road of their own by metalling and tarring these roads which otherwise would deteriorate by being washed away by rains and by encroachment. I would therefore suggest that a selection of these roads should be made through the co-operative department of each district and once these roads are selected they should immediately be placed under the control of the Public Works Department for construction. This certainly would give a great impetus to other villages. I am further glad to know that my last year's request about the district board roads being placed under the control of the Public Works Department has been accepted to some extent, but I am rather disappointed to read the remarks in the 'New Expenditure' on pages 288 and 289 where it is mentioned that these roads are taken under the control of the Public Works Department because they are non-competitive, which means there is no rail-road competition. This policy is quite inconsistent because the Government has made all the possible improvement on the roads that afford greatest possible competition with the railway, while they are feeling shy even to maintain roads where there is not much of competition. This does not require any illustration but if the Government is in earnest to follow this policy they will soon have to start with a destructive programme of dismantling roads, like the Grand Trunk Road.

Now, let us see what the new expenditure under the heading Hydro-Electric scheme provides facilities for the supply of electric energy to the zamindars. On page 307 of this 'New Expenditure' for 1938-39 I was pleased to see item No. I, which is 'Duplicate feeder to Lahore Grid and Electrification of Royal Artillery Bazar and fourteen villages.' Mark the last words 'fourteen villages', but my joy was short lived when I eagerly turned to the next page for details of this item where I found that this project was nothing but to construct a new duplicate feeder to Lahore Grid, the Electrification of the Royal Artillery Bazar, Lahore Cantonment, and to supply electric energy to the large number of houses that are being built on Ferozepore Road south of the canal. The name of not a single village out of the fourteen villages is mentioned in it. You know, Sir, how the rights of the zamindars, who pay over 90 per cent. of the revenue to the coffers of the Government or towards the manufacture of this energy, have been trampled down in the past; and you well remember that my first attempt to bring forward a resolution in the last Council to this effect was going to be defeated but for your casting vote, for which I am ever so grateful; nay, all the zamindars bless you for having exercised your casting

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vote in their favour. Allow me, Sir, to refer to the statement which was

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laid on the table of the House by the Honourable Minister for Public Works in answer to my question

No. \*385 on page 1290 of Assembly Debates, Volume I. It consists of 14 rural extension schemes. The first one is Phillour-Goraya-Phagwara project. Phillour is a municipality. Phagwara is outside British territory and is a native state. As far as Goraya is concerned, electricity is supplied to a few industrial shops on the Grand Trunk Road, near the railway station. The next is Qadian. That I understand is a small town. It is not a municipality but my friend Rai Sahib Lala Gopal Dass tells me that it is a big town. Then comes Jhuggian-cum-Bhattianwala. This scheme is abandoned. Next comes Shahdara-Sharakpur. Shahdara is quite a big place and is near Lahore. The scheme is abandoned most probably because the Lahore Electric Supply Company is supplying electricity there, at a cheaper rate than the hydro-electric power could have ever done. Next comes Kasur. It is a municipality. Then comes Dharamsala. It is the headquarter of the Kangra district and is by no means a small village. Then comes Mohlan-Mananwala. Mohlan is not a village but only a canal rest-house where the electricity was going to be supplied, but the scheme was abandoned because it was to supply electricity to Mananwala village. Then comes Gurdaspur lift irrigation experimental scheme, but in the remarks column you will find that it is served by the Qadian project so it is only added to increase the number. Next comes Jullundur Sub-urban (West)-Kartarpur-cum-Kapurthala. Kapurthala is again a native state and Kartarpur is a municipality. Then comes Jullundur Sub-urban (West) Project. This includes 9 *basties* which you know are all part and parcel of Jullundur City and are within the municipal limits and return members to Jullundur Municipality. Next one is the Jullundur Sub-urban (East). This only supplies electricity to the Jullundur Cantonment railway station and though the names of Dakoha and Dirrang villages are added to it, but electricity is not supplied there. Then comes Phillour West. This consists of large number of villages and is really a rural scheme but the scheme is still under consideration and if I were to refer you to the reply given to my question in 1934 by the then Honourable Minister for Local Self-Government, it was even then under consideration, and I do not know how long this scheme is going to remain under consideration? Then unfortunately comes the Jullundur North Scheme, with which I am concerned because my village Alawalpur is included in the scheme, and in the remarks column you will find that this scheme is withheld because it is going to upset the water table of the Jullundur district. Through you, Sir, I would ask the Government to let us know how many tube wells exist in the area of these villages that is Jhandu Singha, Adampur, Alawalpur, Dhogri and Khurdpur? No answer. I may tell you, Sir, that there is not a single tube well in these villages and I do not know how this scheme is going to upset the water table of the whole district? Next comes Jullundur South, that is, Nakodar, which again is a municipality. The last one is the Lahore East Rural Project which provides for the supply of electricity to Jallo, Attari and Manihala. To put the whole position in a nut-shell it amounts to this that out of these 14 so called rural projects, 9 are for the municipalities and there are only 5 left for the villages. Out of these 5,

two are abandoned and 3 are under consideration or to say in Punjabee, they are under *ghaur*, which means that they are never going to see the light of day.

**Mr. Speaker :** The honourable member's time is up.

**Sardar Sahib Sardar Gurbachan Singh :** Only one minute more, please. Lastly, I draw the attention of the Government to the grave menace that is forcing Jullundur district by the subsidence of the water level. During the budget session last year I sounded a note of warning. Even now I say that unless some measures, and that too immediately, are taken, the Jullundur district is going to be turned into a barren waste.

**Sardar Partab Singh** (Amritsar South, Sikh, Rural) (*Punjabi*) : Sir, before I begin my speech about the budget under discussion, I would like to relate a story. A certain villager's son went to England for further study. The doting father made all sorts of promises to the village people on behalf of his son, that when he returned from abroad, he would make everybody rich. At long last, the boy came back, and the needy villagers made ready to receive their expected rewards. The village bard (*mirasee*) was the first to approach the new-comer. The sophisticated boy graciously gave his hand to the bard and said : " My dear man, what more do you want ; I have given you my hand."

Now, this Punjab Government of ours is behaving in exactly the same manner. Mr. Manohar Lal, the Finance Minister, has prepared this big financial statement covering 624 pages. What does it come to ? I should say that like the gracious England-returned youth my learned friend, the Finance Minister, who had made such glib promises, has just shaken hands with the peasant, and has dismissed him with that. Actually he has not given him anything.

I will make a few observations with regard to the facts and figures given in the budget—and I will do so from the point of view of a zamindar. The budget shows an income of 11 crores and 41 lakhs of rupees. Where has it come from ? If we take into consideration such heads of income as land revenue, khush-haisiyyati tax, water-rates, stamps, excise, etc., which are directly levied on the zamindar, we shall find that the poor cultivator, the man behind the plough, has to contribute no less than ten crores of rupees to the provincial exchequer. Besides, there are some other sources of revenue, a few heads of income, which cannot be set down as affecting a particular class of people to the exclusion of other tax-payers. But I would challenge the learned Finance Minister to point out to me a single page—yes, a single page out of these 624 pages—which records the revenue received directly from the doctors and lawyers who charge fabulous fees, usurious moneylenders, big contractors, leaders of the money-market, greedy middlemen and owners of factories possessing property worth lakhs of rupees. I submit that these people contribute practically nothing to the provincial revenues. The budget as it stands is wholly made up of the precious life-blood of the Punjab peasantry who have to pay 2 crores and 8 lakhs of rupees by way of land revenue, and Rs. 4½ crores on account of water-rates, and if we include in the latter the income from the khush-haisiyyati tax the figure swells to 6½ crores.

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Sir, a great deal has been made of the fact that the Punjab Government has been able to show a surplus budget, that is to say, their expenditure is less than the income by Rs. 5 lakhs. The surplus budget has, I submit, no charm for me. To me, indeed, it is immaterial whether the budget is a surplus or a deficit budget. It would have been very wise on the part of the Government if they had devised some means of reducing the land revenue and removing the indebtedness of the down-trodden zamindars and if in doing so they had presented a deficit budget, it would have been better. The present budget has been described a surplus budget. Do you know why this budget has been prepared as a surplus budget? It is a secret. To be more frank I should tell the House that the object of the present Government in preparing the present budget as a surplus budget is to exploit outsiders, I mean the other provinces, so that they may consider the Punjab as a financially sound and prosperous province, even though the Punjab Government have incurred a heavy expenditure on running the administration. The Punjab gives very fat salaries to the ministers who charge heavy allowances also and the parliamentary secretaries are also highly paid and even then its budget is a surplus one. I think it would be more expressive if I say that our Government have tried to conceal the real truth and throw dust into the eyes of other provinces of the country. The Punjab Government lacks courage to show a deficit budget. It feels ashamed of showing a deficit budget to the other provinces. But, I do not think there is anything to be ashamed of. If the Government after spending a lot for the betterment of the zamindars had shown a deficit of Rs. 10 or Rs. 15 lakhs in the present budget, it would have been immaterial. The Government, however, would have been justified in doing so. But how could our cowardly Government dare to show their weaknesses? The present budget does not indicate that any attempt worth the name was made in the last year to ameliorate the conditions of the zamindars. But one can very well understand from the present budget how the hard-earned money of poor zamindars has been squeezed out of them. Let me ask the Government how much money is being spent on the zamindars out of the 10 crores that have been realised from them. Nothing. Not a penny. Injustice is being done to them in return. What a pity! Three crores and 28 lakhs have been provided for the beneficent departments but as far as cultivators and plough-men are concerned, they are being disposed off with a small sum of one crore. What a generosity! The Government realises ten crores from the zamindars alone by hook or by crook, by fair or foul means and in return spends only one crore on them. How can the poor, down-trodden zamindars prosper under these conditions. It has been often said that the present Government is a zamindara government and the simple minded zamindars of this province have been easily taken in by the Unionist Government, who promised them that they would do their utmost to remove their indebtedness. But now when the time has come to fulfil those promises, they have not moved in the matter in the least. The present budget of the Government has created a sheer disappointment amongst the expectant zamindars of the province. They are totally disappointed. This budget has proved a bolt from the blue to the zamindars. May I remind my honourable friends sitting on the opposite benches that a poor jat would have been pleased with the so-called zamindara Government if he had been warmed at midnight



of cold winter when he was out with insufficient clothes on, in order to water his crops. I will say with all the force at my command that no favour at all has been done to the zamindars by the Unionist Government.

Now, I come to the Irrigation Department. Before saying anything about it, I should remind the House that Mr. Manohar Lal, the Finance Minister, has delivered a lengthy speech in which he indicated what a big amount was collected by way of land revenue and irrigation charges. This indicates that this big amount of money was extorted from the poor zamindars by annoying them, teasing them and maltreating them (*Hear, hear*). In this connection I want to inform the House about an incident, how a "chavuni" (four annas coin) was collected from a zamindar.

I myself witnessed the incident. A zamindar owed Rs. 41-12-0 to the Government on account of land revenue. He paid Rs. 41-8-0. A "chavuni" was still due. I saw with my own eyes how that poor zamindar was shoe-beaten by the chaprasi of the tahsildar. I may give one instance more on this point. A Mussalman jat had 2 kanals of land in his possession. It was ancestral property. He had to pay 6 annas per bigha as land revenue. But unfortunately that piece of land was situated adjacent to a small canal and the "Nehrwalas" used to dig out earth from that land for the purpose of levelling the side-paths of the canal. When the owner of the land was asked to pay land revenue, he said that he was ready to pay land revenue if he had cultivated that piece of the land, which was rendered uncultivable by the Irrigation Department. Do you know how that man was treated. The tahsildar of the ilaqa sent for him. The chaprasi of the tahsildar brought the poor man all the way from his house to the office of the tahsildar with his hands up. The man was ordered to stand in the same way for half an hour. The poor man was dog-tired. The land revenue of Rs. 7½ lakhs as mentioned in the budget has been extorted in this way from the zamindars of the Punjab whose Government is said to be a zamindara Government. If my friends opposite want proof, I may invite them to come with me and visit village Butter from where several such complaints have been received. I would like to tell the House that Rs. 51,000 were realised as talbanas by issuing warrants against the simple minded zamindars and by beating them with shoes while on the other hand the big landlords and the rich land holders have been left undisturbed. I do not want to name those favourites of the so-called zamindara Government, the zamindara Government who have charged land revenue from the poor by threatening them with hand-cuffs and by harassing them. I want to point out one thing more and that is this. If the disappointed and disgusted zamindars of the province come in a large number before this Assembly Chamber and make demonstration in order to make the Government realise their grievances, I am sure, the government of Sir Sikander, the government of Chaudhri Sir Chhotu Ram and Sir Sundar Singh will not spare them a moment to vindicate their pitiable position. The Government will at once send them back by promulgating section 144. But I am sure if the policy of the Government regarding the zamindars will go on like this, they will come upon this House marching like oppressed and desperate people, next session if not this session.

The Honourable the Finance Minister has taken much pride in the fact that the present Government has remitted and suspended a sum of 82

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lakhs of rupees out of land revenue. But I may submit that this sum is quite insignificant as compared with the remissions that have been granted in other provinces. The Bombay and the Madras Governments have declared that the remission in land revenue has ameliorated the condition of the poor. But I may submit that our Premier, the Honourable Sir Sikander Hyat-Khan, has stated in the course of a speech at Ambala that the reduction in land revenue will not do any good to the zamindars. I am afraid I am incapable of understanding this queer logic. My honourable friend Mir Maqbool Mahmood remarked that the voters of his constituency are in favour of public health, medical, veterinary and agricultural reforms rather than reduction in land revenue. I challenge him to go to his own constituency and ask his constituents to vote on this issue. If the majority of votes are polled in his favour, I would be ready to resign. But my submission is that my friends over there have never toured their constituencies. They have never come into contact with their voters. How then is it possible for them to know their view points?

**Mr. Speaker :** The honourable member should not criticise the conduct of any other honourable member.

**Sardar Partab Singh :** Sir, I am simply accepting his challenge and in no way am I criticising his personality. I stated that the Honourable Sir Sikander Hyat Khan has pointed out that the remission in land revenue has been of no use to the zamindars and the reduction will do no good. Other reforms for the rural uplift are really very important. As has been pointed out by my honourable friend Sardar Kabul Singh, the fixing of  $1\frac{1}{2} \times 1\frac{1}{2}$  feet ventilators is of no avail to the zamindars. They toil in the scorching heat of summer and bitter cold of winter. They get plenty of fresh air. The fixing of  $1\frac{1}{2} \times 1\frac{1}{2}$  feet ventilators cannot bring them any real happiness. They are the people who irrigate their lands on the summer nights, when many of them are actually bitten by snakes. But my friends over there suggest mosquito nets for them. I may submit that when after a hard day's work they fall asleep, they do not feel the sting of the mosquitoes. These are not the real needs of the zamindars. They need something else, and I submit that something substantial should be done for them by way of reduction in the land revenue.

In the end I would say that this budget is not a poor man's budget. It is the capitalist's budget. We have no hopes in this Government. I request my friends opposite that because they assert that their's is a zamindar Government, so they should do something to mitigate their troubles and hardships. If, however, they fail to do their duty we have no other alternative save to drive them out of office and establish instead a kisan government. With these words I resume my seat.

**Chaudhri Ali Akbar** (Gurdaspur East, Muhammadan, Rural) (Urdu) : Sir, before I proceed with my speech I would like to congratulate the Honourable Finance Minister, who has prepared the budget so very ably. I may submit that this fact needs no mention, for since the present Government came into power the Congress Party has been opposing it. Everybody is fully aware of the fact that whenever any matter comes before the House, whether it be good or bad, the Congress Party opposes it and generally they are in the habit of comparing our Government with the

Governments of other provinces. I may submit that it is no use dilating on such things. If my honourable friends over there are capable of working miracles for the zamindars, I ask them to form a government which should do something for them. If they cannot do it, I think mere criticism would not serve any useful purpose.

Besides, the Congressites are always in the habit of showing their sympathy for the poor people and they claim themselves to be their well-wishers. I am inclined to think that all their sympathy is lip-sympathy only. Day before yesterday I introduced a resolution in this House to the effect that all Government employees who have completed 25 years of service and whose retention in public service was undesirable on the ground of inefficiency or doubtful honesty should be retired compulsorily and that young men should be appointed in their places. I am sorry to remark that the Congress Party opposed even this resolution.

My submission is that in days gone by the zamindars were illiterate people. They never cared to learn the English language. The result was that no zamindar was employed in the Government service and all the posts whether of superintendents or clerks went to the non-agriculturists. They have monopolised all the Government services, some are in the hands of their nephews and others are in the hands of their other relatives. Now when it was pointed out that something should also be given to the agriculturists they were the first to oppose this demand. I am inclined to think that they like to reserve all the Government posts for the non-agriculturists and they do not relish the idea of sharing them with the agriculturists. I may submit that not only the Congress Party, but Diwan Chaman Lall also opposed this resolution. My submission is that with all this they still claim to be the well-wishers of the poor.

Again the Congress Party is in the habit of saying that public money is being wasted away on petty things. I may submit that all this is due to them. Further, they daily deliver speeches against the Government and the police. May I enquire from them whether any one of them can say that the maintenance of police is not necessary? Can any one of them say that he can do without the aid of police and that the administration of the country can be carried on without its aid? It is the duty of the police to maintain law and order in the country. I submit that it is the duty of my honourable friends opposite to point out the mistakes to the Government. If my honourable friends over there point out the mistakes of the Government merely for the sake of setting them right, we of course are also prepared to support them and would ask the Government to set them right. But if there is no fault or mistake on the part of the Government, it does not behove them to put obstacles in the way of the Government. I may submit that this Government has come into power after the inauguration of provincial autonomy. It is, therefore, the duty of every party of this House to suggest constructive proposals to the Government and they should in no way put obstacles in the way of the administration.

Further, I may submit that some mischief-mongers have started the agitation of Shahidganj. This agitation is bound to affect adversely the

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exchequer of the province. It is very difficult to state who really started this agitation, yet I will submit that this agitation costs the province a lot.

**Mr. Speaker :** The honourable member is irrelevant.

**Chaudhri Ali Akbar :** I am submitting that this agitation would impose an additional expenditure on the Government.

*At this stage Assembly adjourned till 2 P.M. on Tuesday, 8th March, 1938.*

# PUNJAB LEGISLATIVE ASSEMBLY.

2ND SESSION OF THE 1ST PUNJAB LEGISLATIVE ASSEMBLY.

*Tuesday, 8th March, 1938.*

*The Assembly met at the Council Chamber at 2 P.M., of the clock. Mr. Speaker in the chair.*

## STARRED QUESTIONS AND ANSWERS.

GRANT OF LEAVE TO EMPLOYEES IN DEPUTY COMMISSIONER'S OFFICE, FEROZEPORE.

**\*1982. Captain Sodhi Harnam Singh :** Will the Honourable Minister for Revenue be pleased to state—

- (a) the names of such employees of the Deputy Commissioner's Office, Ferozepore, who obtained leave on medical certificates in 1937 ;
- (b) the names of those among them separately who were asked and who were not asked to produce medical certificates of fitness before rejoining office and reasons for this differential treatment ;
- (c) the names of those among them who were granted leave without any objection ;
- (d) the names of those among them whose applications for leave were held up under objection and later on sanctioned ;
- (e) the date of their application and the dates of sanction thereof regarding (d) ?

**The Honourable Dr. Sir Sundar Singh Majithia :** I regret that the reply to this question is not yet ready.

TEMPORARY POSTS IN THE DEPUTY COMMISSIONER'S OFFICE, FEROZEPORE.

**\*1983. Captain Sodhi Harnam Singh :** Will the Honourable Minister for Revenue be pleased to state—

- (a) the number of sanctioned strength of the temporary posts in Deputy Commissioner's office, Ferozepore ;
- (b) the number of Hindus, Sikhs and Muslims at present holding these posts and the date when they were appointed to these posts ?

**The Honourable Dr. Sir Sundar Singh Majithia :** I regret that the reply to this question is not yet ready.

CHARGE SHEET AGAINST CLERKS IN THE OFFICE OF DEPUTY  
COMMISSIONER, FEROZEPORE.

**\*1984. Captain Sodhi Harnam Singh :** Will the Honourable Minister for Revenue be pleased to state—

(a) the number of clerks community-wise in the Deputy Commissioner's office who were given a charge sheet or otherwise punished by the Deputy Commissioner, Ferozepore, in the year 1937 and the nature of charges against them ;

(b) whether any appeal against the orders of the Deputy Commissioner was filed by any of them ; if so, with what result ?

**The Honourable Dr. Sir Sundar Singh Majithia :** (a)—

<i>Sikhs.</i>	<i>Hindus.</i>	<i>Muslims.</i>
8	4	2

A statement showing the nature of charges is laid on the table.

(b) Yes, only one appeal has been filed which is still under consideration.

*Statement showing the nature of charges against certain clerks of the office of the Deputy Commissioner, Ferozepore, who were given charge-sheets or otherwise punished during the year 1937.*

1. Accepting illegal gratification, and receiving less land revenue.
2. Irregularities during officiating appointment.
3. Delaying urgent and other letters.
4. Absence without leave.
5. Delaying recovery files.
6. Receiving less fee in issuing lorry license.
7. Playing of game of draughts during court hours.
8. Unsatisfactory work.
9. Loss of an application and making incorrect reports about the loss.
10. Issuing a wrong *robkar* regarding fire-extinguisher.

VOTERS' LIST FOR MUNICIPAL ELECTIONS OF BANGA.

**\*1985. Master Kabul Singh :** Will the Honourable Minister of Public Works be pleased to state—

(a) whether it is a fact that on the 15th November, 1937, the lorry drivers of Banga, district Jullundur, sent a petition to the Deputy Commissioner, Jullundur, with regard to the voters' list for the next municipal election ;

(b) if the answer to (a) above be in the affirmative, the steps the Government has taken in the matter ?

**The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana :** (a) One application from the Secretary, Motor Union, Banga, was received by the revising authority and after due consideration 12 out of 28 claims were accepted by him. There has been no revision application from the decision of the revising authority.

(b) Does not arise.

#### TRANSFER OF THE CONTROL OF GIRLS SCHOOLS AT SHEIKHUPURA.

**\*1986. Mr. K. L. Gauba :** Will the Honourable Minister for Education be pleased to state—

(a) whether it is a fact that so far as the education of girls is concerned, Sheikhupura district has been transferred to the control of inspectress of schools, Multan circle, from inspectress of schools, Lahore circle, which is too far from Sheikhupura ; if so, the reasons therefor ;

(b) whether it is also a fact that there is great dissatisfaction over this change among the people of the locality which is most backward in the matter of female education ; if so, the action intended to be taken to remove this dissatisfaction ?

**The Honourable Mian Abdul Haye :** (a) Yes ; there are only 18 assistant inspectresses for 29 districts and 4 circle inspectresses for 5 divisions. The allotment of districts to assistant and circle inspectresses has therefore to be made on the basis of the numbers of schools which they are required to inspect.

(b) No ; so far no complaint has been received by Government.

#### ARRESTS MADE IN PUNJAB UNDER SECTION 124-A, ETC.

**\*1987. Dr. Sant Ram Seth :** Will the Honourable Premier be pleased to state—

(a) the number of arrests made from 1st January, 1938, onwards in the Punjab province under section 124-A, Indian Penal Code, and Criminal Law Amendment Act and the number of arrested persons now under trial ;

(b) the number of persons among those who have been convicted so far and the term of sentence awarded to each ;

(c) how many of the persons convicted have been placed in A class how many in B class and how many in C class ?

**The Honourable Major Sir Sikander Hyat Khan :** (a) and (b) Four persons have been arrested under section 124-A., Indian Penal Code, since 1st January, 1938, of whom one has been sentenced to 9 months' rigorous imprisonment and three are under trial. Two persons have been detained under section 2 of the Punjab Criminal Law (Amendment) Act during the same period.

(c) The only person convicted up to the 28th February, 1938, has been placed in 'C' class.

**Lala Deshbandhu Gupta :** How many more have been arrested since this question was admitted ?

**Premier :** The information given in the reply is up to the 1st of January 1938.

**Dr. Sant Ram Seth :** In what class have these three under-trial prisoners been placed ?

**Premier :** There is no classification of under-trial prisoners.

**Pandit Shri Ram Sharma :** What is the number of political workers arrested in Rohtak district ?

**Sardar Sohan Singh Josh :** Is the case of Dula Singh who was externed last evening also included in the list ?

**Premier :** I should like to have notice of this question.

**Chaudhri Muhammad Hassan :** How many persons have been arrested from Ludhiana ?

**Premier :** I cannot tell you off-hand. These are the only four persons who have been arrested during this period.

**Chaudhri Kartar Singh :** What is the number of jats and banias who are political prisoners in the Punjab ? (*Laughter*).

**Premier :** The gentleman about whom my honourable friend was asking, the Rohtak gentleman, was a jat.

**Pandit Shri Ram Sharma :** I asked the number. Is it one or more than one person from Rohtak ?

**Premier :** I only know of the gentleman for whom my honourable friend was himself responsible for putting him into hot waters.

**Dr. Sant Ram Seth :** What is the procedure for classifying these prisoners ?

**Premier :** It is the court which classifies and subsequently if a representation is made, it is the Government which further considers the question and, if necessary, changes the class.

**Dr. Sant Ram Seth :** What are the considerations governing the classification ?

**Premier :** The education, status in life and mode of living.

**Dr. Sant Ram Seth :** Is any enquiry held ? Who holds the enquiry, the police or the courts ?

**Premier :** Yes, an enquiry is held by the court and not the police. It depends on the nature of the enquiry and is done through the district magistrate.

**Dr. Sant Ram Seth :** Whom does the district magistrate depute ?

**Pandit Muni Lal Kalra :** Do the Government propose to place all the political prisoners who are now in C class in class B ?

**Premier :** If an application is made it will receive the fullest consideration.

**Pandit Muni Lal Kalra :** Do the Government propose to place them in a higher class ?



**Premier :** Yes, if warranted by facts after enquiry.

*(At this stage several gentlemen started asking supplementary questions.)*

**Mr. Speaker :** Unless an honourable member is called by the Chair he should not ask a supplementary question.

**Pandit Muni Lal Kalia :** Does the Government keep in view any communal proportion while arresting political workers ? *(Laughter).*

**Lala Deshbandhu Gupta :** Is it a fact that all Europeans are as a matter of course placed in B class and none is ever placed in C class ?

**Premier :** I cannot answer that question off-hand.

**Diwan Chaman Lall :** May I ask the Honourable Premier whether political prisoners are considered less deserving of B class than European prisoners ?

**Premier :** Not necessarily.

**Diwan Chaman Lall :** Is the Honourable Premier aware that political prisoners have committed only what according to him are crimes not involving moral delinquency whereas Europeans convicted of offences involving moral turpitude are placed in B class ? If so, why does he not place political prisoners also in class B ?

**Premier :** There is no discrimination on the racial score. It is only with regard to the education, status in life and mode of living. These are the only considerations responsible for placing them under different classes.

**Lala Deshbandhu Gupta :** Is it not a fact that there is a provision in the Jail Manual or in the Jail Rules that Europeans as such are placed in a special class and are given better treatment than Indians ?

**Premier :** I should like to have notice.

**Lala Deshbandhu Gupta :** The Honourable Minister in charge of Jails ought to know it.

**Premier :** He cannot know all the rules by heart.

**Lala Deshbandhu Gupta :** Is the Honourable Minister aware that only a few days back another arrest was made under section 124-A., in Karnal district in view of the Political Conference that is taking place there ?

**Premier :** I do not know of any Political Conference which is taking place in Karnal.

**Lala Deshbandhu Gupta :** Does the number stated by the Honourable Member include the name of one Swami Sharadhanand who has been arrested under section 124-A ?

**Premier :** All that I know is that four persons have been arrested up to the date I have given, and if he was arrested during that period his name must be there.

**Diwan Chaman Lall :** May I ask the Premier whether he is likely to put an end to this policy of continuous repression ?

**Premier :** As soon as the people who preach violence give up doing so.

**Pandit Shri Ram Sharma :** Was there any violence in the case of those arrested under section 124-A ?

**Premier :** In almost all cases.

**Pandit Shri Ram Sharma :** Will the Honourable Premier please state whether Prabhu Dyal was arrested at Rohtak on account of preaching violence ?

**Premier :** If my honourable friend is talking of the Jat then he did something which was direct incitement to violence.

**Pandit Shri Ram Sharma :** No, he is a blacksmith.

**Premier :** Yes.

**Pandit Shri Ram Sharma :** Is it a fact that the speech on account of which he has been arrested was one in which he preached violence ?

**Premier :** The case is *sub judice* at the moment and my honourable friend would not like me to give any information. When the case is finished, he can probably get a copy of the judgment and the plaint on behalf of the Crown.

**Chaudhri Kartar Singh :** Is it a fact that before the deputy commissioners issue an order under section 124-A., they get the permission of the Honourable Premier ?

**Premier :** Yes, they have to get sanction of the Government.

**Chaudhri Kartar Singh :** Does the Honourable Premier know that in many cases the courts after declaring their judgments, have remarked that innocent persons have been arrested on account of the incorrect reporting of the police reporters.

**Premier :** No such decision has come to my notice but where the court comes to the conclusion that the conviction cannot stand, they are let off.

**Chaudhri Kartar Singh :** Does the Honourable Premier know that the Sessions Judge, Hoshiarpur, while acquitting Balwant Singh Dukhia, remarked that the police reporting was incorrect ? If so, is he prepared to issue instructions to the deputy commissioners to take care that, as far as possible, police reporters should take down notes of speeches correctly ?

**Premier :** I cannot reply to the first part of the question because I have not got the information with me but with regard to police reporters I said in reply to a question here the other day that the matter is being carefully considered with a view to improve reporting in such cases.

**Sardar Hari Singh :** May I enquire whether the alleged preaching of violence has increased since the present Ministry took office ?

**Premier :** It may be possible that some people who think that probably the best way to embarrass the present Government is to create chaos, may be preaching it for that reason but I cannot definitely say that that is the only reason why they are doing so.

**Lala Deshbandhu Gupta :** In view of the reply given by the Honourable Premier to my friend Diwan Chaman Lal may I know whether if there is no preaching of violence these prosecutions will cease ?

**Premier :** Is that a supplementary question out of a supplementary question ? (*Laughter*).

**Lala Deshbandhu Gupta :** It is out of a reply of course. May I know if the Government does not and will not sanction any prosecution under section 124-A unless there has been any incitement to violence? Is it the considered policy of the Government?

**Premier :** That is mainly my policy. There may be some other very bad cases—but I cannot think of anybody. My policy has been that I give sanction under section 124-A only in those cases where violence has been preached.

**Sardar Sohan Singh Josh :** When the Government says that violence was preached in the speech, what do they mean by it? Does criticism against the Unionist party amount to violence?

**Premier :** Violence, as I understand it, means using force—physical force against a body, person, individual or government. That is what it means. Not against the Unionist party, but if violence is preached against Government then it is violence.

**Mr. Speaker :** Dr. Sant Ram Seth to put the next question.

#### POLITICAL PRISONERS ON HUNGER STRIKE.

**\*1988. Dr. Sant Ram Seth :** Will the Honourable Finance Minister be pleased to state—

- (a) the number of political prisoners on hunger strike in the Punjab jails;
- (b) their weight before and after the hunger strike;
- (c) their general condition of health?

**The Honourable Mr. Manohar Lal :** (a) None.

(b)—(c) Do not arise.

**Dr. Sant Ram Seth :** Is the Government prepared to release them?

**Mr. Speaker :** This question has been asked several times. The next question please.

#### HOSPITAL FOR TREATMENT OF TUBERCULOSIS PATIENTS IN THE MUNICIPAL LIMIT OF AMRITSAR.

**\*1989. Dr. Sant Ram Seth :** Will the Honourable Minister for Education be pleased to state—

- (a) the number of persons who contracted tuberculosis in the municipal limit of Amritsar in the years 1985-86 and 1987, respectively and subsequently fell victim to this disease;
- (b) whether there is any special hospital for the treatment of tuberculosis patients in the municipal limit of Amritsar; if not, what steps Government intend to take in the matter?

**Parliamentary Secretary** (Mrs. J. A. Shah Nawaz) : (a)—

Year.	Cases.	Deaths.
1985	425	368
1936	364	326
1937	376	356

(b) There is no special hospital for treatment of tuberculosis in Amritsar City. Rai Bahadur Lala Gujjar Mal of Amritsar has donated a sum of Rs. 50,000 (*Hear, hear*), for the provision of a tuberculosis sanatorium at Amritsar and the scheme is under consideration.

**Dr. Sant Ram Seth** : When will this scheme mature ?

**Parliamentary Secretary** : May I draw the honourable member's attention to the budget for 1938-39 in which a provision for Rs. 5,000 a year as recurring grant to this sanatorium has been sanctioned ? (*Hear, hear*).

AFFIDAVIT BY CHAUDHRI MELA RAM, RETIRED CIVIL SURGEON.

**\*1990. Dr. Gopi Chand Bhargava** : Will the Honourable Premier be pleased to state whether it is a fact that a copy of the affidavit filed by Chaudhri Mela Ram, retired civil surgeon, Model Town, Lahore, in the court of Mr. T. B. Bedi, I.C.S., regarding the correct age of Rai Sahib Lala Amar Nath, additional district magistrate, was sent to the Government on 24th July, 1935 ; if so, whether an inquiry was made into the matter, if so, with what result ?

**The Honourable Major Sir Sikander Hyat-Khan** : The reply to the first part of the question is in the affirmative except that the affidavit was received in February 1936. As the allegations in question were made after the expiry of 20 years and were based on private enmity and not on grounds of public interest, Government did not order an enquiry into the matter.

ADVERSE REMARKS BY A TRYING MAGISTRATE IN HIS JUDGMENT  
IN THE CASE OF RAI SAHIB LALA AMAR NATH.

**\*1991. Dr. Gopi Chand Bhargava** : Will the Honourable Premier be pleased to state whether it is a fact that the trying magistrate made some adverse remarks in his judgment in the case, Rai Sahib Lala Amar Nath, M.B.E., then Sub-Divisional Officer, Sonapat *versus* Lala Ram Kishen, Shrimati Puran Devi and others some of which were upheld by the High Court, Lahore, on appeal preferred by the said Rai Sahib Lala Amar Nath for expunging those remarks ; if so, the action proposed to be taken ?

**The Honourable Major Sir Sikander Hyat-Khan** : The matter is under enquiry.

ADDITIONAL POLICE POSTS LOCATED AT VARIOUS VILLAGES IN DISTRICT  
LAHORE.

**\*1992. Dr. Sant Ram Seth :** With reference to the answers to my starred questions Nos. 29—34, 121, 123, 380, 391, 393, 374, 391, 37, 38, 39, 40 and 41, will the Honourable Premier be pleased to state—

- (a) the reasons why the Police Rule 10·24 as amended on 8th October, 1936, was applied to cases of 1930 and earlier years and whether the Government intends to take any action in this connexion, if so, what and when ;
- (b) the reasons why cases referred to in questions mentioned in (a) above were differently treated from those referred to in questions Nos. 42, 361, 35 (starred) and 252 (unstarred) ?

**The Honourable Major Sir Sikander Hyat-Khan :** (a) The amendment made by the correction slip of the 8th October, 1936, merely clarified what had always been the intention of the rule.

(b) Cases have been dealt with on their merits. I do not think that there is any need for me to give reasons or to justify the action taken regarding these cases which are several years old.

I wish my honourable friend the Leader of the Opposition would now divert the honourable member to some other useful work instead of asking questions on these very ancient matters.

ADDITIONAL POLICE POSTS LOCATED AT VARIOUS VILLAGES IN  
LAHORE DISTRICT.

**\*1993. Dr. Sant Ram Seth :** Will the Honourable Premier be pleased to state—

- (a) whether on inquiry held last year it was found that the Government demand of Rs. 29,930-4-4 for the costs of the additional police post located at villages Rajoki and Wan, district Lahore, on 1st April, 1928, for 2 years laid down in column No. (d) of the statement put before this House in answer to unstarred question No. 301, it was found by the Government that the aforesaid demand, which was based on the estimated costs of the police post reckoned precisely, was far in excess of the actual costs of aforesaid police post and consequently the Government decided to waive off Rs. 6,372-4-6 due from the inhabitants of the aforesaid villages ;
- (b) whether on inquiry held last year in a similar case of additional police post, Asal, Rattoki Cheema, district Lahore, it was also found that the Government demand of Rs. 22,440-4-0 laid down in the statement referred to in (a) above was in

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excess of the actual costs of the police post and consequently Rs. 4,635-6-0 due from the inhabitants of the aforesaid villages were waived off by the Government ;

- (c) whether on inquiry held by the Government regarding a similar case of village Sur Singh, district Lahore, additional police post referred to in (a) and (b) above, it was found that the Government demand of Rs. 36,780-13-8 laid down in column No. (d) of the statement referred to in (a) above, on account of the costs of the additional police post located there, was far in excess of the actual costs of the post, and consequently the Government decided to waive off Rs. 7,920-4-6 from the inhabitants of the aforesaid village being the arrears of the costs of additional police post ;
- (d) whether on inquiry held last year by the Government in the additional police post case of Bhikhiwind, Bainka and Bler, district Lahore, which was located there on 9th May, 1922, for the period of 4 years, it was found that the recoveries of Rs. 27,502-13-2 made from the inhabitants of the aforesaid villages on the basis of the estimated costs amounting to Rs. 27,356-9-7 of the post laid down in column No. (d) of the statement referred to in (a) above, were far in excess of the actual costs and consequently the Government decided to sanction a refund of Rs. 5,052-5-2 in addition to the remission of police post costs arrears of Rs. 38-12-0 to the inhabitants of the aforesaid villages ;
- (e) when he proposes to examine the cases of the additional police post other than the ones, mentioned in (a), (b), (c) and (d) above which remained quartered in the villages of Kasur tahsil, between 8th May, 1922 and 31st December, 1932, and refund the differences, if any, between the recoveries and actual costs of each of these police posts, to the villagers concerned ; if not, the grounds for the same and on what legal grounds distinction can be made between those mentioned in (a), (b), (c) and (d) and others ?

**The Honourable Major Sir Sikander Hyat-Khan :** (a), (b), (c) and (d) The honourable member is asked to refer to the replies given to his questions Nos. \*395<sup>1</sup> and 204<sup>2</sup> unstarred.

(e) As the figures already supplied to the honourable member show, Government have written off outstanding dues and refunded certain amounts in some of the most recent cases as an act of grace ; but there is no intention of carrying out any general examination or revision. I must remind the honourable member that most of these cases are fifteen years old or more.

<sup>1</sup>Volume I, pages 1373 et seq.

<sup>2</sup>Volume II, page 142.

**ADDITIONAL POLICE POST LOCATED AT VILLAGES MAKHI  
KHURD AND MAKHI KALAN, DISTRICT LAHORE.**

**\*1994. Dr. Sant Ram Seth :** Will the Honourable Premier be pleased to state—

- (a) whether mounted additional police post was located at villages Makhi Khurd and Makhi Kalan, district Lahore, on 9th May, 1922, for the period of 3 years and withdrawn on 8th May, 1925 ;
- (b) whether the horses purchased for the post were taken to the Lahore police headquarters after the withdrawal of the police post without any compensation to the inhabitants of the villages referred to in (a) above and auctioned by the Government with the result that Rs. 448-14-0 obtained through the sale-proceeds of the horses, were deposited in the Government treasury ;
- (c) whether the inhabitants of the villages referred to in (a) above, claimed a refund of the sale-proceeds of the horses referred to in (b) above, *vide* their application, dated 11th May, 1936, referred to in old Punjab Council starred question 6017<sup>1</sup> and the Government agreed to sanction the same in 1937 ;
- (d) whether a mounted additional police post was located at village Sahari Hardeo, district Lahore, on 1st February, 1922, for the period of 4 years and withdrawn on 31st January, 1936, and the horses were taken to the district police headquarters as mentioned in (b) above without any compensation to the inhabitants of the aforesaid village and when they demanded the refund of the same, (*vide* their application, dated 21st April, 1937, referred to in starred question No. 29<sup>2</sup> of this Assembly) it was refused by the Government ;
- (e) if the answer to (c) and (d) above be in the affirmative, on what grounds distinction has been made between the two cases referred to in (c) and (d) ; and whether the Government intends to take any action in the matter ; if so, what, if not, why not ?

**The Honourable Major Sir Sikander Hyat-Khan :** (a), (b) and (c) Yes.

(d) The horses were disposed of in various ways. (The reference to Question \*29<sup>2</sup> is not understood).

(e) I do not think that the House will expect me to give reasons justifying the orders passed in these ancient cases. As I have already informed the honourable member in reply to his question \*329<sup>3</sup> I cannot undertake to go into further details regarding this old matter.

<sup>1</sup>Punjab Council Debates, Volume XXIX, pages 286-87.

<sup>2</sup>Volume I, pages 266-67.

<sup>3</sup>Volume I, pages 1063-64.

RECOVERIES MADE FROM INHABITANTS OF VILLAGES BHIKHIWIND,  
BAINKA AND BLER ON ACCOUNT OF COSTS OF POLICE POST.

**\*1995. Dr. Sant Ram Seth :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that the Government decided to sanction a refund of Rs. 5,052-8-2 in addition to the remission of Rs. 33-12-0 due on account of arrears of costs of the police post, to the inhabitants of villages Bhikhiwind, Bainka and Bler, district Lahore ;
- (b) if the answer to (a) above be in the affirmative, the grounds on which a distinction has been made by the Government in the case of Makhi Khurd in district Lahore where the additional police post remained located from 8th May, 1922, to 7th May, 1926, and reasons for not finding out the actual costs of the police post located and withdrawn there on the same date as that of Bhikhiwind ;
- (c) whether the Government intends to take any action in the matter ; if so, what and when ?

**The Honourable Major Sir Sikander Hyat-Khan :** I regret that the answer to this question is not ready.

PROFESSIONAL TAX IMPOSED UPON MASONS, ETC., IN VILLAGE SUJJAN,  
DISTRICT JULLUNDUR.

**\*1996. Master Kabul Singh :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that in village Sujjan, tahsil Nawanshahr, district Jullundur, professional tax has been imposed even upon such persons as are still learning the work of masons, tailors and band masters and have no income ;
- (b) whether any representation against the conduct of certain lambardars in connexion with the imposition and recovery of professional tax in village Sujjan was sent to the Deputy Commissioner, Jullundur, and the Honourable Premier ; if so, the action taken on it ; if not, why not ?

**The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana :** (a) No.

(b) No such representation appears to have been received.

REPRESENTATION MADE BY THE CONGRESS COMMITTEE, KARTARPUR,  
AGAINST KARTARPUR POLICE.

**\*1997. Master Kabul Singh :** Will the Honourable Premier be pleased to state whether any representation against the conduct of the police regarding removal of Congress posters about the celebration of January 26th as "Independence Day" was submitted by the Congress Committee, Kartarpur, in district Jullundur, to the Superintendent of Police, Jullundur ; if so, the action taken on it ; if no action was taken, reasons for the same ?



**The Honourable Major Sir Sikander Hyat-Khan :** *First part.*—No such representation was received by the Superintendent of Police, Jullundur.

*Second and third parts.*—Do not arise.

**ELECTORAL ROLL FOR MUNICIPALITY OF MIAN CHANUN.**

**\*1998. Munshi Hari Lal :** Will the Honourable Minister for Public Works be pleased to state—

- (a) when the last electoral roll for the municipality of Mian Chanun was prepared ;
- (b) what is the total numerical strength of the voters of the town ;
- (c) what is the strength of the voters community-wise ;
- (d) what is the number of residents living within the limits of the municipality of Mian Chanun, male majors and minors ; and female majors and minors ?

**The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana :** (a) The last electoral rolls of the Mian Chanun Municipal Committee were prepared during this winter ;

(b) The total number of voters is 2,116.

(c) The voters community-wise are as follows :—

Muslims	..	..	..	577
Sikhs ..	..	..	..	905
Hindus	}	..	..	1,284
and				
Others.				

(d) The total number of residents living within the municipality in accordance with the census of 1931 is 4,849. Other details are not available.

**COMPLAINT RE. LOCALITY OF GIRLS' SCHOOL, MIAN CHANUN TO INSPECTOR OF LOCAL BODIES.**

**\*1999. Munshi Hari Lal :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that a deputation of the rate payers of Mian Chanun in Multan district recently waited upon the Inspector of Local Bodies and complained to him that the locality of the girls' school at Mian Chanun is not suitable and that the rent charged for the building in which the said school is located is very high ;
- (b) if the answer to (a) above be in the affirmative, the action that has been taken in the matter ?

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

(b) The Inspector of Local Bodies, Multan division, inquired into the propriety of the rent paid and came to the conclusion that the rent was reasonable. The proposal to shift the school to the place where the Boys' Primary School is at present housed is now under the consideration of local authorities.

**Munshi Hari Lal :** To whom does this building belong ?

**Parliamentary Secretary :** I would like to have notice of that question.

COMPLAINT TO INSPECTOR OF LOCAL BODIES RE. RATE CHARGED  
FOR THE BUILDING OF THE OFFICE OF MUNICIPAL  
COMMITTEE, MIAN CHANUN.

**\*2000. Munshi Hari Lal :** Will the Honourable Minister for Public Works be pleased to state whether it is a fact that a deputation of the rate payers of Mian Chanun recently waited upon the Inspector of Local Bodies and complained to him that the rate charged for the building in which the office of Municipal Committee, Mian Chanun, is located is high; if so, the action, if any, taken in the matter ?

**Parliamentary Secretary (Shaikh Faiz Muhammad) :** From an inspection note recorded by the Inspector, Local Bodies, Multan, in September last it appears that certain complaints in the matter were made to him. He came to the conclusion that the rent paid for the municipal office was not unreasonable. A proposal to construct a town hall is under the consideration of the committee. Necessary funds have been provided in the budget estimate and it is hoped that it will be completed during the year.

**Munshi Hari Lal :** To whom does this building belong ?

**Parliamentary Secretary :** I would like to have notice of that question.

REPRESENTATIONS TO DEPUTY COMMISSIONER, MULTAN, RE. THE  
ENTRY OF BOGUS VOTERS, ETC., IN THE LIST OF VOTERS FOR  
THE MUNICIPALITY, MIAN CHANUN.

**\*2001. Munshi Hari Lal :** Will the Honourable Minister for Public Works be pleased to state whether it is a fact that at the time of the recent preparation of electoral roll for the Municipality of Mian Chanun, Multan district, several representations were made to the Deputy Commissioner, Multan, Sub-Divisional Officer, Khanewal, the Minister for Local Self-Government and the Inspector of Local Bodies, to the effect that bogus voters and fictitious names were being entered in the list of voters ; if so, dates on which these representations were made and the action, if any, taken thereon ?

**The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana :** Yes. A few petitions were received by the Deputy Commissioner, Multan, between the 13th September and 15th December, 1937. He directed the Naib-Tahsildar, Mian Chanun, and the Sub-Divisional Officer, Khanewal, to check the voters lists carefully which they did. As a result of this checking several names were scored out.

On the 24th September, 1937, the Rate-payers Association of Mian Chanun complained to the Inspector, Local Bodies, Multan Division, that the municipal voters lists contained several wrong entries. The Inspector brought this to the notice of the Deputy Commissioner, Multan. A representation on the subject was also received by me on the 18th September, 1937.

## WARDS IN THE MUNICIPAL TOWN OF MIAN CHANUN.

**\*2002. Munshi Hari Lal :** Will the Honourable Minister of Public Works be pleased to state—

- (a) into how many wards is the Municipal Town of Mian Chanun divided for the purposes of municipal election ;
- (b) what is the numerical strength of voters in each ward ;
- (c) if any objections were lodged as to the exclusion of names from the electoral roll of Ward No. 2 and Ward No. 4 ;
- (d) if so, how many objections were lodged in Ward No. 2 and Ward No. 4 each and how many were accepted in each Ward ;
- (e) if any applications were given for inclusion of names in the electoral roll ; if so, how many such applications were given and how many were accepted ;
- (f) if each objection for exclusion and each application for inclusion requires any stamp, if so, of what value ?

**The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana :** (a) Four.

(b) The numerical strength of wards Nos. 1, 2, 3 and 4 is 515, 650, 406 and 545, respectively ;

(c) Yes ;

(d) 43 out of 89 objections were accepted in Ward No. 2 and 92 out of 266 in the case of Ward No. 4 ;

(e) 67 out of 86 claims for inclusion of names in the electoral rolls were accepted ;

(f) Each claim or objection requires a stamp of Re. 1.

## LICENCES TO LORRIES ON THE LYALLPUR-JHANG ROAD.

**\*2003. Sardar Hari Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that the Punjab Government have scheduled Lyallpur-Jhang Road under *Punjab Gazette* notification No. 3168-H.-37/25165 ;
- (b) whether it is a fact that it is further proposed to grant licences to only 20 light motor lorries for plying on hire on that road ;
- (c) whether Government is aware of the agitation carried on against the above proposal in respect of licence being granted to North-Western Railway by Punjab Motor Union and other bodies ;
- (d) if so, whether any action has been taken by the Government so far ; if not, reasons for the same ?

**The Honourable Dr. Sir Sundar Singh Majithia :** (a) Yes.

(b) Yes, in the first instance. Later if it appears that there is need for a larger number of vehicles the question of granting additional licences will be considered.

(c) Yes.

(d) Steps are being taken to work out the fairest system of distributing the permits compatible with the understanding on which grants from the Central Road Fund for the construction of the road were given, that motor transport on this new route would be carefully controlled.

**Sardar Hari Singh :** May I ask the Honourable Minister to state if he is in possession of the terms of the understanding referred to by him?

**Minister :** The understanding was only this that money would be given if motor transport is controlled.

**Sardar Hari Singh :** Was it an oral or written understanding?

**Minister :** The Government of India communicates by means of letters.

**Sardar Hari Singh :** May I ask what terms of understanding are contained in the letter?

**Minister :** That contribution would be given if motor traffic were controlled.

**Sardar Hari Singh :** May I ask the Minister to state clearly whether he is now in possession of that letter?

**Minister :** It is not in this file here but it is in the Secretariat.

**Sardar Hari Singh :** May I ask the Minister to state if he knows the contents of the letter?

**Minister :** My friend may rest assured that I would not give a reply unless I have read that letter.

**Seth Ram Narain Virmani :** May I know what percentage of the amount spent on the construction of this road is contributed by the Government of India.

**Minister :** It is very difficult to give the exact figure, but if the honourable member will kindly give me notice I will find out.

#### TRAFFIC CHALLANS.

**\*2004. Sardar Hari Singh :** Will the Honourable Minister of Revenue be pleased to state regarding the quarter ending with 31st December, 1937 :—

- (a) the total number of motor traffic challans made by police in the province ;
- (b) the number of cases scrutinised and disallowed by the scrutinizing authorities for further proceedings ;
- (c) the amount of fines realized by the courts ;
- (d) the number of driving licences suspended by the courts ;

- (e) the number of acquittals and convictions separately in cases in which the prosecution evidence consisted only of the statement of the constable who challaned the motor driver concerned ?

**The Honourable Dr. Sir Sundar Singh Majithia :** I regret that the answer to the question is not ready.

#### CASES UNDER MOTOR VEHICLES ACT.

**\*2005. Sardar Hari Singh:** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that if any person accused under Motor Vehicles Act contests the case and is convicted he is fined more heavily than if he were not to contest the case ?

**The Honourable Dr. Sir Sundar Singh Majithia :** No. (The honourable member must, I think, be aware that the amount of the sentence is a matter entirely for the courts, in their judicial discretion.)

**Pandit Shri Ram Sharma (Urdu) :** Was any effort made to collect figures from any district ?

**Minister :** What does my friend want to know ?

**Sardar Hari Singh :** What the honourable member means is this. The answer of the Revenue Minister to part (a) is no. The honourable member wants to know whether it is based on some statistical information.

**Minister :** "No" means it is not a fact.

**Sardar Hari Singh :** Is the answer based on some specific evidence from the districts.

**Minister :** I do not know how long I should go on replying that the replies to the questions are always given after making enquiries.

**Pandit Shri Ram Sharma (Urdu) :** Was any attempt made to collect figures from one, two or three districts in order to arrive at an exact conclusion ?

**Minister :** Reports of these cases are received by Government and are always considered.

**Pandit Shri Ram Sharma (Urdu) :** Was it not essential to make enquiry from several districts in order to give a correct reply ?

**Minister :** If my honourable friend will give notice as to for what district he wants this information, I will try to supply him the information.

**Pandit Shri Ram Sharma (Urdu) :** Can the Honourable Minister quote figures for any district ?

**Minister :** No, Sir.

**Pandit Shri Ram Sharma (Urdu) :** Then what is the basis of your report ?

**Premier :** All the various cases are consolidated into an annual statement and after consulting it answers are given. Information is not allocated district-wise.

**Pandit Shri Ram Sharma (Urdu) :** Will it be possible for the Honourable Premier to place that statement on the table of the House ?

**Premier :** Yes.

**Sardar Hari Singh :** May I ask the Honourable Minister to state whether the consolidated statement to which the Honourable Premier referred is in his possession for the period during which the present Ministry has been in office ?

**Premier :** If you will look up the report you will find an old statement there.

**Pandit Shri Ram Sharma (Urdu) :** Will you please place that report on the table of the House ?

**Premier :** You will find in the library the report about the working of the Motor Vehicles Act.

#### TRAFFIC CHALLANS.

**\*2006. Sardar Hari Singh :** Will the Honourable Premier be pleased to state—

(a) whether it is a fact that in spite of the assurance given by the Honourable Minister on 25th June, 1937, in replying to starred question No. 132<sup>1</sup> that police constables are not authorized to order traffic challans, they are still ordering traffic challans ;

(b) if the answer to (a) be in the affirmative, what measure the Government proposes to adopt for stopping the above practice ?

**The Honourable Major Sir Sikander Hyat-Khan :** (a) No. The position was clearly explained in the reply to the earlier question, to which I would ask the honourable member to refer.

(b) Does not arise.

**Sardar Hari Singh :** May I ask the Honourable Premier to state whether, after the question, to which reference has been made, was answered, any representation has been received by the Assistant Inspector-General in charge from motor owners to the effect that this thing is still going on ?

**Premier :** What thing is still going on ?

**Sardar Hari Singh :** Allegations made in the question.

**Premier :** My honourable friend has probably forgotten the answer to the previous question which was to the effect that traffic cases are put in a court and they are scrutinised by the prosecuting staff in the same way as other types of cases.

**Sardar Hari Singh :** I am afraid I could not make myself clear. I wanted to know, whether since the previous question was answered on the floor of the House, the Assistant Inspector-General of Police in charge of motor traffic, has received any representation from the motorwal as to the effect that the alleged complaints, contained in the question, are still going on ?

**Premier :** I am not aware whether any representation was received or not, but if it was received it must have been found baseless because I have told that the position is the same as in the answer given by me to the previous question.

#### EXAMINATION OF PUBLIC MOTOR VEHICLES.

**\*2007. Sardar Hari Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that in this province public motor vehicles are examined quarterly ;
- (b) whether the Government have been moved to reduce the number of examinations from four to two per year ; if so the action they intend to take in the matter ?

**The Honourable Dr. Sir Sundar Singh Majithia :** This has already been answered in the reply given to question \*980<sup>1</sup>, put by the honourable member in the last session.

#### NOTICES OF PROSECUTION ISSUED BY POLICE IN TRAFFIC CASES.

**\*2008. Sardar Hari Singh :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that in notices of prosecutions issued by police to offenders in traffic cases a space is provided for particulars of offences and the Inspector-General of Police has issued orders to complete the entries in the notices at the spot ; if so, the action the Government has taken or intends to take to see that these orders are complied with ?

**The Honourable Dr. Sir Sundar Singh Majithia :** Yes. In regard to the last part of the question the honourable member is asked to see the reply given to question \*1974<sup>1</sup>, put by the honourable member for the Kasur (Muhammadan) Rural Constituency. When cases are detected in which the instructions have been ignored appropriate action is taken.

#### STATEMENT MADE BY THE PRIME MINISTER, SIND, REGARDING THE NON-RELEASE OF HANS RAJ WIRELESS.

**\*2009. Lala Deshbandhu Gupta :** Will the Honourable Premier be pleased to state—

- (a) whether Government's attention has been drawn to the recent statement made by the Prime Minister of Sind, regarding the non-release of Hans Raj Wireless due to disinclination on the part of Punjab Government to move in the matter ;

<sup>1</sup>Volume II, page 315.

<sup>1</sup>Pages 464-67. ante.

[L. Deshbandhu Gupta.]

- (b) whether any correspondence has been exchanged on the subject between the Sind and the Punjab Governments ;
- (c) if so, whether Government will kindly lay a copy of the same on the table of the House ;
- (d) whether Government will be prepared to order the release of Hans Raj Wireless if he gives an undertaking that he will no longer indulge in any violent activities ?

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

(b) and (c) The honourable member is referred to the answer given to starred question No. 1699-A<sup>1</sup>.

(d) The release of Hans Raj is primarily the concern of the Sind Government.

**Lala Deshbandhu Gupta :** Is it not a fact that the Sind Government lays the responsibility for his non-release on the Punjab Government ?

**Premier :** I am afraid I cannot make any reflections on the Sind or any other Government.

**Lala Deshbandhu Gupta :** Is the Honourable Premier aware of the fact that the Sind Prime Minister has recently announced that it is because of the disinclination on the part of the Punjab Government, that they were unable to move in the matter.

**Premier :** My answer is quite clear. The Punjab Government has no concern with the release of this prisoner.

**Lala Deshbandhu Gupta :** Will Punjab Government intimate the Sind Government accordingly ?

**Premier :** Why should I trouble about another Government ?

**Dr. Gopi Chand Bhargava :** Was the Punjab Government consulted in the matter by the Sind Government ?

**Premier :** I gave an answer to this question in answer to a previous question.

**Seth Ram Narain Virmani :** Will the Punjab Government place no obstacles, in the way of Hans Raj Wireless returning to the Punjab, if the Sind Government release him ?

**Premier :** That does not arise out of this question .

**Chaudhri Kartar Singh :** Will the Punjab Government allow Hans Raj Wireless to enter the Punjab if he is released by the Sind Government ?

**Premier :** I have already said that it does not arise out of this question.

**Lala Deshbandhu Gupta :** Is it a fact that the Punjab Government does not stand in the way of the release of this prisoner ?

**Premier :** I have nothing more to add to what I have already said.

**Diwan Chaman Lall :** May I ask the Honourable Premier whether the Punjab Government has intimated to the Sind Government that they have no objection whatsoever to the release of Hans Raj Wireless ?



**Premier :** I have already said in answer to my honourable friend, the Leader of the Opposition, that so far as the correspondence between the Sind and the Punjab Government is concerned, a question was put in this House and my answer is there. I have nothing more to add.

**Diwan Chaman Lall :** Will the Honourable Premier let this House know whether he has any objection, apart from the question of the reply he gave to the Sind Government, now to the release of the prisoner and whether it is not a fact that the reply given revealed that it was not in the public interest to reveal the fact of the reply to the Sind Government.

**Premier :** What I said was, if I remember rightly and I speak subject to correction, that it would not be in public interest to answer that question.

**Diwan Chaman Lall :** May I ask the Honourable Premier to let this House know now, after due consideration, whether he has changed his opinion regarding the nature of public interest to be affected, by informing us his reason as to why he is against the release of the prisoner?

**Premier :** The second part is hypothetical. As regards the first part my position remains unaltered.

**Diwan Chaman Lall :** May I ask the Honourable Premier whether this is not in contradiction of the previous statement that he has no concern with the release of Hans Raj?

**Mr. Speaker :** That is a matter of opinion.

**Diwan Chaman Lall :** No, it is a matter of fact. The Honourable Premier said that he had nothing to do with the release of Hans Raj and now he says that it is not in the public interest to say that he should be released.

**Premier :** No. So far as the question of release is concerned, he was convicted by a criminal court in Sind, and it rests with the Sind Government to release him. That is all I can say.

**Diwan Chaman Lall :** May I take it as an absolute fact that the Punjab Government is not concerned with his release?

**Premier :** Not concerned so far as his release is concerned.

**Lala Deshbandhu Gupta :** Is the Government aware that it will get a bad name on account of its callous attitude?

**Premier :** I am afraid it is difficult for me to answer this question. But there are several good things which this Government has been doing.

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AUCTION PURCHASERS OF NILI BAR WHO FORFEITED THEIR  
LANDS IN DEFAULT OF PAYMENT OF INSTALMENTS.

\*2010. **Sardar Hari Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether the auction purchasers of lands in the Nili Bar and other colonies whose lands were forfeited in default of payment

[8. Hari Singh,]

of instalments were given concessions in the form of grants of land equal in value to the total amount of instalments paid by them ;

(b) whether some person or persons of Chak No. 96-G.B., in tahsil Jaranwala, district Lyallpur, were differently treated ; if so, reasons for the same ?

**The Honourable Dr. Sir Sundar Singh Majithia :** (a) Yes, but only to those who were in possession of their lands on 1st January 1930 and who could not have been expected to foresee the exceptional fall in commodity prices which ensued after that date.

(b) Yes, because they had defaulted in payments before 1st January, 1930, while prices still remained high. All colonies were treated alike ; no distinction was made between them.

**Sardar Hari Singh :** May I ask the Honourable Minister kindly to state whether he has recently received any representation from the people of Chak No. 96-G.B. praying for concession ?

**Minister :** Representations have been received but they have been dealt with according to the terms that have been hitherto observed in dealing with them.

**Sardar Hari Singh :** Am I to understand that these representations are not going to be reconsidered ?

**Minister :** No.

#### SUSPENSION OF LAND REVENUE AND ABIANA IN VILLAGES IN AMBALA DIVISION.

**\*2011. Pandit Shri Ram Sharma :** Will the Honourable Minister for Revenue be pleased to state—

(a) how many villages in the district of Rohtak, Karnal, Gurgaon and Hissar made representations to the Government for the remission and suspension of the land revenue and abiana on account of the damage to sugarcane crop of Kharif 1937 ;

(b) whether the Government made any investigation regarding these representations ;

(c) if so, how much remission and suspension was granted to these districts separately in this respect ;

(d) how much remissions and suspensions were granted to villages Matindu, Dhurana (Gohana), Ganganah, Bhadanti Khas and Katwal in district Rohtak and village Seenkh in district Karnal, for Kharif crop, 1937 ?

**The Honourable Dr. Sir Sundar Singh Majithia :** (a) and (c) Two statements containing the requisite information are laid on the table.

(b) Yes.

d)---

District and name of village.			ABIANA.	
			Remitted in kharif 1937.	Remission to be allowed as a rebate in Rabi, 1938.
			Rs. A. P.	Rs. A. P.
Rohtak	.. Matindu ..	..	..	406 2 0
	Dhurana (Gohana) ..	..	33 6 0	380 4 0
	Ganganah ..	..	121 8 0	1,176 4 0
	Bhadauti Khas ..	..	80 9 0	149 11 0
	Katwal ..	..	37 3 0	648 7 0
Karnal	.. Seenkh ..	..		1,067 6 0

Statement showing the number of villages in the districts of Rohtak, Karnal, Gurgaon and Hissar from whom representations were received for the remission and suspension of land revenue and abiana on account of the damage to sugar-cane crop, Kharif 1937 :—

(a) Rohtak.	Karnal.	Gurgaon.	Hissar.
165	84	20, due to damage caused by general failure of crops and not that of argarcane alone.	None.

Statement showing suspension and remission of land revenue and of remission in abiana in the districts of Rohtak, Karnal, Gurgaon, and Hissar on account of damage to sugar cane crop, Kharif 1937.

(c)		ROHTAK.	KARNAL.	GURGAON.		HISSAR.	
<i>Land revenue suspended or proposed to be remitted not exclusively due to damage to sugar-cane but to general failure of kharif crops.</i>		Abiana remitted on sugar-cane crop.	Abiana remitted on sugar-cane crop.	<i>Land revenue.</i>		Abiana remitted.	
Sus-pended.	Proposed for remission.			Suspended.	Re-mitted.		
Rs. 97,919	Rs. 24,512 (including Rs. 8,719 on account of fall in prices).	Rs. 1,59,929	Rs. 91,119	Details by crops are not avail- able.	None	Rs. A. P. 11,882 1 0 (Up to 19th February 1938.)	Does not arise.

SECRETARY, MUNICIPAL COMMITTEE, BALLABGARH.

**\*2012. Pandit Shri Ram Sharma :** Will the Honourable Minister for Public Works be pleased to state—

(a) under what authority the Deputy Commissioner, Gurgaon, appointed the temporary secretary, Municipal Committee, Ballabgarh, for one year, while suspending the resolutions of the Committee, dated 1st May, 1937, and 16th June, 1937, regarding removal of the secretary ;

(b) whether the Commissioner, Ambala Division, in his last inspection note remarked that if the committee persisted in removing the temporary secretary, the question of suspending the committee would be considered ; if so, reasons for making such remarks and also authority for the same ?

**Parliamentary Secretary** (Shaikh Faiz Muhammad) : (a) Attention is invited to the answer to part (b) of the question No. \*961<sup>1</sup>. As a result of the Deputy Commissioners's order suspending the resolution which he was competent to pass under section 282 of the Municipal Act, the present incumbent continued in office on probation.

(b) No. In this connection, however, attention is invited to the answer to part (a) of question No. \*1282<sup>2</sup>.

**Pandit Shri Ram Sharma (Urdu) :** Is it a fact that the said temporary secretary is a relation of the Sub-Divisional Officer, Palwal ?

**Parliamentary Secretary :** I would like to have notice of that question.

**Pandit Shri Ram Sharma (Urdu) :** Is there any rule according to which a deputy commissioner can appoint a person as secretary for a definite period ?

**Parliamentary Secretary :** All that the deputy commissioner did was to suspend the resolution. It is as a result of the suspension of the resolution that the man continues in office on probation.

**Pandit Shri Ram Sharma : (Urdu)** Has the Deputy Commissioner any authority to make such appointments ?

**Parliamentary Secretary :** So far as the question of authority is concerned, all that is intended is that the deputy commissioner wants the committee to try this man for one year. If the committee is not disposed to do it, they can pass another resolution.

**Sardar Kapoor Singh :** Will the Parliamentary Secretary be pleased to state whether an order passed under section 45 of the Municipal Act by a majority of members of a municipal committee dismissing their secretary can be interfered with by the commissioner or the deputy commissioner ?

**Parliamentary Secretary :** The deputy commissioner has power under section 282 of the Municipal Act to suspend any resolution of the committee. In this case the municipal committee passed a resolution dismissing their secretary. The deputy commissioner has the power to suspend that resolution.

<sup>1</sup>Volume II, pages 308-09.

<sup>2</sup>Volume III, pages 597-98.

**Sardar Kapoor Singh :** Can the deputy commissioner interfere with an order of the municipality discharging its secretary ?

**Parliamentary Secretary :** That discharge order is made by means of a resolution which a deputy commissioner is competent to suspend.

**Sardar Kapoor Singh :** When an appeal lies to the commissioner in such cases of dismissal, there is no necessity for the deputy commissioner to interfere.

**Parliamentary Secretary :** When it is said that the deputy commissioner interfered and suspended the resolution, it does not follow that he did it because that particular employee wanted it ; he did it because it was in the interest of the committee to do it.

**Sardar Kapoor Singh :** Do you not see that in this case it is an undue interference in the administration of the local bodies when there is another remedy open ?

**Mr. Speaker :** That question is disallowed.

**Pandit Shri Ram Sharma (Urdu) :** What were the final orders of the Commissioner, Ambala Division, regarding the report submitted by the Deputy Commissioner, Gurgaon ?

**Parliamentary Secretary :** I have already answered that question.

**Pandit Shri Ram Sharma (Urdu) :** Is it a fact that the Commissioner, Ambala division, in his inspection note remarked that if the said committee persisted in removing the temporary secretary, it would be suspended ?

**Parliamentary Secretary :** I have already referred the honourable member to a previous question to which this answer was given.

**Pandit Shri Ram Sharma (Urdu) :** Will you kindly repeat your answer ?

**Parliamentary Secretary :** I refer him to the printed debates.

**Pandit Shri Ram Sharma (Urdu) :** You have got your files with you .

**Parliamentary Secretary :** I am sorry I have not the printed debates with me.

**Lala Deshbandhu Gupta :** Does the Parliamentary Secretary know what the reply was ?

**Parliamentary Secretary :** It is very difficult for me to say anything off-hand.

**Pandit Shri Ram Sharma (Urdu) :** Is it in accordance with the declared policy of the Unionist Government to reinstate a person in a local body who has been dismissed twice ?

**Parliamentary Secretary :** Questions about policy cannot be asked.

**Mr. Speaker :** The question gives rather than seeks information.

**Parliamentary Secretary :** If that is the declared policy, then the honourable member knows it.

**Pandit Shri Ram Sharma (Urdu) :** I want to know whether it is the policy of Government or not.

**Mr. Speaker :** The next question.

REPRESENTATION OF ZAMINDARS OF VILLAGE SISAI KALERAVAN IN DISTRICT ROHTAK.

**\*2013. Pandit Shri Ram Sharma :** Will the Honourable Minister for Revenue be pleased to state whether the zamindars of village Sisai Kaleravan in district Rohtak, have repeatedly represented their grievances to the Executive Engineer, Canals, Rohtak Division, in the latter half of the year 1937 ; if so, the action taken on the same ?

**The Honourable Dr. Sir Sunder Singh Majithia :** Yes, Complaints were made of shortage of supply at the tail of the channel. The defects in the channel have since been removed and the tail is now getting proper supply.

RULES REGARDING CLERKS OF COURTS ATTACHED TO DISTRICT AND SESSIONS JUDGES' COURTS.

**\*2014. Khawaja Ghulam Samad :** Will the Honourable Finance Minister be pleased to state whether it is a fact that rules have been framed by the Lahore High Court to the effect that clerks of Courts attached to various Courts of the District and Sessions Judges should not be a fixture ; if so, whether he will please lay on the table of the House a statement showing the number, name and the community of each such clerk of court with his native place, the name of the district whence last transferred and the actual date of his assuming charge in the district to which he is at present posted ?

**The Honourable Mr. Manohar Lal :** The attention of the honourable member is invited to rules VIII (3) and XI (2) of Chapter 18-A of Volume I of the High Court Rules and Orders. I regret that it is not possible to collect the information required in the second part of the question without an expenditure of time and labour incommensurate with the results to be achieved.

**Khawaja Ghulam Samad :** Is the Honourable Minister aware that Raja Muhammad Said Khan, the present clerk of court of the District and Sessions Judge, Karnal, who was transferred ten years ago from Rawalpindi has on a vacancy arising has applied to the High Court for being re-transferred to Rawalpindi. If so, what orders were passed on his application by the High Court ?

**Minister :** No, I am not aware of this.

**Khawaja Ghulam Samad :** Will he please make inquiries about it ?

**Minister :** If you give me notice, I will make such inquiries as might be possible.

RECRUITMENT OF ENGINEERS, ETC., FOR THE HAVELI PROJECT.

**\*2015. Khawaja Ghulam Samad :** Reference to statement attached with the answer to question No. 740,<sup>1</sup> starred asked on 10th January, 1938, will the Honourable Minister of Revenue be pleased to lay on the table a revised statement showing the employees of Haveli Project as entered under Serial No. 1—30 of the said statement community-wise distinguishing agriculturists from non-agriculturists ?

**The Honourable Dr. Sir Sundar Singh Majithia :** I regret that the answer to this question is not ready.

**RESERVATION OF SEATS IN DISTRICT BOARDS OF AMBALA DIVISION.**

**\*2016. Khawaja Ghulam Samad :** Will the Honourable Minister of Public Works be pleased to state whether there is any scheme of reserving seats for each community in the various District Boards of the Ambala Division under the contemplation of the Government ; if so, when it is likely to mature ?

**Parliamentary Secretary (Shaikh Faiz Muhammad) :** No such scheme is under consideration.

**Khawaja Ghulam Samad :** May I know from the Parliamentary Secretary as to what steps Government propose to take to remove the grievance of those communities who in spite of the fact that they are in a majority in a certain districts are under-represented in the district boards ?

**Parliamentary Secretary :** That is a hypothetical question. Unless honourable member gives me a concrete instance, I cannot answer the question.

**Khawaja Ghulam Samad :** May I know from the Parliamentary Secretary whether it is not the grievance of the majority community in the Ambala division that they are under-represented in the district boards and municipal committees ?

**Parliamentary Secretary :** The question is very wide as it applies to the whole of the Ambala division. It is difficult for me to give a correct answer.

**Pandit Shri Ram Sharma (Urdu) :** Is it consistent with the declared policy of the Unionist Government that the number of Government servants at a particular place should be on the population basis of that area ?

**Parliamentary Secretary :** I am not aware of any such policy.

**Khawaja Ghulam Samad :** What means does the Government adopt to make up the deficiency of the community who cannot get into these local bodies ?

**Parliamentary Secretary :** That depends upon the circumstances of the particular case ?

**Khawaja Ghulam Samad :** But there must be some criterion on which Government should act ?

**Parliamentary Secretary :** I cannot give out any general formula.

**Khawaja Ghulam Samad :** I am not asking any formula. I simply want to know the criterion on which the Government acts in making up the deficiency of the communities under-represented.

**Parliamentary Secretary :** The deficiency is made up by nomination to a reasonable extent.

**Khawaja Ghulam Samad :** Suppose the community cannot get their proper share by election in the local bodies ?

**Parliamentary Secretary :** If all the means are exhausted, nothing can be done.

## BUDGET—GENERAL DISCUSSION.

**Mian Sultan Mahmud Hotiana :** On a point of order, Sir. I beg to submit that the number of members on this side of the House is almost double that of the Opposition and for this reason I would suggest that when one member of the Opposition is allowed to speak, two members from this side of the House should be permitted to do so.

**Mr. Speaker :** If I remember aright, this question was raised at Simla in July, last. The practice followed hitherto is that one member of the Unionist Party and one member of the Opposition or of any other party is called to speak. I do not think it will be parliamentary to follow the honourable member's suggestion. If the honourable member supports his suggestion by authority, it shall receive my best consideration (*Cheers from Opposition benches*). (*An honourable member : Join the Congress party*).

**Chaudhri Ali Akbar** (Gurdaspur East, Muhammadan, Rural) (*Urdu*) : There are two powers in this country, the British Government and the Congress. Every day the Congress is gaining strength. (*Opposition cheers*). Yes I am telling the truth. Most of the officers have sympathies with the Congress. Although the deputy commissioner of every district is usually an Englishman, most of his subordinates and clerks are adherents of the Congress. They prepare drafts and get them signed by him as a matter of course, the latter not knowing the real significance of some of them which serve the purpose of the Congress. If our Government does not cast off its lethargy in this respect, the days are not far off when Congress will gain power in this province. (*Hear, hear and cheers from the Opposition*). I may submit that this conflict of powers is adversely affecting the administration of the province. The masses being very poor stand to lose by this duality of control. It is true that some of the police officers use force and some of them are corrupt, but it is because they cannot help using force at times and their salaries being inadequate to meet their expenses, they cannot help accepting illegal gratification. In spite of all this there are visible signs of reform in this department since the beginning of the last year. There is a growing unrest in this country. (*Interruption*). The police force has certain merits along with demerits. With all its weaknesses, it does, after all, try to maintain the peace of the province. The officers in other departments take thousands of rupees as bribe, but no one ever knows about it because the higher officers who sympathise with the Congress connive at their unlawful activities. The zamindars, in the first place, do not have enough representation in the services, but even if they have they do not get any support from any quarter to indulge in corrupt practices. I should rather say that our Unionist Government definitely discourages them because it is being over-awed by the Congress. (*Opposition cheers*). I may tell the Congress that it is a year since they are here in this House, but they have done nothing for the public welfare. But they have rather opposed every measure that has been brought forward by the Government for the general welfare of the masses. In their speeches they have been very eloquent for the sake of propaganda that they are the friends of the zamindars. In reality they have no sympathy for them. I say this because the other day when a resolution for providing work for the unemployed was before the



House, my honourable friend Diwan Chaman Lall vehemently opposed it. Although his brethren are getting two thousand rupees a month, yet he grudges a poor young man getting Rs. 25 which he will get in case old servants are made to retire after the completion of 25 years of service. We wish that the old worn out machinery of administration be completely overhauled and its superfluous and dirty pieces be thrown away and the administration be made to run with greater smoothness and efficiency. That can be done by retiring dishonest officers who have completed their 25 years service. Moreover, complete attention ought to be paid to the unemployment problem. Have you ever considered about those disappointed educated youngmen who go from door to door? I hope, you will realise their afflictions on account of which they have sometimes to put an end to their lives. Secondly I would like to request you to share the troubles of the zamindars whose land is deteriorating day by day. They have no alternative but to borrow money or sell out their lands. A zaminder who has 10 bighas of land can easily make both ends meet in these days of unemployment, but many a zamindar has not got sufficient money to purchase land. The poor zamindars have repaid twenty times the sum they actually borrowed. But still they are heavily in debt because the principal sum of money has not been paid. It was the interest that has been cleared out and not the principal sum itself. I may describe the condition of those urban constituents who have sent you to this House as their representatives. They can easily earn their livelihood even after selling everything. Generally speaking they can earn two rupees a day by purchasing flour worth 4 annas, oil worth 2 annas and fuel worth one anna and by frying *pakor*as and by selling them in the streets. Only the zamindars are actually suffering from unemployment and not the town people. It is very regrettable that Chaudhri Kartar Singh who is an able *sawragi* opposed the debt conciliation boards, yesterday. My submission is that the debt conciliation boards are very useful for the zamindars. With the aid of these boards things can be easily settled between the zamindars and their creditors and the troubles of the courts can thus be avoided. The scheme of engaging panchayat officers was also opposed yesterday.

I do not see anything objectionable in it. There was no need of opposing it at all. It is obvious that the zamindars would settle their affairs in their houses. It is a great help indeed for the poor zamindars. Would it not be useful for them that they should be saved from the irregularities of the courts?

In case we find some defects in panchayat officers we can go to the Minister in charge and tell him everything. But I may point out one thing beforehand and that is, that the panchayat officers should be able, efficient and well qualified.

**Lala Duni Chand** (Ambala and Simla, General, Rural) : I must congratulate the honourable member who has just spoken on the great moral courage that he has shown in saying some hard, nonetheless true things about the Unionist Government regime. This is the time for stock-taking and survey and I shall survey rapidly as many points as I can in the short space of time. I do admit that the budget is an ably drawn up document. It bears the imprint of great ability about it. Last year Mr. Ram Chandra, I. C. S., demonstrated

3 P.M.

[L. Duni Chand.]

that he could work thoroughly. This year his successor Mr. Bhanot has equally demonstrated that he can help in producing a good budget. I am glad that among the Indian I. C. S. officers there are men who have the required calibre to carry on every kind of administrative work and I am happy over this. But my regret is that this budget does not represent the real mind of the masses. As a result of great national upheaval that has been going on in this country the masses of the Punjab have come to entertain new ambitions and to cherish new desires and new hopes. In that direction the budget is a great failure. The masses of the Punjab want to be relieved of the heavy burden of taxation. The agriculturists of the Punjab want to be free from the obligations of land revenue on their small holdings. (*Hear, hear from the Official benches*). The masses of the Punjab want to be free from the cancer of corruption which has eaten into very vitals of the nation. They want to live a new kind of life, they want to improve their economic condition. They want to be treated better at the hands of the services. In this respect the budget does not give any relief to the masses of the Punjab. I particularly invite the attention of the House to two items of the budget. The budget shows that the Government has been able to make an income of 28½ lakhs more on account of abiana as compared with last year. Government has also been able to make 8 lakhs more out of agriculture as compared with last year. This shows that the revenue of the Punjab even in regard to that part of the budget which relates to agriculturists is capable of great expansion. That being the case, if the Government had granted some relief to the agriculturists in the form of permanent relief, I could well understand that the Government is anxious to do something for the agriculturists. Honourable Ministers in their peripatetic tours are called upon to make remissions in land revenue, in the case of small holdings, but the invariable reply that they give is that they are going to enact a Marketing Bill and as soon as it becomes an Act, all their troubles will disappear. I say that this conundrum of a Marketing Bill is difficult to be understood by the agriculturists. You cannot go on beguiling these poor people always. You can befool some people for all time and all people for a short time, but you cannot befool your agriculturists, seventy per cent. of the people, for all time to come. Unless you demonstrate that you can do something real and tangible for them they will refuse to be beguiled. There is another item of 7 lakhs which the Government has made on account of sale of country spirit as compared with last year. They have made another four lakhs on account of the sale of opium. It means that the Government has succeeded in making eleven lakhs out of these sources of revenue that are responsible for the physical degeneration and moral degradation of the people. What does it mean in other words? It means that this revenue has been made out of the sin, crime and evil committed on account of this excise policy. The Government has made an appalling sum, viz., Rs. 1,07,00,000 on account of income from excise. It is really one-eleventh of the whole income. While other provinces are going to make a sacrifice in this connection, the Punjab Government is trying to make more income out of this source of revenue. This is the most immoral part of the budget of which the Honourable Minister for Finance should not be proud. There are several other things that are very important. How is the Government going to spend on the beneficent departments?

The Government says that they are going to spend lots of sums on what are called beneficent departments. There is one redeeming feature about a beneficent department and about that I should say a few words of praise to the Government (*Hear, hear*). There is an item of Rs. 60,000 in the budget for training *daits*. I am glad that this has been done for this is the crying need of this province. I wish the Government had spent more money on this account. It was only the other day that Mrs. Shah Nawaz said that during the last nine months about 1,700 young women had died on account of complications during the confinement period. I wish not a single woman had died on account of these complications.

For my purpose of examining the budget I shall divide the population of the Punjab into three classes. At one extreme end is the small minority—the Congressmen. This is the small minority that during the last twenty years or so has gone through the ordeal of fire, through the ordeal of sacrifice and service and thereby they have fitted themselves for the real service of the country. I personally think that so far as my country is concerned, it is only the Congressmen of the country that can really serve the country and there is no other class of people that is capable of doing so. At the other extreme end there is another class of persons—another minority—which consist of self-seekers, selfish men or in other words what I may call parasites. This class of people is the creation of the foreign domination. The foreign domination—the British Imperialism—has brought this class of people into existence for its own ends. (*Hear, hear*). That very class of people is being encouraged by the present Government for their own purposes. There is another class of people in between these two minorities. There is a large bulk of people, honest and good people, who would serve their country if they are given an opportunity but no opportunity is being given to them. I know that all these offices, that are being created in connection with the beneficent departments, will go to that minority—the minority of the parasites. I have had a painful experience of the doings of these parasites. In every possible way they want to take advantage out of the ministers and out of the authorities. Their ways are very insidious. If you want an illustration, go every morning to a minister or an officer's place and see how many people dance attendance upon them. This is their business. I have already seen that appointments on the conciliation boards, which are being created, are being given to those people who are helping the Unionist Party in maintaining its hold on the people. This is the greatest indictment that I want to make against this Government.

**Minister for Education :** May I ask a question from my learned friend as he comes from Ambala ? Is the honourable member aware that in the matter of the Ambala Conciliation Board we have recently appointed a gentleman as its president and this gentleman in the last elections had opposed the Unionist Party candidate in that constituency ?

**Lala Duni Chand :** I am grateful to the Honourable Minister for Education for this remark. (*Hear, hear*). The first man that has been appointed is the gentleman who has been serving the Government for the last twenty years in every disgraceful way.

**Minister for Education :** You were talking about the Unionist Party.

**Mr. Speaker :** Order, order.

**Lala Duni Chand :** He got a pension. What for? For getting many people of the Congress sent to jail. (*Hear, hear from the Treasury benches*). The only thing that he has been doing is that on every occasion he dances attendance on the ministers and I know that another member is a favourite of a minister whom I can name. This gentleman and the minister belong to the Jat community. This gentleman was defeated in the last elections. He has, therefore, been rewarded now. None of them could make one hundred rupees a month. You are now going to give them about Rs. 200 or Rs. 300 a month.

I want to say a word with regard to the attitude of the Government towards the services. I know that in all the services there are, efficient, honest, capable and impartial men and it is due to them—rather than to the ministers—that the Government of this province is being carried on. At the same time there is another section in the Government services—particularly in the subordinate services—whose angle of vision, standard of conduct, and way of behaviour, requires to be radically altered. I know that they are oppressing the people in many ways. What is the attitude of the ministry? The ministry has not been able to effect the least reform so far as the angle of vision, the standard of conduct and the way of behaviour are concerned.

**Chaudhri Muhammad Abdul Rahman Khan (Urdu) :** All the members wish to speak. I, therefore, request that some time-limit should be fixed.

**Mr. Speaker :** The honourable member has only one minute more.

**Lala Duni Chand :** I shall be grateful if you will give me four or five minutes more. I want to say a few things about the honourable ministers in their official capacity. There is the Honourable Premier. I know that in his ambitious moments he wants to play the roll of Mustafa Kamal Pasha. But there is one thing troublesome about him. He has received a legacy from his predecessors. We know—the scientists know more than a layman—the effects of environments.

**Mr. Speaker :** The honourable member's time is up.

**Sardar Sahib Sardar Ujjal Singh (Parliamentary Secretary) :** Any tribute paid from this side of the House to the Honourable Minister for Finance and his able Secretary, which they richly deserve, for the soundness and excellence of the Punjab Budget, is usually taken by the members of the Opposition as the opinion and voice of prepossessed critics of the budget. But the compliment paid by the Leader of Allahabad—from the gifted pen of Mr. Chintamani—can in no sense be called the view of a pre-possessed person. The *Leader* dated the 6th March wrote as follows :—

The Punjab Government is to be congratulated on having a Finance Minister who is building its finances on a sound foundation. Without straining its resources, it proposes to spend 3.28 crores out of an estimated revenue in 1938-39 of Rs. 11,46,56,000 on beneficent departments.

Before submitting my observations on the budget, I would like to refer to some of the remarks made by some of the previous speakers. One honourable member remarked that the statement of the Finance Minister

that the Punjab was spending a higher percentage of the total expenditure on beneficent departments than any other province excepting Madras, was not justified. They said the United Provinces Government provided 110 lakhs of additional expenditure in 1938-39 budget on the beneficent departments whereas in this province only 41 lakhs have been provided during the two years for the beneficent activities. The critics conveniently forget that it is not only the amount of 41 lakhs but in addition to this is the 50 lakhs provided in the Special Development Fund which is made available for nation building departments.

**Chaudhri Kartar Singh :** As considerable number of honourable members wish to speak I respectfully submit that the duration of a speech may be limited to 10 minutes.

**Mr. Speaker :** The suggestion is that 10 minutes instead of 15 minutes should be the duration of speeches. May I take it that the House agrees. (Voices : Yes, yes).

**Sardar Sahib Sardar Ujjal Singh :** I was submitting that it is not only the amount of 41 lakhs but in addition to this is the 50 lakhs of Special Development Fund which is made available for nation building departments. And the Government have provided all this amount without straining their resources. On the other hand the United Provinces Government has had to provide for a loan of one crore of rupees in their estimate in order to provide for the sum of one crore and ten lakhs for beneficent activities. On this point the comments of 'Leader' of Allahabad on the U. P. Budget would be of interest. It says—

A Government which deliberately pursues a policy of making inroads upon its main sources of revenue and at the same time embarks upon an ambitious programme of social amelioration should not be surprised if capitalists do not come forward to subscribe to loans issued by it, for they may feel that it is heading towards bankruptcy.

My honourable friend from Hoshiarpur failing to find any glaring crime committed by the Finance Minister suddenly hit upon a novel plan of criticising the budget. He said although the expenditure of 3.28 crores on beneficent departments provided in the budget was the highest so far ever made by the Punjab Government, yet this expenditure represents a smaller percentage of revenue receipts than the percentage of such expenditure in 1929-30 and 1930-31. This comparison is misleading. You will recall, Sir, that the Punjab was actively engaged in expanding its beneficent activities during the boom period since 1925-26. In the year 1929-30 to which my honourable friend referred, the Government budgeted revenue receipts of Rs. 11,49,48,000 and disbursements of Rs. 11,18,61,000. The revenue receipts budgeted were more than those now budgeted for 1938-39. But unfortunately the crops failed with the result that the actual receipts realised fell by a crore of rupees. The same thing happened in 1930-31. At the same time there was a catastrophic fall in the prices of commodities and it was only then that the Government realised that the slump was not a temporary phase and in 1931-32 therefore they adjusted their expenditure to the low level of income. If one were to compare expenditure on the beneficent departments as the percentage of the total receipts budgeted in any year, you will find that the expenditure provided for this year is higher than in 1929-30.

[S. S. Ujjal Singh.]

Then one honourable member said that this Government takes nearly 10 crores of revenue out of a total of nearly 11½ crores from the zamindars and spends not even 1 crore on them. As honourable members know that nearly 80 per cent. of the population of this province depends directly or indirectly on agriculture and it is only natural that 80 per cent. of the revenue should come from the 80 per cent. of the population; but at the same time it should not be forgotten that the remaining 20 per cent. pay taxes, and it is not their fault if the income-tax goes to the Central Government and is not given to the provincial Government. I am amazed at the ignorance of the honourable member who made the remark that Government spends only one crore on the rural population. Expenditure on Agriculture, Co-operative Societies and veterinary departments alone amounts to Rs. 74 lakhs, that is 18 lakhs more than in 1936-37. In medical, expenditure is Rs. 52,54,000 that is 7 lakhs more than in 1936-37; 358 rural dispensaries have been opened and in 1938-39 budget Rs. 30,000 recurring grant to rural dispensaries which was previously cut has been restored. For public health 18 lakhs are provided in the budget for 1938-39. It is 7 lakhs more than the provision for 1936-37. Out of a sum of Rs. 15,68,000 provided for education, over 75 lakhs are directly given to district boards for vernacular education, which means that the whole of it will be spent on the rural population. Then my honourable friend will find that in the budget 1½ crores is to be spent on Haveli Project which is going to benefit the rural population. I am therefore amazed at the ignorance of the honourable member who made the remarks. In fact after allowing for the expenditure necessary for the police and other departments for the maintenance of law and order, which expenditure is common to both rural and urban population nearly 80 per cent. is spent on the rural population. But, I must warn the honourable member against the tendency of creating a conflict between rural and urban interests. Economic interests of both classes are inter-dependent. If agricultural classes are prosperous, trade flourishes. If industries develop in urban centres they create more demand for raw produce and the agricultural classes obtain better prices.

The revised figures of 1937-38 reveal an excellent record of sound and careful finance. While the receipts have been increased by 55 lakhs from the budgeted figure, there has been only an increase of 3.45 lakhs in expenditure. I was rather surprised that instead of being satisfied, one of the honourable members from Amritsar remarked that the increased receipts have been obtained by sucking the blood of poor zamindars. The honourable member conveniently forgets or is, perhaps ignorant that the year 1937 has seen the record crop of cotton and wheat and the prices of cotton and wheat have touched the highest level since 1929.

**Diwan Chaman Lall :** The year 1935 was a peak year for cotton. Have you got the figures between 1929 and now?

**Sardar Sahib Sardar Ujjal Singh :** My honourable friend seems to be rather ignorant. I know better in this matter and I can quote here what the prices were since 1914.

**Diwan Chaman Lall :** Will the honourable member look up the prices in 1935? The honourable member is making a wrong statement. If he is prepared to give way ———

**Sardar Sahib Sardar Ujjal Singh :** No, Sir. If my time is not taken up I am prepared to give way. Sir, I was submitting that on account of better prices in 1936-37, zamindars were able to put greater area under cultivation and fortunately they got exceptionally high yields. It was on account of these happy factors that the Government got increased receipts in 1937-38. Besides, it is evident from the Memorandum that there has been a drop in working expenses under irrigation and on this account the Honourable Revenue Minister and the Irrigation Department deserve our congratulations. The working expenses stood at 82.9 lakhs in 1936-37 and they stand at 74.2 lakhs in 1938-39.

While I admit that the Government have taken a wise step in creating a Special Development Fund, I have to offer some comments on the purpose for which this fund is to be utilized. This fund, as I understand, is proposed to be used on intensive beneficent activities in villages. I do not wish to under-rate the urgency of the purpose for which this fund is to be used, but I would submit that there is a more urgent problem which requires immediate attention of the Government, I mean the problem of rooting out illiteracy from the province. In my humble opinion, this problem requires solution more urgently and more immediately than any other problem. We must educate the masses. We must take them out of the dismal abyss of ignorance and illiteracy. I think it should be the primary duty of the State to make provision for this purpose and this is a golden opportunity for utilising this fund for compulsory primary education. My honourable friends will find that in the primary stage we have an appalling wastage of money. Hardly 25 per cent. of the boys reach the 4th primary stage. If all boys were compelled to stay on till the end of primary stage, a great wastage will be stopped.

Sir, I have one more comment to make on the budget, and this is regarding the amount of Rs. 2,500 provided for the Fruit Development Board. I have a serious complaint regarding that. Fruit culture is an important subsidiary industry for agriculturists. The agricultural classes require some sort of industry to supplement their income. This industry provides a good source of additional income. In this connection I have a little grouse against the Irrigation Department and that is regarding the lack of facilities of water supply to fruit growers. I trust, the Honourable Revenue Minister will look into this matter sympathetically.

I wish to make a few submissions as to the economic needs of the province. The economic condition of the province requires a solution of various problems. I can well understand that there is no royal road to recovery, but the Government have to pursue their policy in a manner which might lead to economic prosperity of the people as early as possible. To achieve this, Government must direct its energy and resources towards raising the purchasing power of the people. I admit that in agricultural countries, like ours, it is the higher level of prices that can raise the purchasing power of the people. In that connection I submit that a good deal rests with the Central Government which controls our currency and railway freight policy. But the Punjab Government, by encouraging better methods of cultivation, by providing improved seeds, by consolidating small and uneconomic holdings, by controlling diseases of crops and also by providing legislation regarding

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indebtedness, have done something which is sure to lead to the prosperity of the province. The Punjab farmer at present is getting 2 crores extra from improved wheat and nearly 2½ crores extra from improved cotton and nearly 90 lakhs extra from improved sugarcane.

**Mr. Speaker :** The honourable member's time is up.

**Khawaja Ghulam Hussain** (Multan Division Towns, Muhammadan-Urban) : Sir, the subject of finance is a very difficult and intricate one and to attempt even a partial survey of this subject, which is spread over several hundreds of pages, within the short space of time of 10 or 15 minutes, is an impossible thing. One can only hope to touch the broadest details of the subject and I propose to offer a few observations from a non-partisan point of view, a point of view which is not often present in the course of discussions in this House. I must sincerely compliment the Honourable Finance Minister on the point that nearly practically all increase in expenditure has been in beneficent direction and he has, without resort to direct taxation from ordinary revenue, found a sum of 41 lakhs for beneficent objects. A reference was made yesterday, to the provision of Rs. 1,10,000 which they have laid in the United Provinces for the purpose of rural uplift. The honourable member, who made a reference to this probably did not know that Rs. 1,10,000 was to be found from loan and it was not to be spent in one year, but it was to be spent in a couple of years.

The second point, Sir on which I wish to congratulate the Honourable Finance Minister is the creditable policy of distributing all available funds properly to different heads and the creation of a Special Development Fund with regard to which certain hopes are held out. It is premature to say anything with regard to these hopes and it is yet too early to form an opinion with regard to the drive which Ministers may make with regard to the expenditure of this fund. In the political field our Government has earned an enviable reputation for ultra-conservatism, but in the financial field, I can say that they can compare favourably with other provinces, (*Hear, hear from the Treasury benches*) and every Punjabi will hold his head high that the financial condition of the province is, at any rate, quite sound. But this is so as far as allotment of funds is concerned. We have yet to see that those funds are actually spent and then we shall be in a position to judge whether the expenditure has been just or not.

I may, with your permission, in the very first place voice the grievance of the voters against the Government. The grievance is this that the Government is scrupulously avoiding to take the voters into its confidence with regard to the day to day administration of the province. No effort is made to tell the people as to what is the plan and the policy of the Government, what is their programme and what they are doing for the benefit of the voters. In the press, all round the province we find a good deal with regard to what Governments are doing in other provinces, what policy they are pursuing in the course of their regime, but in regard to our own Government we do not find any indication of what they have been doing and in future what they propose to do for the benefit of the people. No doubt the Government do issue blue books and they tell us in 1938 what the



Government did in 1936. Who would care to purchase these blue books, much less to read them and to go over the figures contained in them.

A happy departure was made by the Premier a couple of days ago when he tried to take into confidence the people with regard to the six-year programme contemplated by the ministry. An objection was raised by an honourable member of the Opposition with regard to this policy, although I did not see actually what was his complaint, but my complaint is that as a matter of fact Government are not keeping alive to the necessity of informing the public with regard to the full programme that they want to pursue. You have an Information Bureau and I do not know what it is meant for and what it is doing. The Congress ministries in other provinces have established a Publicity Bureau and the object of it is to keep the public fully informed with regard to the policy and programme of the Government.

Next, I propose to offer criticism with regard to the various departments of Government. We used to hear before the inauguration of the Reforms that the present educational system of Government was rotten, and immediately after the inauguration of the Reforms we heard a good deal of the Reforms that were to be introduced in the educational system. The Honourable Minister for Education told us in the last Simla session that he proposed to nationalise education and to do away with a lot of wastage that was going on in the Department. One wonders what has been done to implement those promises. Nothing whatever. They have in the Congress provinces evolved a scheme—that well-known Wardha-scheme—and they have also appointed committees in certain provinces to find out the best educational method which may be suitable for those provinces, but it is a pity that in spite of all those platitudes and all those promises nothing whatever has been done in the Punjab.

So far as the University education is concerned, five or six years ago a commission was set up for suggesting the best reforms in the University education and it was claimed that the report of that commission was a valuable contribution towards the solution of that problem. But what do we find? It has not at all been acted upon. It may be amusing for the Honourable Minister for Education to know that the Fazl-ul-Haq Ministry in Bengal have actually formulated a Bill on the basis of the recommendations of that commission which was appointed by the Punjab and which has submitted a report to the Punjab Government, but nothing has been done in the Punjab on that Report.

We expected that a vigorous drive will be made against illiteracy which is the most distressing evil in the country and it is admitted on all hands, even by the Ministerial benches—even Sardar Ujjal Singh who has just now sat down admitted it—that it was the duty of Government to remove illiteracy. But what do we find here. Nothing whatever has been done in order to remove illiteracy from the province. In one of the provinces they have set up a proposal for subsidising the religious preachers in mosques, in gurdwaras and in mandirs with the idea of removing illiteracy. If a scheme like that is formulated in the Punjab, I think with the minimum of expenditure we can obtain the maximum of results. I think the Punjab Government will be well advised to take up the scheme in hand in right

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earnest and see if we can get any substantial results. With regard to primary education we are again disappointed to find that with the exception of the introduction of a Bill which I suppose is going to be introduced in this session, the Punjab Ministry has not done anything towards this most important question.

Then with regard to the much talked of relief to the agriculturists, we are always told that the Government stands for the relief of the poor peasants. What do we find on the other hand? No steps have so far been taken to afford facilities of marketing and for the fixation of prices by the present Unionist Ministry. If once the Unionist Ministry follow the vigorous pro-remission policy they are afraid of frittering away certain elements which cannot possibly like that policy. Let us hope that the Ministry will implement the promises which they made on the very first day of their assumption of office, that of ameliorating the conditions of the zamindars and affording all possible relief to them.

Just a word with regard to local self-government. Several promises were held out during the last Simla session that Government would consider the advisability of abrogating certain measures which defile the statute book and which imply a negation of the very idea of self-government. But so far nothing whatever has been done in that direction.

As regards the enquiry committees which have been set up, we are told that a good deal is being done. Although personally I have heard nothing of what the Resources and Retrenchment Committee is doing, I hear something about the other committees through papers. It is absolutely essential that the work of these committees should be speeded up in order that the public may be in a position to know as to what reforms are going to be introduced and they may be in a position to offer criticism with regard to the proposed measures.

Last of all I would just like to say a word with regard to the Shahidganj question which was introduced by the honourable member Mir Maqbool Mahmood. I have been sometimes hearing complaints that certain individuals, landed Government in difficulties by making this question the chief plank of their election propaganda. Sometimes it is suggested that Majlis-Ahrar or certain other bodies are responsible for landing the Government in a difficult position. I have also the other day noticed an appeal issued from the Ministerial benches to the Congress to solve this tangle. I wonder why the ministry do not face the stern realities of the situation and solve the question themselves. Why do not Sir Sundar Singh, Chaudhri Sir Chhottu Ram and Sir Sikander sit together and pool their intellectual resources to find out a solution, to find out some workable solution, which may be acceptable to all parties? In the interest of peace and tranquillity of the province, it is the duty of ministerialists to find a solution themselves and not shirk the question or shelve it by asking for the help of other people whose business it is not to find a solution.

**Rai Sahib Lala Gopal Das** (Kangra North, General, Rural) : Sir, Let me first of all congratulate the Honourable the Finance Minister who has presented to us a surplus budget a second time, and on the very wise step he has taken in creating the Special Development Fund of 55 lakhs.

should be forgiven here if I concern myself more with my constituency than discuss this budget generally which I would leave to the honourable Leader of my party the Raja Sahib.

It is very gratifying to note that the Government is now seriously thinking of improving the breeds of smaller cattle for hill areas. In this connection, I may be permitted to say, that Kangra which I have the honour to represent is one of the most backward districts of the province and if special consideration is paid to it, the Government will be doing the right thing. In Kangra if people do not possess good breeds, it should be the duty of the Government to present them free with specimens of good cattle, so that they may multiply them and use them for the improvement of agriculture in the district. Further, I find that a special amount of Rs. 7,670 has been provided in the budget for demonstrating the wool spinning and weaving in the Kangra district which was demanded by the people of my constituency sometime ago. Wool weaving and spinning industry would naturally develop as a cottage industry and benefit the poor zamindars. In these days the poor zamindars are very hard hit and specially in the Kangra district where the holdings are much too small. If commodities and industries which would give them a good return are provided, the Government would be doing its honest duty. At the present moment Government has set up a programme to develop the province and have provided a lakh of rupees for this purpose and if Kangra is given its due and proper share, I am very sure the district will highly appreciate the Government's step.

Regarding medical relief in the rural areas, which is of the utmost importance for the health of the people, I find that the Government has now provided a sum of Rs. 10,000 for payment of special travelling allowance to the doctors of rural dispensaries with the object that the doctors may move about and attend to patients who cannot go to the dispensaries and also to check epidemics in the bud. In the rural areas the great need of the people is maternity assistance to the women-folk. For that purpose I find a sum of Rs. 60,000 has been provided. In the Kangra district where the mortality in maternity cases stands high I hope the Government will make special arrangements to provide as many *dais* in that district as possible.

I also find that an item has been placed in the budget for the general industrial survey of the province. The report of the surveyor will naturally open many avenues for the industrialists, which would effectively go to reduce unemployment among all classes of people. Industry to me, it seems is the only one source left for the Government to tap its future income from and if industries are developed properly, I am very sure my agriculturist friends' every day complaint of being heavily taxed would be very much reduced and minimised.

At this point permit me to ventilate the genuine grievance of the Gurkha community of the Kangra District which numbers about 15,000 and which was some time ago the pride of the army but now stands practically destitute. It is a pity that they are not admitted into the various services of the province. They have no lands to fall back upon. They have no means of subsistence and I am sorry to say they find difficulty even in the recruitment to the army. Their brilliant past record, I am sure would

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impress the Government and would force them to open for them doors in various departments and especially in the police.

Sir, permit me to sound a note of warning regarding the loan of 20 lakhs to the Lahore Improvement Trust. This loan if given will be very strongly resented to by the public and more especially by the Lahore public, for they all fear that by giving this loan, you are mortgaging the fate of Lahore to the Local Government which means in other words a negation of the principle of local self-Government. I would not like to see that the reputation of the popular Government is jeopardised by this reflection which will do no good to any one of us. I would strongly recommend that we as humble representatives of the people should respect the feelings of the people and should not interfere with their legitimate rights. It is a pity that the communal atmosphere of the province is a bit tense and that the tax-payer is being burdened with the load of extra police. I only wish that time may come very soon when we all members of the various communities may settle in this province as best friends. With these remarks I resume my seat. (Cheers.)

**Shrimati Raghbir Kaur** (Amritsar, Sikh, Women) (*Punjabi*) : Sir, I beg to draw your attention to a few facts. I have heard all the speeches in which the present budget has been appreciated. It has been stated by the honourable members on the Treasury benches that the special fund has been started for the general good of the masses in general and for the betterment of the zamindars in particular. I admit that the Government have done a lot with the help of the Rural Reconstruction Department, but still some important matters have been neglected. I want to point out that if the houses of the zamindars are made airy and ventilators are provided and the zamindars sleep with mosquito nets, what would be the advantage if they have nothing in the stomach and have no bread to eat? They do not require mosquito nets nor ventilators so much as bread and clothing. I think the most important thing to which the Government ought to pay attention is to bring about change in the present die-hard attitude of the capitalists. The capitalists have been sucking the blood of the zamindars from time immemorial. The bones of the zamindars are being crushed exactly like the grains that are being crushed in a "kharas".

Secondly, I want to point out that the Honourable Minister incharge should give full attention to the betterment of the women-folk. Hospitals should be opened for their needs. They should do something to stop the high rate of child mortality. What a pity it is that mothers die during the period of their confinement and the small infants are left behind? I would like to draw your attention to an incident which I witnessed myself at Chuharkana. I would never forget the miserable death of a young girl. Whenever I happen to refer to that incident my memory presents me the exact picture of how that young girl of eighteen was groaning in her death-bed. But when the doctor was called, he said that it was too late, if they had called him two days earlier the girl would have been saved. Thus not one, two or three but hundreds of deaths occur every day. These facts have been placed several times before the House but the Government pays no heed to them. I beg to remind the Government once again to redress these

grievances. The labourers and the tenants of Multan are acutely suffering from various troubles at the hands of the capitalists who are the masters of their lives even. We went to Multan a few days ago and we happened to meet an old man there. He was bitterly weeping. We asked him why he was weeping. He replied that the contractors had taken away half of his utensils and clothes and the rest of them were being taken away by the police. When he told us that nothing was left there except his daughters and grand-daughters, I was put to shame and my heart was much grieved. I beg to request the Government to give due hearing to the cries of the poverty-stricken people and to pay full attention to the conditions of the grieved masses. I would like to suggest to the Government to postpone the activities of the Rural Reconstruction Department for a short time, because the zamindars require bread and clothing immediately and nothing else. Something substantial should be done for the education of the village girls. So far as the education of the town-girls is concerned they have got much more facilities than the village girls. They can move in educated societies and they have got schools and colleges at their threshold. I do not doubt that the present Finance Minister of the Punjab Government is an able and experienced minister. But has he ever considered the words of Carl Marx, who says "O people if you desire to be free, bring your women-folk up to the standard that you have attained, by acknowledging half of their claims". It would have been better if the Minister incharge had provided a bigger sum of money in this budget for the establishment of girls schools and women hospitals. The village girls if compared with the educated town girls will be found as dirty and useless as refuses on dung-hills. The ignorance of the village girls can be removed provided a primary girl school is opened within a circle of ten or fifteen miles of rural areas. Whatever has been said by the honourable members on the Treasury benches to the effect that much would be done for the general good of the people, to me it seems nothing but mere words, because in spite of the fact that we have been waiting for a long time in the hope that something substantial will be done, nothing has so far been done by the Government. Apart from other favours, if the Government make a serious attempt in order to lighten the burden of debt and land revenue on the down-trodden zamindars I am dead sure they will begin to sing praises for the Punjab Government. I am fully aware of the temperament of the zamindars. Whenever a favour is done to the simple-minded zamindars they keep on singing praises. I know it. When we raise a voice to this effect that the political prisoners should be released, the Government evade by saying that those prisoners who according to our views, made attempt to cut off the chains of slavery, were dacoits, robbers and murderers. In this connection I would like to ask the Government that when General Dye ordered to fire upon the Hindus, the Muhammadans and the Sikhs in Jallianwala Bagh and many of them succumbed to death there and then, was he not a murderer?

Leaving this matter here, I would like to refer to a recent incident. Sardar Dula Singh who has been kept in the Shahi Fort for a long time, as a prisoner, was telling publicly the atrocities and maltreatment of the police in Lajpat Bhawan last night. He was served with a notice to the effect that he should leave the Punjab at once. The charge that was brought against him was that he was provoking the public by giving a statement

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regarding the maltreatment of the police. I should inform the House that the statement given by Sardar Iser Singh regarding the highhandedness of the police was enough to move even stone-hearted people and the excesses and irregularities of the police stated by him which are being committed in the Shahi Fort can move even a callous man to tears. I may point out a few cruelties out of them for the information of the House. Sardar Iser Singh told us that they were shoe-beaten in the Shahi Fort and they were given filthy abuses and their beards and hair of the heads were snatched. Sardar Iser Singh was also served with the same notice and was externed from the Punjab like Sardar Dula Singh.

That is the attitude of our Government about whom it has been often said that they have a soft corner for the poor people. I feel it necessary to inform the so-called zamindara government that their attitude has become more vivid and obvious than it was before. Everybody in this province is aware of the fact as to how they have given notices to the public that whenever a trouble would arise they would curb it by arresting the people under section 144. I would like to tell the Honourable Finance Minister once again that the bread problem—the most important problem for the zamindars—is now facing us. They want to live free so let them live free. They are human beings and they are our brethren. I would request the Government to treat them better.

**Chaudhri Muhammad Hussain** (Gujranwala East, Muhammadan, Rural) : Of all the departments the work of the Finance Department is, I think, very onerous. Finance Department, as the custodian of our finances, has to see to the disbursement and expenditure on one side and also to income on the other and as such the task is very difficult. On this account I want to congratulate the Finance Department and the Honourable Minister for Finance for the labour and pains that he has taken in presenting the surplus budget. I pay every tribute to the wisdom of the Honourable Minister for Finance for the fact that when he took over charge of the finances of this province under the reforms our financial position was not a happy one. At the time of the presentation of the budget for the year 1936-37, you would be pleased to find that it was a deficit budget and the deficit was about 16·5 lakhs, but as soon as the Unionist Party came into power and the inauguration of reforms came into force, the revised figures showed that there was surplus of about 21 lakhs. When the actual account of the year had been closed this amount had risen to 31 lakhs and I should say that it is very creditable.

**Sardar Partab Singh** : May I draw your attention, Mr. Speaker, to the fact that the ministers who have to answer to the criticism on the budget are absent.

**Syed Amjed Ali Shah** : But the secretaries are sitting and they are taking notes.

**Chaudhri Muhammad Hussain** : At the time of the presentation of the current year's budget the surplus estimated at Rs. 1,72,000 only. At that time the honourable members opposite contended that as a matter of fact this was a deficit budget. But to their great disappointment, I should say, we find to-day that when revised figures are available, we see

that a sum of Rs. 50,20,000 is the surplus. This is certainly creditable for the whole of the ministry and I congratulate them on that account.

I have to make one observation of general importance. It relates to the zamindars. To be more correct it is about the tenants' rights. We, the zamindar members of the rural areas, are as much representatives of the tenants as we are of the landlords. I, therefore, want to ventilate certain grievances of the tenants and I place them before the Government. They are these. Broadly speaking there are two kinds of tenants in the Punjab. They are occupancy tenants and tenants-at-will. So far as occupancy tenants are concerned they have got certain rights and privileges about the term and about the rate of rent. As regards the tenants-at-will they have got no right or privilege whatsoever. You know that direct cultivation is always more costly than cultivation through tenants. These poor tenants have, besides all the costs of their labour, to pay the rent to the landlords. Moreover, there is no term fixed for these tenants-at-will. A tenant takes land from his landlord during this year, puts manure in the field, ploughs the land thoroughly, builds cattle sheds, etc., but what do we find? We sometimes find that unfortunately in the month of October or November he is served with a notice by the landlord requiring him to vacate the land in the month of May next. My submission is that the Government should come forward to help these tenants-at-will and there should be some time limit for their lease—if not more at least two years. I now come to the rate of rent. I submit that these rates are rising higher and higher. Competition amongst the tenants is growing keener and keener day by day because population is more dependant on agriculture in this province. You will find that the number of tenants is fast increasing. The landlords now charge exorbitant rents and nothing is left for the poor tenant for his own family. The Government should be kind enough to go through their legitimate grievances and bring forward some sort of legislation to show that they have got as much sympathy with tenants as they have got with the landlords. With these few words I resume my seat. (*Hear, hear from Treasury benches.*)

**Chaudhri Jugal Kishore** (Ambala and Simla, General, Reserved Seat, Rural) (*Urdu*): Sir, the budget for the current year has been completed and is before us now. Many speeches were delivered on it yesterday and many are being delivered to-day. I have risen to make a few observations as regards this budget. I may submit that I have gone through the budget, but I have not been able to find anything in it regarding the scheduled castes.

In fact nothing is provided in it for their education, nor is there any provision made for teaching them any handicraft nor is there any provision to remove their handicaps and troubles. In short nothing is provided in this budget for the scheduled castes (*Hear hear*).

(*At this stage Mr. Speaker left the Chair and Diwan Chaman Lall of the panel of Chairmen occupied it amidst loud cheers.*)

Last year when the representatives of the scheduled castes were elected they had in their mind that they would go to the representative House of the people and there voice their grievances. A full year has passed and our hardships are as they were before. Not a single grievance of ours has been redressed. To-day I have risen merely to lay our grievances before this

[Chaudhri Jugal Kishore.]

House. The scheduled castes are wondering as to why this Government has done nothing for them. In fact they are a bit perturbed over this silence of the Government.

It was given out that the members of the scheduled castes would be recruited to the police force. Many speeches were made on behalf of the Government to that effect. The Honourable Chaudhri Sir Chhotu Ram also delivered many speeches in the rural areas wherein he stated that the Government had opened the door of recruitment for police to the members of the scheduled castes. But I am sorry to find that nothing of the kind has as yet been done. But *begar*, I mean forced labour, is being taken on a large scale from the community which I have the honour to represent in this House. In this connection I am constrained to remark that the system of taking forced labour never existed in such objectionable form as it exists to-day. We are subjected to two kinds of *begar*, one that is taken by the Government officers and other taken by the zamindars. Whenever Government officials pay visits to villages, we are required to supply eggs, hens, etc., to them. As regards the zamindars, we have to work for them as their unpaid servants for the whole year round. As a matter of fact the *begar* causes us great hardships. Besides, I may submit that in the present budget no provision has been made for the amelioration of the miserable condition of the depressed classes and for the dissemination of education amongst them. For the present I would simply ask the Government to stop *begar* and in doing so I may point out that the Government can do the needful without incurring any financial loss for they will have to do nothing but to issue orders to their officials to that effect. I may also submit that if Government requires money for the purpose of eradicating this evil, each of us will be prepared to pay one hundred rupees. (*Laughter and cheers from the Opposition*). If the Government is not prepared to accede to our request, I am constrained to say that it is not democratic.

**Lala Duni Chand :** Then you should not vote in its favour.

**Chaudhri Jugal Kishore :** Sir, our another grievance is in regard to public wells. In villages the zamindars do not permit us to draw water from the wells for drinking purposes. We are compelled to use stagnant water of village ponds.

**Lala Deshbandhu Gupta :** On a point of order, Sir. May I ask a question from the honourable member ?

**Chairman** (Diwan Chaman Lal) : As the honourable member is not prepared to give way, he should resume his seat.

**Chaudhri Jugal Kishore :** Sir, I was submitting that we experience great trouble in villages for want of wells from which we could draw water. I, therefore, request the Government to sink wells at places where no arrangements exist for us to obtain wholesome drinking water.

Further, I have to request that Government should provide us with grazing grounds where we could graze our cattle, because zamindars keep a strict watch over our cattle and do not permit them to graze.



In this connection I may point out what is being done in other provinces for the uplift of our community. The United Provinces Government have made a provision of rupees fifty thousands in their budget for the education of scheduled castes. The Bombay Government have also set apart thousands of rupees for their education and for sinking wells. The Government of Bihar have provided rupees forty thousand for their education and a lakh of rupees for sinking wells against rupees six thousand provided in 1937 for this purpose. Besides, they are eligible there for recruitment to the police force. Similarly, the Government of the Central Provinces have provided, in their limited budget of five crores, a sum of twenty-four thousand for their education and Rs. 7,500 to be distributed amongst them. The Government of Orissa propose to spend rupees five thousand on their education and stipends and concessions in fees will be granted to *achhu* boys reading in schools. I may also point out that in all the above-mentioned provinces full fee concessions have been granted to the students of this backward community.

**Pandit Shri Ram Sharma :** It is so because those provinces are governed by the Congress.

**Chaudhri Muhammad Abdul Rahman Khan :** Sir, on a point of order.

**An honourable member :** The honourable member cannot raise a point of order as he is not in his seat.

**Raja Ghazanfar Ali Khan :** Is it necessary for a member to speak from the seat where he generally sits or do the words 'from his seat' means wherever he may be sitting he should rise and make his speech ?

**Chairman (Diwan Chaman Lall) :** The procedure is that the honourable member should speak from the seat that is allotted to him because one of the reasons is that it is not generally possible for the Speaker to remember all the names and he has to be guided by the plan of the seating arrangements.

**Chaudhri Muhammad Abdul Rahman Khan :** Sir, on a point of order. The honourable member over there has remarked that certain governments—

**Chairman :** That is no point of order. The honourable member may resume his seat.

**Mian Sultan Mahmud Hotiana :** On a point of order, Sir. You know that ten minutes time limit for a speech in this House has been fixed.

**Chairman :** The Chair will keep that point in view.

**Mian Abdul Aziz (Outer Lahore, Muhammadan, Urban) :** Sir, as a matter of fact I had given up all idea of speaking because the time is very limited for anybody to speak on this vast subject. However, as I have been given an opportunity now, I will make a few observations. But before I do so, I must say that this is the first whole year's budget of the autonomous Government. Last year's budget was only for 8 months and at that time we could not expect many changes or many improvements. But I must say that this budget is not very encouraging. Now that the Ministers have practically done one year's work, I would like to know what practically they have done for the improvement of the country during the last

[Mian Abdul Aziz.]

11 or 12 months. There is no doubt, that every day we hear a good deal of lip sympathy, we hear of good many hopes and we hear of good many improvements being made, but as a matter of fact for practical purposes up to this time we have not been able to see any great difference between the last Government and the present Government. I would submit that the most important subjects are unemployment, removal of differences created between different communities and education. Last time at Simla, we were certainly pleased to hear the remarks of the Honourable Education Minister, but we find even now that whatever he has done, either he is handicapped or that he has been unable to do according to the desires or wishes or requirements of the country. You will be pleased to see that, as a matter of fact, the greatest demand for mass education of the children of the country is before us. It is no use making allotment of Rs. 30,000, Rs. 40,000 or Rs. 50,000 for some colleges or for certain existing institutions or for the improvement of buildings. This amount could easily have been utilised for improving small schools in villages and popularising public educational institutions in all those places.

Another question about which we heard a good deal at Simla was that efforts were being made, through conciliation boards, to remove various dissensions existing between various communities, but up to this time we have not been able to hear what has been the result of that. It may be in the minds of the ministers. But instead of creating that harmonious feeling, what do we see? We see that during the last 12 months we had to confront with about 12 communal riots and disturbances at different places. Is that the achievement we have gained from our popular Government, and from the people's Government, as they want to call it? It is a matter of great regret that up to this time our popular ministers have not been able to achieve anything in that direction. It is not a question which they can solve by themselves. It is a question in which they should consult various people of various communities and of various views and also the members of various different ideas in this House. It is not only the Unionist Party which can bring about this sort of thing. It should be a mass movement in every place where every Muslim, Hindu and Sikh should be represented. We find that every day we have different kinds of cut-throats. On the one side, there is the question of *jhattr*, on the other side there is the question of cow-killing and on the third side there is another sort of thing. We find that sometimes there is the question of *baja* going on in front of a mosque or *baja* going on in front of a *mandir*. Are we not ashamed of it? Is the Government not going to take active part to remove this misunderstanding? I not only blame the Government but I also blame the public and the leaders of various communities. (A voice : Including yourself.) I do include myself. I do not say that I am not to be blamed. I am quite prepared to share the blame which lies upon others. I would ask them, what have they done? I, at least, during the last 12 or 14 years have tried to bring about several kinds of good feelings. But I now find that several of those people merely talk about it and do nothing. I certainly admit that several of our leaders are to be blamed to a very great extent. I would request the powerful Government, the popular Government, and our own Government to direct their attention towards this question.

Now, coming to the budget itself. I stood simply for the sake of bringing in a big reduction in the Police Department. I would say that the Government could effect a great deal of economy in that department if they cared to do so and if they had pacified the feelings of various communities. (*Lala Duni Chand*: There has been a big increase in the police force). My honourable friend, *Lala Duni Chand* says that there has been an increase in this department. I know that. During the last 12 months we had 12 riots and disturbances of various nature in various districts where the Government had not been able to control those districts properly. I cannot fully discuss all cases because some are *sub judice*. However one of these cases which has been finished is about Jandiala Shaikhan, where the question was only of *jhatka* of a fowl on which the difficulty arose. I must say candidly that the district authorities were not fit to make proper arrangements or to control public feelings which existed there. Had they done so, this unfortunate thing would not have happened.

Now, Sir, I would also bring to your kind notice certain other matters. As my honourable friend *Rai Sahib Gopal Dass* pointed out, one of them is about the amount which is going to be given to the Lahore Improvement Trust. It is a very big sum which will involve a heavy taxation on the Lahore public. I know what is being done by that Improvement Trust. Unfortunately whenever we put any question whether the Government is aware of such facts or not which are going on in Lahore under their very eyes and within their knowledge, the reply is that the Government is not aware of it. I do not know when that time will come when the Government will become aware of it. Do they want to create a similar position in the city under their very eyes when people will resort to certain unlawful actions, and start a no-tax campaign?

My humble submission is that these are questions which are very lengthy ones which I cannot describe within ten minutes, but I shall confine myself to say this much that the administration of the Lahore Municipality where the expenses have become very high, the public is dissatisfied and everything is being done in an arbitrary way. After all there used to be 47 members and I have done a good deal of work in that municipality. It was superseded the year before last and that supersession will cease from to-morrow. I do not know whether the Government will give to the public the right to send their own representatives to the municipality.

**Chairman**: The time allowed to the honourable member is over.

**Mrs. J. A. Shah Nawaz** (Parliamentary Secretary): Mr. Chairman, Virgil tells us that the noblest motive is that of public good, and I am not going to say, as many of my colleagues on the opposite benches would have said if they had quoted this, that seated on that side of the House are persons whose motive is that of public good. What I am going to say is this that all of us who have come to this hall have come with the noblest aim of all that of public good and bearing that in mind alone we came here.

Last year while speaking at one of the public functions in Lahore, I said that we were grateful to the Honourable the Premier for placing the stewardship of the finances of our province into the hands of one of the greatest economists in India. A cursory glance of the budget will show what a fine account of that stewardship has been placed before us by the

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Honourable the Finance Minister. I feel proud to-day that the Punjab scores over every other province, in India, as far as the stability of our finance is concerned and I take this opportunity of congratulating the Honourable the Finance Minister and his able Secretary on presenting to the Legislative Assembly such a fine statement of financial affairs.

As I said, a cursory glance of the budget will show that not only last year, that is the year we are about to close, has there been an increase in the revenue on all sides but even in the next financial year it is estimated that as far as the income is concerned it is going to be a good year. We inherited this provincial autonomy with a minus balance of 42 lakhs and to-day we are plus 19 lakhs—including the 55 lakhs which have been set apart for the Special Development Fund. Apart from that, 32 lakhs have been spent in remissions of revenue last year and a remission of 26 lakhs is proposed for the next year. Altogether 41 lakhs will have been spent on beneficent activities.

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

There is an increase in the income, but there is a decrease in expenditure. In General Administration alone, in spite of the additions that have had to be made in the Secretariat and the allowances that have to be given to the members of the Legislative Assembly, there is a decrease of Rs. 2,26,000 in that item alone. One of the honourable members said yesterday that the rise in the income of revenue was due to the fact that the Departments of Revenue and Irrigation were trying to extort money out of the poor agriculturist and he said that they would not remit even 4 annas. Let me point out to him—and I am sure that in his heart of hearts he knows that this is true—that so far as the question of revenue income is concerned things are getting better every year. Most of us who have to do something with land know that whereas a couple of years ago we could not find any lessee for our squares of land, to-day people are approaching us of their own accord to get the lease of land. This shows that there has been an increase in the demand for agricultural produce—hence the increase in the revenue income.

Then comes the question of excise. My honourable friend on the opposite bench tried to make out that perhaps our Government was the only Government which was getting a revenue out of what he called this immoral source of income. I have some figures here for my friends on the opposite benches. What is the income that the Madras Government gets out of excise? Out of total income of Rs. 15,19,80,000 the income from excise is Rs. 3,88,92,700. That is 25 per cent. of the total revenue of that province. Now take the case of Bombay. The total income of Bombay is Rs. 12,09,00,000 and out of that the excise income alone is Rs. 2,98,00,000, which is nearly 25 per cent. of the total income. What about the United Provinces? There again the annual income is Rs. 13,01,70,000 and Rs. 1,36,25,000 is the figure that is realized from excise. Let us take our own budget, and see what is the percentage of the income derived out of excise. My honourable friend opposite will be surprised to know that it is barely 10 per cent. of the total income and still we are told that we rejoice in the fact that our receipts have increased just because some of that increase is due to the increase of income from this immoral source of revenue.

Take the case of the beneficent departments. Everywhere you will find that there has been an increase in expenditure. What is it that our Cabinet has given to these beneficent activities? Let us take first education. There is an increase of Rs. 1,92,000. Then there is medical relief where there is an increase of Rs. 3,84,700. In public health there is an increase of nearly 1 lakh and the same is the case in regard to agriculture, where there is an increase of nearly 4½ lakhs; veterinary 2½ lakhs; co-operative societies, 2 lakhs; industries, Rs. 1,52,800. Apart from that Special Development Fund has been constituted primarily for the development of rural areas. We are told that only one crore of rupees out of 12 crores are being spent on the poor *kissan*. What about all that is shown in the Punjab Government budget under civil works which is included by some of the other provinces in 'beneficent activities'? The Punjab does not place those all important items in the category of beneficent activities. If you were to take the whole budget you will find that three fourths of the money is being spent on the poor *kissans* about whom my honourable friends were talking so much yesterday. (*Hear, hear*).

Take the case of education. One of my honourable friends on the opposite benches said yesterday, how could we two women sitting on this side of the House be satisfied when barely 5 per cent. of the money sanctioned for education was spent on women's education? Let me point out that the new expenditure that was sanctioned last year, that is, 1937-38—80 per cent. of that money was devoted to female education and this year all the new expenditure that is budgeted for education—that is in the budget of 1938-39—cent per cent. of that money is going to be spent on girls' education.

Now take the case of medical. Nine new maternity hospitals are going to be opened for providing relief in rural areas. There again it is the women who are going to benefit by it. Under medical, Government has also sanctioned a new sum of money which is to be utilised by the doctors who are in charge of rural dispensaries for travelling so that they may be able to give medical aid to more people in rural areas than they were able to do while sitting in their dispensaries.

Now coming to the question of public health, there you will find that 5 lakhs of rupees are to be granted as special sanitary grants, two lakhs to be spent in urban areas and three lakhs in rural areas. Then another Rs. 1,40,000 out of the Special Development Fund is going to be spent on public health and what ought to make my sisters on the opposite benches very happy is the appointment of a lady welfare organiser. For me it has almost been a dream realised. I always used to feel that unless there is a woman who could take up the co-ordinating work of rural activities as well as of welfare centres which is carried on all over the province, it will not be possible for us to achieve real success. I am glad that at least the Government has sanctioned the appointment of a lady welfare organiser. As you are aware, we have nearly 200 welfare centres working in several districts and thousands of *daus* are taking their training in these centres. We hope that in future years, as soon as more health visitors qualify from the Punjab Health School, more welfare centres will be opened and there will not be an area

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left within a radius of five miles where a hospital or a welfare centre will not exist, so that medical relief will be forthcoming for all the women and more especially for maternity cases.

Many of my friends on the opposite side said that they are thoroughly disappointed with the Punjab budget. Colton tells us that "abuse is the weak resort of cowardice". Why resort to that? Why not study the budget in a sympathetic manner? Believe me I also was very disappointed when I opened the pages of different papers to find out what the United Provinces Government and other Congress governments had done. I was thinking as one of my honourable friends said yesterday, that there would be a taxation on the lawyers, a taxation on the doctors, a taxation on the capitalists. But no such thing is found in any of these budgets. They are also framed on the lines of the previous budgets with a small item of new expenditure here and a small addition there. If those Governments could give a reply that within the orbit of the present constitution they could not do more, why are we being blamed? In fact the creation of the Special Development Fund is a new feature in the Punjab Government budget and still we are told that the Government has practically done nothing. This is something which I fail to understand altogether. Benjamin Franklin tells us that those who have patience will have what they will. I request my honourable friends on the other side not to mislead the country by saying that the present Government has done nothing for the masses. I also request my sisters not to go and tell the women their sisters that the present Government has done nothing for them. I am proud of the fact that the Government of to-day has done more for the women of this province than any previous government had done. (*Hear, hear*).

I will not take more time of the Assembly. One word more that I have to say, especially to the members of the minority communities of this province, is with regard to an all important question which is the worry of every one of us in these days. I am sure they will forgive me if I point out to them their duty which is the duty of all the Unionist members sitting on these benches as well. Why cannot a solution be found of the Shahidganj question? If we put our heads together, if we join hands, if we say—"there is a piece of land, let us place it in such a manner that no one should be offended and we should not hurt the feelings of any religious community"—why cannot we bring about a peaceful atmosphere which is required for the success of the new constitution, a peaceful atmosphere which is required for every reform? I would request my honourable friends sitting on all the benches here to put their heads together, to join hands and find a solution of this problem. (*Applause*).

**Mrs. Duni Chand** (Lahore City, Women, General) (*Urdu*): Sir, I beg to invite your attention to the fact that the provision made for female education which includes Rs. 5,400 for the Ferozepore Girls High School and Rs. 25,000 for the vernacular middle schools is a very inadequate one. I want to bring home to you the fact that in the matter of education girls lag far behind boys. Where the educated boys number 18 per cent., the educated girls number only 2 per cent. In order to make up this deficiency it is essential that greater attention should be given to female education.

While such insignificant sums are allotted for their education, a colossal sum of Rs. 33,000 is set apart for meeting inspection expenses.

The present Government like its predecessor has the same objectionable trait of spending huge sums of money in providing fat salaries for its officials instead of effecting savings to be spent on the welfare of the poor.

My honourable friend, Begum Shah Nawaz, has just remarked that a large sum has been ear-marked for girls' education which I beg to submit is quite incorrect. No attention has ever been or is being paid to the education of girls in rural areas. I know that as a matter of fact, for I frequently tour these villages. I find there are only a few boys' schools but there is no girls' school at all. It is necessary that primary schools should be opened in villages and primary education should be made free and compulsory. The vernacular middle schools are bound to prove a failure if arrangements for imparting free education to villagers are not immediately made. I have discussed the question of co-education with the villagers and they approve of this. If in new schools that are to be opened co-education is started it will have a two-fold advantage; first, no extra expenditure will be involved and secondly, girls will also receive education. All the same it is very essential that female teachers should be employed to teach girls. In case the number of girl students is considerably large, an increased number of female teachers can be employed. In Europe it has been proved by experience that female teachers are more suitable for teaching the youngsters. I, therefore, submit that the Government should provide for trained female teachers to impart education to students in village schools. Mahatma Gandhi has propounded a scheme of imparting education to the children below the age of seven years, after which they can join the schools for further education, if they so desire, but if their primary education is neglected no good is likely to accrue to them by going in for higher education. Here I would like to point out to you what the villagers actually need.

If you visit the villages, not in connection with your election campaign, you will notice that there is none to look after the health of these villagers. I have seen that the villagers do not even know how to cure their eye-sores. There are no ventilators and windows in their houses. They do not seem to have even been told that air and light play a great part in their lives. It is to be regretted that elections are not held during the rainy or summer seasons when you would be able to know the real condition of the villagers. If the Honourable the Finance Minister were to go to the villages in those days he would himself realise the pitiable condition of those who live there. During the rains the small pits around the villages are filled with stagnant water and become the nurseries of mosquitoes. Every house presents the appearance of a hospital on account of people lying here and there with malarial fever. No medical aid is available there and for lack of good roads and suitable conveyance they cannot go to towns to seek proper medical aid. They often fall victims to such diseases as malaria, smallpox and tuberculosis due to their ignorance. It is the duty of the Government to arrange for lorries as a means of conveyance and require the health officers to go to villages and lecture to people about these diseases and their cures. If that is done the people can avoid many a disease like these.

[Mrs. Duni Chand.]

I have been to villages and I have seen children who are suffering from enlarged spleen and liver but it is very regrettable that their parents are quite ignorant of these diseases. I do not deny that the Government might be doing something to remove this sort of ignorance but the thing is that the Government management has not proved as beneficial as it should have proved itself. The reason is this that those people are not being so much supported by the Government as they should have been. Most of the money that has been realised from the masses of this province is being lavishly spent on the fat salaries of the Government officials. Our Government do not give even the due attention to the country-side and that is why the villagers are found to be so much ignorant. Many an arrangement is being made in Europe for the general health of the villagers. First, the milk is tested in order to ascertain whether it is immune from any disease germs and then it is given to the babies. But in our country many a child falls a victim to several diseases on account of being fed on the milk of sick cows.

The next point which I want to bring to your notice is this, that the Government have suggested the opening of vernacular middle schools in the province. In this connection, I may submit that anglo-vernacular middle schools should be opened instead of vernacular middle schools, not because that I like the English language, but because of the fact that when the girls after getting through the vernacular middle examination join matric class they are being put to a very great trouble for the preparation of the English language. So far as my opinion goes I prefer Bhasha to the English language. A Harijan brother has also suggested this.

**Lala Harnam Dass :** On a point of order. Sir, I protest against the use of the word "Harijan." We are being insulted by the use of the word "Harijan."

**Diwan Chaman Lall :** How is the point that the honourable member has raised a point of order?

**Mr. Speaker :** That is not a point of order.

**An honourable member (Urdu) :** What should we say then?

**Dr. Sir Gokul Chand Narang :** Scheduled castes.

**Sardar Mula Singh (Urdu) :** Sir, a Punjabi speaking member cannot say "scheduled castes."

**Sardar Sohan Singh Josh :** We want to know what word should be used. The other day I used the word "achhut" and they objected to it. What other word shall we use?

**Khawaja Ghulam Samad (Urdu) :** We should use *past aqwam*.

**Mr. Speaker :** What suggestion has the Khawaja Sahib made?

**Khawaja Ghulam Samad (Urdu) :** *Past-aqwam*, that is, depressed classes.

**Pandit Shri Ram Sharma (Urdu) :** Sir, I want to know what word we should use for this caste. Who is going to decide this matter?



**Sardar Sohan Singh Josh :** The point is that we are in a great difficulty. We have after all to refer to the scheduled castes by some word or other and whenever we use a word that word is objected to. So we want to know, through you, as to what is the most appropriate word that we should use in order to refer to them.

**Diwan Chaman Lall :** "Harijan" is a word which was coined by Mahatma Gandhi and I do not think that Mahatma Gandhi is capable of offering any insult to that community. (*Hear, hear*).

**Mr. Speaker :** What objection is there to the use of the word "Harijan"?

**Lala Harnam Das (Urdu) :** My submission is that every day the backward classes should not be given new names. My honourable friends can call them backward Hindus.

**Mr. Speaker :** Does the honourable member know the meaning of the phrase? "Harijan" appears to be quite suitable (*Interruption*). Order, order.

**Sardar Mula Singh (Urdu) :** We are not honoured in any way even if we are termed as backward classes or Harijans. The question is that we should get our rights. There is practically no difference in these two names. The honourable members can call them by any name they like. In my opinion both the names are quite all right.

**Mr. Speaker :** I would request the members of scheduled castes to put their heads together and come to a definite conclusion as to what word should be used and then I will consult members of various parties and decide whether that word should be used or not.

**Sardar Gopal Singh (American) :** We would like to be called scheduled castes.

**Mr. Speaker :** Please put your heads together and let me have your considered decision.

**Mrs. Duni Chand :** I was submitting that Harijans are also human beings.

**Mr. Speaker :** I would request the honourable lady member not to refer to that matter.

**Mrs. Duni Chand :** I was submitting that the members of the scheduled castes are very backward in education. They are not only backward in education, but they are so very poor that they cannot send their children to school. I may submit that the wages of the members of the scheduled castes are so low that they have even to employ their children in order to make up the deficiency in their wages. It is, therefore, highly necessary that their children should be awarded scholarships, so that they should be able to go to school. In the end I would also suggest that it is the duty of the Government to make up any deficiency which would occur in the wages of the members of the scheduled castes owing to the sending of their children to school. With these words I resume my seat.

**Diwan Bahadur Raja Narendra Nath** (East Punjab Landholders): I would not have begun my speech with a platitude but after hearing the speech of my honourable friend Sardar Sahib Sardar Ujjal Singh and the extract which he gave from the *Leader* expressing the opinion of one of the most prominent political leaders of the country about the financial statement which has been presented to this House, I think it is morally obligatory on me to join in the general chorus of congratulations (*Hear, hear*). It is highly gratifying to me to find that the Honourable the Finance Minister has been able to present such a budget. While making ample and generous provision for the development of beneficent departments and promising a surplus at the end of the year, he does not find it necessary to impose any additional taxation. The scheme of creating a development fund is highly commendable. I realise that no government can work miracles. If we study the political history of England we will find that one party succeeds another and the succeeding party—the party coming after the first one—is not able to take any striking steps in advance, it does so only gradually and along the lines of slow evolution. That there is nothing strikingly wonderful in the budget is in my opinion its chief merit. I do not want to make comparisons and I think it is unnecessary to quote figures but I find that our province has been making marked progress in beneficent departments and that tradition is being kept up even for the year for which this budget is presented. If I remember the figure, I think 41 lakhs have been provided more than the previous year for beneficent departments. Substantial provision has been made for rural development. With regard to rural development I would like to make some suggestions. I am not satisfied with the provision that has been made with regard to public health. I am not satisfied with the provincialisation of only four hospitals. The scheme of itinerary dispensaries, if I remember aright, was tried 22 years ago when I was a district officer and at that time it was condemned. I do not think that it has better prospects now. I should like to divide the rural area into zones of convenient sizes and would locate a dispensary in each zone. If necessary the indigenous system of medicine, which is cheaper, may be introduced and the homoeopathic system of treatment may be invoked for help. I find that there are more schools than hospitals in every tahsil. This should not be allowed. I am not undervaluing education, I do not undervalue literacy, but I think improvement of public health is as necessary for the prevention of disease in rural areas as anything else. The next point to which I would invite the attention of the minister concerned is the development of roads. We have been told that our province is the foremost in this respect. We have more metalled roads and better village roads in the Punjab than in any other province. This may be for I have not tried to make comparisons but I am not satisfied with the condition of village roads. I think that a part of grants-in-aid made to district boards should be ear-marked for the purpose of road development and it should be made obligatory on the district boards to maintain a sufficient number of steam road rollers. If the steam road rollers are worked in time, the unmetalled roads can be improved systematically. They can be improved so as to be good for motor traffic. These are the two suggestions that I should like to make with regard to rural development scheme.

I find that unfortunately in this province and especially in this Assembly, too much stress is laid on the discrimination between rural and urban interests. (*Hear, hear*). Anything that we do must be either rural or urban. I fail to understand this differentiation and this differentiation is stressed in modern times when the necessity of international co-ordination is felt by every nation. We are told that in one province the interests of the urban population are separate and different from the interests of the rural population. I do not understand how this is possible. The two classes are interdependent. Any financial distress that comes on the rural classes has its prejudicial effect on the urban classes. When after the Great War the rural classes were prosperous and the prices of agricultural produce were high, I used to hear from every professional man, lawyer or doctor that he was making a good deal of money. Now he says that his practice has gone down because the rural population cannot make enough money. Therefore, as I stated before, the prosperity of the urban classes and of the rural classes is inter-dependent. Industrialisation will do good to both and I am glad that the Honourable Minister for Finance has promised that he is going to order an industrial survey of the province. As far as I remember industrial survey was undertaken in the year 1912. Much water has since flowed in the Punjab rivers and the old enquiry is now out of date. I specially invite attention to one point and that is that the possibility of small scale industries should be explored. There should be more small scale industries established than big ones. My personal experience with regard to industrial development is very unfortunate. I find that it is extremely difficult in the Punjab to raise large capital on the joint stock principle. We are told we shall meet with failures in the beginning but in the long run we may prosper and we will have to wait. We may not live till that time. I put great stress on small scale industries which should be conveniently established even in the rural areas. If the hydro-electric scheme supplies electric power for these small scale industries the rural areas will benefit because the rural classes will not have to go to the distant markets for the sale of their produce and some of the agriculturists, who can afford some capital, can join in the corporate body which undertakes the small industries.

Criticism has been levelled that the Finance Minister has said nothing with regard to the relief of the peasants and with regard to the unemployment problem. Well, the Government have appointed committees and we should wait for their report. We should hasten slowly, if I may use that expression. But I may sound a note of warning to the House that there are practical difficulties. I have studied this question and I have given evidence before the committee which is sitting in order to examine whether the principle of income-tax can be applied to the assessment of land revenue. It seems to me that the fall in taxation will cause heavy deficit in the budget and we will have to make it up. How shall we do it? A part of the burden will have to be borne by the land-owning classes. Fortunately or unfortunately there are only 3,000 land-owners who pay Rs. 500 or more in the shape of land revenue. Others lower down in the scale will have to bear the burden. For that purpose we may find it necessary to change our land revenue law.

**Diwan Bahadur Raja Narendra Nath :** The Land Revenue Act fixes a proportion which as compared with the Land Revenue Acts of other provinces is very low. The proportion of the net assets which can be claimed by the state is 25 per cent. and there are further limitations imposed. The total revenue imposed on an assessment circle should not exceed 25 per cent. of the previous revenue. When we are apportioning the burden to small land-owners who pay less than Rs. 500 we might have to alter that proportion. But then the fear is that the greedy landlord may pass on the burden to the tenants. We may therefore have to change the tenancy law as well. Therefore we must be prepared for all these stages before we talk of giving relief in taxation to the peasant or the land-owners who have small areas of land. I was criticised for having read the address presented to the Viceroy but the reason was not known to the House. Now, I state the reason. I read it because it contained an announcement that the land-owners were prepared to bear a part of the burden. There were other reasons too not connected with the payment of land revenue to which I need not refer.

**Lala Duni Chand :** You presented an address to Sir Geoffrey deMontmorency.

**Mr. Speaker :** No interruption please.

**Lala Duni Chand :** Stray remarks are always allowed.

**Diwan Bahadur Raja Narendra Nath :** As a matter of fact relief to the agriculturists will not be adequate by partial relief in taxation. The measures which will give him relief are the creation of the additional sources of income ; and one of those additional sources, as I have said, is the establishment of small scale industries in rural areas and working them with the help of electricity supplied by the hydro-electric scheme. The other is the construction of new canals. I am very glad that one crore and 48 lakhs have been provided in this year's budget for the Haveli Project. But that new canal will only benefit the south-western parts of the Punjab. The south-eastern parts of the Punjab which are absolutely dry will not benefit by the scheme. There are other schemes which will benefit them and they should be undertaken as soon as finances permit. If you waste all the energy and become very charitable you will not have sufficient funds to undertake these schemes.

The Honourable the Finance Minister has pointed out that the Government of India Act gives very limited powers of taxation. I say it does not. What is there to tax ? I have been examining list No. 2 given in schedule 7 this morning. I found that it contained even the item of capitation tax, which I believe, will cover the birth tax which has been proposed in the United Provinces Legislative Council. That list of taxation was prepared by Parliament after a full examination of the report of the Taxation Enquiry Committee. I do not think that any item is left. There is not much left from any source. Agriculture will continue to be the principal industry of the province and the principal source of income. We must utilise that income in a proper and reasonable way and leave the chances for improvement in the direction in which improvement is possible. I am not against

taxation. I am quite prepared to bear the burden, but let us see how much deficit will be caused in the budget and how it is possible to distribute the burden.

I must say now a few words with regard to some points that were raised by my honourable friends sitting on the opposite benches. There is only one thing about which I wish to express my opinion and that is about the drainage and sewage scheme of Lahore. Well, I am not an engineer. I am not an expert. I cannot say that my opinion will be of much value, but I had the scheme examined by an engineer who is quite independent and I am of opinion that although that scheme is not perfect in itself for Lahore city, yet it will be unwise to postpone it for an indefinite time. It is said that it will be postponed because the Lahore city does not benefit by it properly and that the Lahore city will be able to benefit by it only after the Improvement Trust has finished its work. We have to wait till then. I do not think that we can allow that sanitation at the headquarter of the province should remain neglected for such a long time.

The other point that has been raised and to which reference has been made by my honourable friend Mian Abdul Aziz also is about the necessity of revival of the municipal committee. I am in full sympathy with my honourable friend. When the municipal committee was superseded I received reports of rowdy meetings one after another and I commended the action of the Minister for Local Self-Government at the time in superseding the committee. I looked forward to an improvement and I thought that the appointment of the Administrator would improve the municipal administration. But that has not come about. As a matter of fact complaints have been received that the administration of the municipal committee has deteriorated. Certainly, I can say that it has not improved. Is the committee going to remain under supersession for an indefinitely long time? That should not be. It is said that it is going to remain superseded until the Improvement Trust is able to work out the sewage scheme. That also will take many years. If the working of the various schemes is entrusted to the Improvement Trust, I think, the constitution of the Improvement Trust should be changed by taking on it elected representatives of the municipal committee and this can only be done after the municipal committee is revived. So much with regard to the points raised by the other side. I need not touch other matters and waste the time of the House in criticising our critics.

A section of the House went into a lengthy criticism about the appointment of panchayats and conciliation boards. With regard to these I observe that we have a wave of democratization in the whole country. Is our ministry to lag behind? My personal opinion is that democratic institutions have also their imperfections and defects. No human institution is perfect. But experiment is to be tried and we must follow what the rest of the country is doing. Anyhow there is not the least justification for suspense.

Another request which was made to me, when I was away from my seat, was that I should leave the ministerial benches because the Punjab ministry was following in the wake of other provinces. I do not see why

that request should have come from the opposite side because in following in the wake of other provinces, they are only following the ideal put before us by the Congress which those gentlemen represent. (Voices: Nobody said that.) I think somebody did say so.

Just one word more before I resume my seat. A good deal of controversy was raised in this House about Punjabi, Urdu and Hindi equivalents of English words and English terms and about translation of speeches and Bills into Urdu, Hindi and Punjabi. I ask my friends here what is the Urdu equivalent of the English word 'coalition Government'. Perhaps its Urdu equivalent will be اتحادی حکومت. Nobody will understand it. Another equivalent in Hindi would be (जय-हिन्द-संघ) . I do not think that would be appreciated either. For 'coalition Government,' I suggest the words महा-संघ. In every महा-संघ there are two kinds of ingredients. Some medicines are stimulants and others are sedatives and we claim to ourselves the credit of having lent the sedative ingredient to the Cabinet.

حرارت دار این معجون تباشیرے ضرور آمد

As to our Honourable Premier, for whom I have personal regard, I say he discharges the functions of a cooling beverage. He always cools all heating controversies and I hope this combination will continue to render service to the province. *(Cheers).*

**Minister for Development** (The Honourable Chaudhri Sir Chhotu Ram) : Sir, within the limited time at my disposal it will not be possible for me to reply to the criticism that has been offered by individual members of this House. But I can assure all the honourable members that all constructive criticism offered either on the floor of the House or outside will receive my closest attention, and even respectful attention.

With these few opening words I desire at once to plunge into the general subject of my own departments. It has been said by member after member that the present budget is a rich man's budget—it is not a poor man's budget—and that there is nothing in this budget which gives an indication of any desire on the part of Government to render service to the poor peasantry of this province. It so happens that I am in charge of a number of departments which deal primarily with the rural population, with the poor peasantry of this province, and, with reference to concrete figures, I desire to impress upon the House that this Government has been doing and intends to do all that it can, within the limits of its financial resources, to promote the welfare of this section of the population.

A slight attention paid to the figures will convince any reasonable person that the Punjab has done all that it could possibly do for rendering service to the poor peasantry of this province. I need not make any comparison between what the Punjab contemplates doing and what other provinces contemplate doing. The figures, even when taken by themselves, will convince any fair minded person that we have done more than any one expected that we shall be able to do. I have four main departments under me—Agriculture, Veterinary, Co-operation and Industries. I will draw

the attention of the House to the figures of expenditure for the years 1986-87, 1987-88 and 1988-89 (the present budget). Under agriculture we have made a provision in the present budget which exceeds the provision made in 1986-87 by Rs. 9,65,000. This provision as compared with the provision made in the budget of 1987-88 is better by Rs. 4,09,000. Under the veterinary department the provision for this year exceeds the provision made in 1986-87 by Rs. 4,02,000. It exceeds the provision made in 1987-88 by Rs. 2,82,000. Under co-operation the budget provision with which we are now dealing exceeds the budget provision of 1986-87 by Rs. 4,09,000 and that made in the budget of 1987-88 by Rs. 3,09,000. Under industries the budget provision exceeds that made in 1986-87 by full Rs. 5,44,000 and exceeds that made in 1987-88 by Rs. 1,78,000. The totals for all the four departments show a striking improvement. The present budget for the four departments exceeds by as much as Rs. 28,20,000 the budget provision made in 1986-87, and by Rs. 11,73,000 the budget provision in 1987-88. And these figures do not include the share which I get out of the Special Development Fund of which we are going to spend 6 lakhs during the coming year. Out of these 6 lakhs my departments get Rs. 3,50,000. Taking all these figures together it is obvious that our provision in the present budget exceeds by 26½ lakhs, the provision made in 1986-87 and by 15½ lakhs the provision made in 1987-88. Could any one who desires to be fair to the Government say that the Punjab Government has failed to do what it could to render service to the poor peasantry of this province. Let us remember that these four departments exist mainly and primarily for service to the poor peasantry of this province. To dispel all doubt on the subject, I will draw the attention of the House to the progress that has been made in various directions on account of the activities pursued by these departments. Let us take the Department of Agriculture. On account of improved sugarcane the additional income which is made by the poor peasantry of this province in a year is 90 lakhs, and the additional income that comes into the pockets of the agriculturists of this province as a result of improved foreign cottons alone is 95 lakhs, and the additional income which comes into the pockets of the agriculturists in this province on account of the sowing of improved wheat is no less than 3 crores. The total comes up to Rs. 4,85,00,000 a year. To this may be added another couple of crores from improved varieties of *desi* cotton. I think I can fairly ask whether this additional income which goes practically exclusively into the pockets of the zamindar classes does not show that the Punjab Government even in these four departments has done what deserves a bit of commendatory remarks even from the Opposition benches.

The next point to which I may draw the attention of the House is the subject of indebtedness. Everybody knows that agricultural classes in all provinces including the province of the Punjab are groaning under the burden of indebtedness. Has the Punjab Government done anything or not to relieve this burden? I claim that the debt legislation which was placed on the statute book by the Punjab Government compares favourably with any legislation anywhere.

**Diwan Chaman Lall :** Debt legislation was the work of the previous Government; that is why we say that the present is the same Government as the previous one.

**Minister for Development :** Any shortcomings that may still be found to exist in this legislation will be removed without any avoidable loss of time. I may also say a word in this connection about conciliation boards. A good deal of mis-apprehension seems to exist on the subject of these conciliation boards. The honourable member representing Rural Ambala stated that every seat on these conciliation boards was being given to a supporter of the Unionist Party. That allegation is entirely and completely baseless. Another member suggested that cent. per cent. posts were being given to *sarkar prast* zamindars.

**Lala Duni Chand :** May I have just a word of explanation.

**Mr. Speaker :** The honourable member may make an explanation after the Honourable Minister has finished his speech.

**Minister for Development :** That member is himself a zamindar, and represents a rural constituency. I am really sorry that he should have made such a reckless remark. The normal constitution of a board is that at least one member should be on the board to represent money-lending interests. At least one member should be there to represent the interests of the debtor classes. The third man who is to be chairman may be an agriculturist or may be a non-agriculturist, but he ought to have sufficient knowledge of law and procedure and ought to be able to understand the difficulties of rural classes. We have been studiously following these principles in the constitution of these boards. I need not say anything more with regard to these boards.

Now, with regard to increasing the income of the poor peasantry. His income can be increased in two ways, one way is to increase the amount of agricultural produce—to that I have already drawn the attention of the House—and the other way is to secure a fair price for that agricultural produce. So far as the question of securing a fair price for agricultural produce is concerned, I have in view the introduction of a Marketing Bill. That Bill will be placed before this House without any avoidable loss of time. (*Applause from the Ministerial benches*). As soon as the draft of the Bill is ready it will come up before this House for consideration. If possible, I shall try to introduce that Bill during the next summer session. If by any means it is further delayed, I feel sure to be able to place that Bill before the House during the autumn session. I have no doubt that that Bill, when passed, will help the agriculturist to get a fairer price for his produce than he has been getting so far. It may add anything between two and six annas in the rupee to what he is getting at present. But even if we add two annas in the rupee, he will be getting about 8 crores more. At the most modest calculation the annual value of agricultural produce in the Punjab is between 60 and 70 crores. If we can get even 2 annas more in the rupee for the agriculturist, the additional income that will go into his pocket will be between 8 and 9 crores. That is a very substantial amount (*hear, hear*). And may I hope that every section of the House will help me in passing that Bill into law as quickly as possible.

Now I may add a word with regard to the department of co-operation also. Here again, the department has been doing very useful work, and the most useful line of work which has been appreciated by the general public is the consolidation of holdings. Consolidation of holdings has



become so popular with the zamindars that in two districts they collected, and deposited as much as Rs. 70,000 for the cost of the staff which was to be engaged to consolidate their holdings. Government has made up its mind to quicken the pace of consolidation of holdings. Even out of the Special Development Fund which has been instituted by the Honourable Finance Minister we are diverting as much as one lakh next year towards the work of the consolidation of holdings. I need hardly say that this is over and above the allotment in the normal budget. Apart from this we are also thinking of starting more societies, not credit societies, but societies of a different type, such as thrift societies, better-living societies, arbitration societies and so on.

Next to co-operation I may draw the attention of the House to the working of the Veterinary Department. And here I may be allowed to say that with the possible exception of Madras, we are spending as much as, if not more than, any other two provinces in India put together do on this department. This is a claim which Government can put forward quite fairly and reasonably. And if that is a fact, I think this House will agree that the Punjab Government has been doing a good deal to promote the interests and economic prosperity of the agricultural classes, because the Veterinary Department serves almost exclusively the agricultural classes. The House will also be interested to know that we have as many as 300 veterinary hospitals, with 1,200 outlying dispensaries attached to them, and during the course of the next few years, we propose to have at least two men in every village who will have received sufficient training in order to render first aid, in order to understand the ordinary symptoms of disease and in order to understand simple remedies for these diseases. (*Applause*).

With regard to industries also, I may be allowed to say a word. Even in this department, although it happens to be under a Jat minister, development has been fairly satisfactory and I assure the House that in spite of all that my political opponents may say, I am just as much interested in the promotion of industries as anybody else in this House or outside because I have sense enough to understand that the prosperity of agricultural classes, the prosperity of the producers of raw material is closely bound up with the prosperity of industrial classes. That is a very simple proposition which anybody can understand. I fully understand it and will do my level best to promote the growth of industries in this province as much as any other minister could have done. With these words I may be allowed to close my remarks.

**Lala Duni Chand :** I want to know whether it is not a fact that one of the members of the conciliation board of the district of Ambala was not recommended either by the deputy commissioner or by the commissioner and that in spite of that a man who was a special favourite of the Honourable Minister was appointed by him.

**Mr. Speaker :** The honourable member should not be personal.

**Premier :** On a point of order. Is the honourable member allowed to cast aspersions and make reflections on another member of the House ?

**Diwan Chaman Lall :** The honourable member is asking for information.

**Lala Duni Chand :** Further, whether it is not a fact that all the three members of the Ambala Conciliation Board are *sarkar prasts*, in the words of the Honourable Minister himself, of the deepest dye?

I want information on those two points, whether one of the members of the board was not recommended by the subordinate authorities and whether all the members of the board are not loyalists of the deepest dye.

**Mr. Speaker :** The question is now in the following form. Whether it is a fact that a member of the board was not recommended by the deputy commissioner and yet he was appointed and whether it is not a fact that three of the members of the board are loyalists?

**Premier :** The answer to both the questions is in the affirmative.

**Khawaja Ghulam Samad** (Southern Towns, Muhammadan, Urban), (Urdu) : Sir, I would like to begin my speech by quoting a verse of Ghaleb which runs as follows :—

غلط ہے جذب دل کا شکوہ دیکھو جرم کس کا ہے  
نہ کہینچو گر تم اپنے کو کشاکش درمیان کیوں ہو

The general discussion on the budget has been going on in this House for the last two days. Quite a number of honourable members have given expression to their views and have severely criticised it. The Treasury benches on the other hand have left no stone unturned in defending it. Even the Opposition had to admit that this budget was prepared by one of the most prominent and expert economists of India and to that extent they have also appreciated it. But I must say this much that after all he was a human being and as such he might have erred here and there. There are some defects in the budget.

I would, however, like to submit that there is more to appreciate than to criticise in the present budget. Many members of the Opposition have stood to oppose the budget but none of them has so far uttered a word in its favour in accordance with a well-known Persian proverb which is as follows :—

عیش اگر بغتی ہڈش نیز بگو

Sir, we realise that the Honourable Minister for Finance has very carefully prepared the budget and has avoided certain objectionable things. He has very strictly followed the principles of sound finance so that no irregularity should be committed and that is why he has placed such a budget before us in a beautiful form. A sufficient and a worth-while sum of Rs. 8 crores and 28 lakhs has been provided for the beneficent departments. This amount will be spent on departments which include hospitals, co-operative banks, and debt conciliation boards. So far as this item is concerned the Government have shown much generosity. It is an obvious fact that it is not easy to prepare a budget. The minister in charge has to do a very difficult task. He has to consult his secretaries, the whole of the Cabinet and besides this he has to study the various aspects of the political as well as financial position of the province. More than this, he has to keep always this aim in mind that he should so prepare the budget

that might encourage good relations between different communities of the province and might please the public at large. May I point out that the amount provided for education, medical aid and veterinary hospitals is not rightly spent on these departments. So far as the Public Health Department is concerned, I may submit that we have already got many doctors, civil surgeons, assistant civil surgeons, assistant surgeons and sub-assistant surgeons. These men could very well work in the Public Health Department. In my opinion, therefore, it will be quite useless to engage more doctors this year. I am very glad to learn that the Government have started a special fund in connection with plague and taken this extra responsibility on their shoulders. As regards education, it has been proposed that four boys schools and four girls schools will be opened in four districts and four tahsils, respectively. Besides, some other proposals have also been made for instance the introduction of compulsory primary education in the province. This proposal is very useful indeed but if the system of education and the courses as well are changed it will prove more useful. Strictly speaking our children after spending thousands of rupees and after obtaining even higher education are not fit to be considered learned. As a matter of fact our boys become mentally weak by the time they complete the courses of higher education, because lot of burden of numerous subjects is laid on their weak shoulders. In the light of the above mentioned fact, I would like to crave the indulgence of the Honourable Minister for Education that courses of education and the syllabus should be changed. It can be done by lessening the number of subjects which our tender children have to study in schools and perhaps he does not know that most of the children ruin their health on account of hard work which they have to put in for the preparation of subjects which are no less than half a dozen.

Now, I come to zamindars. Many of my honourable friends on the Opposition have stated that nothing has been done for the zamindars in the present budget. Apparently it seems so. But in reality you and we are both responsible for this. We one hundred and seventy five members of this Assembly have been elected from our different constituencies. It means that we have sufficient influence in our constituencies and the constituents of each *ilaga* have complete confidence in us. If we are unable to stop communal tension which is prevailing almost in the whole province, our influence in the constituencies is worth nothing. To rise in one's seat and criticise the budget by saying that nothing is being done for the betterment of zamindars is easier than to take a practical step in the matter itself. The objection that has been raised from the Opposition is that land revenue and abiana have not been reduced. In reply, I may point out that the money that is being spent on additional police in areas of communal disturbance can easily be provided for giving facilities to the zamindars in such cases, provided all the members of this Assembly try their best to stop the communal tension in the province. It has been frequently said by the Opposition that they have all sympathy for the zamindars while the Government lacks it. These are nothing but mere words. I ask them to come to the front and I do invite them to work with us and if they are prepared to do that, we will give them every possible assistance.

A big sum of one lakh and seventy thousand has been granted for the increase of water supply in Hissar, Shahpur and Hoshiarpur districts as a

[Khawaja Ghulam Samad.]

reference to the table of "New Expenditure" would show but it is to the misfortune of the people of Ambala city that no provision seems to have been made in the budget for supply of water in Ambala city.

I may further submit that the people of Ambala are suffering acutely on account of the deficiency of potable water in that *ilaga*. When the summer comes the town of Ambala presents the tragic scene of Karbala and thereby the people suffer miserably. I may add that when the Honourable Mian Abdul Haye went to pay a visit to Ambala the people requested him that as he has been elected from that constituency, so he should do something to ameliorate their hard lot. But I am sorry to remark that up till now nothing substantial has been done. At the time of election the different candidates hold out high hopes to their constituents, but when the time of fulfilling them comes nobody cares a straw for them. It is easy to make promises but very difficult to fulfil them.

**Minister for Education :** May I know from my honourable friend wherefrom he has got this figure of 17 lakhs for Hoshiarpur? May I also know whether he knows what is actually being done for Ambala? Rupees 20,000 have been allowed during this year.

**Khawaja Ghulam Samad :** I have not seen it provided in the budget.

**Minister for Education :** This is your ignorance.

**Khawaja Ghulam Samad :** You asked a question from me.

**Mr. Speaker :** The honourable member's time is up.

**Lala Bhim Sen Sachar** (North-Western Towns, General, Urban) : Sir, my honourable friend, Mir Maqbool Mahmood, the noble sister Mrs. Shah Nawaz sitting opposite and the Honourable Chaudhri Sir Chhotu Ram, the Minister for Development, are very cross with us because we have not joined in the usual chorus of congratulations to the Honourable Minister for Finance in respect of his budget. Let me assure them that where praise is due the Opposition is not hesitant in expressing the same but where praise is not due, it is only fair that we should not be coerced into showering praise. For instance, if it is desired that the Honourable Minister for Finance should be congratulated on the extraordinary expression of his speech, I shall be behind none in declaring in this open House that he has couched his speech in the finest possible language. If it is intended to give praise to the Honourable Minister for Finance for his capacity for having digested the budget and having beautifully summarised the Explanatory Note, I shall be second to none in saying that he has succeeded marvellously. My friends opposite are always keen in expressing that it is a great fortune of the Government that they have a Finance Minister in the Honourable Mr. Manohar Lal (*Hear, hear*). My own view is that it is one of the misfortunes of the Unionist Party to have the Honourable Mr. Manohar Lal as a Minister. The reason is very simple. If you had another gentleman as a Minister for Finance, then his utterances would not have that authority which the utterances of the Honourable Mr. Manohar Lal are likely to have over the world outside. He has got capacity for varnishing things and thereby the Unionist Party is not allowed to see the real things for themselves. If there were a gentleman who was not capable of making a big thing out

of nothing, then our honourable friends would have been left to themselves to realise the reality and they would have put their heads together and found ways and means of improving the situation. I, therefore, personally think that it is a great misfortune.

**Premier :** We did put our heads together and you see the result.

**Lala Bhim Sen Sachar :** The Honourable Premier has been pleased to say—

**Mr. Speaker :** The honourable member need not take any notice of those remarks.

**Lala Bhim Sen Sachar :** I shall try to make a few observations with respect to a remark of the Honourable Minister for Finance in respect of his speech of the other day. The Honourable Minister for Finance has been pleased to claim credit for the excellent control over the finances. He says :—

Honourable members will realise the strict watch that has been exercised on expenditure, and note how jealous has been the custody of their finances by their Government. (*Hear, hear.*)

and the instances which he has given are with respect to General Administration, Civil Works and Hydro-Electric Schemes. With your permission I shall refer to page 4 of the Memorandum Explanatory of the Budget, with a view to tell you something of the very close watch that has been exercised with respect to the finances of the province in effecting this saving under the 'Hydro-Electric Scheme'. How is that amount arrived at? The flat rate was 4.678. If that flat rate had been applied, the Hydro-Electric Department would have had to pay a larger amount of interest than it will have to pay now. What has been done? They say—

It was decided to pass on the benefit to the commercial departments by charging them the same rates as payable to the Government of India, i.e., from the Hydro-Electric Branch at 4 per cent.

Who has made that relaxation? The relaxation has been made by the Government itself; and this is what we have from the Financial Secretary himself :—

The above reduction will have no effect on the finances of the province as a whole because the interest charged to commercial departments is an internal adjustment.

Yet the Honourable Minister for Finance comes forward and says that it is the result of close watch over expenses. Instead of keeping the figure at 4.768 they reduce it and say—

The Hydro-Electric Branch has therefore gained to the extent of 4.76 lakhs.

**Secondly,** I would take up the General Administration. That is another instance of the very close watch. Do you know how this reduction has been arrived at?

Expenditure on General Administration is expected to be less than the original budget by more than two lakhs and is mainly the result of reorganisation of District Copying Agencies. This has proved successful so far by reducing the number of copyists and fixing their salary.

This is how this reduction in General Administration has been arrived at—by reducing posts of the poor copyists. It is all very well to give copies at cheap rate—that is perfectly all right—but was this the only source from which they could have taken this money. Are there no other appointments with much fatter and heavier salaries that should have been brought down? And still they say that there is close watch and there is economy.

[L. Bhim Sen Sachar.]

The other point is about Civil Works. Under Civil Works there has been a reduction. What is the explanation? We find on page 11 of the Memorandum—

Civil Works show a decrease of 5½ lakhs owing mainly to less expenditure on works financed from the Central Road Development Fund.

What does it mean? Page 6 says—

Expenditure on 'Civil Works' fell short of the estimated figure by 3 lakhs, because of delay in acquisition of land, economy in repairs to buildings and slow progress on certain works.

The expenditure is reduced thus and the Honourable the Finance Minister says they have reduced this expenditure. I quite realise I have not sufficient time to deal with other matters, but I will take one question. It is this that every one on the opposite benches says—"we do these things and you do not give us the credit." I repeat that we do give credit but the difference is of spirit. They feed the lamb but only to satiate their own appetite. It is in this spirit that the budget has been framed and my honourable friend wants to take credit. What is the work for which they want credit? Is there anything new in the budget? It is like the previous budgets, the form is just the same. The Honourable the Finance Minister wants to take credit for having increased the amount on the beneficent departments by 41 lakhs. If he will turn to figures for 1924-25 and 1925-26, in graph 3, he will find that the expenditure on the beneficent departments went up in 1925-26 from 190 lakhs to 239 lakhs. The Government that year gave much more than this popular government has given.

**Mr. Speaker :** The honourable member's time is up.

**Khan Bahadur Nawab Muzaffar Khan** (Attock North, Muhammadan, Rural): Sir, comparisons are odious. (*A voice:* Not always). And I do not want to enter into details of what has been done by this Government and what has not been done by other provinces. The main features that I see of this budget are that it has been prepared by an Indian Minister a *Bania*. I am proud he is a *Bania*, helped by a *Brahmin*. I congratulate the *Bania* and the *Brahmin* for the able way in which they have prepared this budget (*hear, hear*). As regards other points, I think it is no good beating our own drums. Those who have read the budget will see that a very large sum has been provided for beneficent activities of the various departments. Another point is that it is not only that our expenditure has not exceeded our income in spite of the fact that we are spending a great deal for the beneficent activities and also created the Special Development Fund. These are no fancy schemes and I admire Government for the way in which they have dealt with the question of the uplift of the rural areas. One tahsil of each district will be taken up throughout the length and breadth of the province and instead of any catch words or catch phrases or any fancy schemes the difficulties of the zamindars of these areas will be carefully handled by various departments. That I think is a great step forward in the rural areas. Personally I think if all the departments do their duty within the course of the next few years we should see new Punjab created. Further, if you will cast a glance on page 12 of the Memorandum you will find that provision has been made for every beneficent department. There

is provision for improvement of water supply. I would suggest to Government that the amount allotted for this department is not enough. It is a very difficult problem which extends to the various barani districts of the province. Take the Ambala division where the problem is very acute. Take again a part of Multan and Rawalpindi divisions. May I respectfully draw the attention of the Minister in charge to my own district where in certain areas people have to walk for miles and miles to fetch water from various sources? I would request Government that if possible a scheme should be prepared by the Public Health Department and then preference should be given to those whose need is greatest in this respect. Another very important thing I find in this budget is the consolidation of holdings. For that purpose I see that only one lakh has been allotted. This again, I would respectfully draw the attention of the Minister in charge, is not adequate. It is a great scheme and those of us who have seen the consolidation work done by the co-operative department know that they have almost changed the faces of the villages. In Hoshiarpur conditions had been reduced to such an extent that in certain cases it was proverbially said that the hind legs of a horse stood on one field and the fore legs on another. Holdings have been consolidated to such an extent that those who have seen the work in Jullundur or in a part of Ludhiana, know that all these troubles have been reduced and the income of these areas has been more than doubled. I think one lakh would not be sufficient for this purpose. Another thing to which I would draw the attention of the Government is the appointment of officers. We must have very honest and very sympathetic officers: very very careful selection should be made. The entire fate of the zamindar depends on the proper choice of consolidation officers. Unless they are sympathetic and honest the scheme is bound to fail. So I hope that proper care will be taken in the appointment of officers. One lakh has been provided for consolidation of holdings while if we cast a glance on page 17 we find that another lakh and fifty thousand has been allotted from the funds of the Government of India. So, I think if a little more is added the work could be started in many of the districts of the Punjab. The work I understand has already been started in 3 districts. I think it will be the greatest boon which the Government could possibly confer on the zamindars.

Apart from this, I would respectfully draw the attention of the Government to one or two points. I notice that during the last two years village touring has greatly increased by the higher officers. Somehow or other Government appears to be under the impression that this touring does lot of good to the zamindars because they get into touch with the rural classes. I think it is not so. Those who live in the villages know that these officers who go there are accompanied by a large retinue. For instance, if a deputy commissioner goes out he is accompanied by a head vernacular clerk, a reader, a steno, orderlies, and last though not the least by his cook. A cousin of mine who was a deputy superintendent of police at one time wanted a cook. A cook came for an interview. He was asked what pay he would accept. The cook asked, 'Do you go on camp? If you do I will accept Rs. 30 and if you do not go on camp I will accept Rs. 50'. This is an eloquent testimony of what touring means to villagers. It is within my own knowledge that the cooks of some officers get ration free from villagers.

[K. B. Nawab Muzaffar Khan.]

The officers themselves pay the price : they are honest but the price seldom reaches the villagers. Similar is the case of the superintendents of police. I know Government cannot stop all these practices at once but I think this does require careful attention. Another thing I would like to draw the attention of the Government to is the tipping of the orderlies of the officers of the various departments. When you go to see a civil officer you have to tip the orderly. If you go to see a police officer you have to tip his orderly. Tipping is allowed in certain parts of Europe, but I think it is time that we should put a stop to this practice in our country. It is not impossible. I will give you an instance. A deputy commissioner whom I had the honour of seeing recently has put a stop to it. I heard it from the people and not from the deputy commissioner, that if a zaildari case was decided the orderly got Rs. 50 and for every appeal decided he received Rs. 5 or Rs. 10. This has been stopped altogether. As soon as he wanted to pronounce orders in a case the orderlies had to stand in line and wait in the Court room until the parties had cleared out. Thus practically the corruption was stopped. Another thing he did was that whenever gentlemen visited him the orderlies were made to stay outside the verandah and all the time he was watching that his orderlies did not follow the visitor. These are only a few instances : I know of many others who have stopped this pernicious system. I think if suitable action is taken and directions are issued from the head-quarters it would go a long way to remove the grievances. Once again I would lay stress on the question of village touring. It is generally considered, and considered very wrongly, that the old system of touring on horseback was liked by the people. The fact is that we welcomed motor age which did away with touring on horse back and prolonged halts in villages. We might sometimes say outwardly that—کیری دے کہ، نا ائی اے۔ But we do not mean it. God help the village where such halt has for one reason or another been prolonged for some days. I do not want to be inhospitable, but Government must know the truth. Let them go out on their motor cars with their lunches with them and return to headquarters or resthouses at night. This would make the officers popular. I hope suitable instructions will be issued on the subject by Government. With these few words, I resume my seat.

*The Assembly then adjourned till 2 P.M. on Wednesday, 9th March, 1938.*



# PUNJAB LEGISLATIVE ASSEMBLY.

2ND SESSION OF THE 1ST PUNJAB LEGISLATIVE ASSEMBLY.

Wednesday, 9th March, 1938.

The Assembly met at the Council Chamber at 2 P.M. of the clock.  
Mr. Speaker in the Chair.

## STARRED QUESTIONS AND ANSWERS.

### GRANT IN AID TO PRIMARY SCHOOLS AT BHIWANI.

\*2017. **Khawaja Ghulam Samad** : Will the Honourable Minister of Education be pleased to state the number of Hindu and Muslim primary schools at Bhiwani, separately, and the grant-in-aid which is given to each of them ?

**The Honourable Mian Abdul Haye :**

*Hindu Schools.*

Serial No.	Names of Schools.	Grant-in-aid.
		Rs.
1	Bhajan Ashram, Bhiwani .. ..	85
2	Vankteshwar Vidayala, Bhiwani .. ..	937
3	Vaish Vidyal, Bhiwani .. ..	297
4	Yatim Khana, Bhiwani .. ..	153
5	Brahmchari Ashram, Bhiwani (Mahajani Branch)	263
6	Dev Pathshala, Bhiwani .. ..	224
7	Brahmchari Ashram, Bhiwani (Hindi) ..	18
	<i>Muslim Schools.</i>	
1	Muawan-ul-Islam, Bhiwani .. ..	The school was recognized last year. No grant is given.

## INCLUSION OF DOGARS AMONG AGRICULTURAL TRIBES.

**\*2018. Khawaja Ghulam Samad :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that the Dogars of the Rohtak and Ambala districts are not included while the Dogars in other districts are included in the category of agricultural tribes ; if so, the reasons for this differential treatment and whether it is intended to do away with this distinction ?

**The Honourable Dr. Sir Sundar Singh Majithia :** Dogars are not notified as members of an agricultural tribe in the districts of Rohtak and Ambala. They are notified in 13 other districts. Government will be willing to consider the question of their notification as members of an agricultural tribe if the following conditions are satisfied :—

- (i) that they as a whole are dependent mainly on agriculture for their livelihood ;
- (ii) that they are sufficiently important both as regards numbers and the area which they own ; and
- (iii) that they are losing land to an extent and at a rate which would justify the extensions of protection to them.

## NOMINATED MEMBERS OF AMRITSAR MUNICIPALITY.

**\*2019. Dr. Sant Ram Seth :** Will the Honourable Minister of Public Works be pleased to state whether it is a fact that the Government is considering to increase the number of nominated members in the Amritsar Municipality ?

**The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana :** The matter is under the consideration of Government.

**Dr. Sant Ram Seth :** When will the Government come to a decision about this matter ?

**Minister :** When it is ready to do so.

**Dr. Sant Ram Seth :** How long will it take ?

**Minister :** No time can be specified.

**Dr. Sant Ram Seth :** Will the question be decided in the month of March ?

**Minister :** I am unable to say that.

**Dr. Sant Ram Seth :** Will the decision be made after the names of the elected members have been gazetted ?

**Minister :** No time can be specified as already stated.

**Lala Deshbandhu Gupta :** Is the Government considering the question of giving up the practice of nomination altogether ?

**Minister :** It does not arise out of this question.

**Lala Deshbandhu Gupta :** It does arise out of the question whether the Government is considering to increase the number of nominated members in the municipality?

**Minister :** Not for the present.

**Lala Deshbandhu Gupta :** Not even in these days of provincial autonomy?

**Minister :** Yes.

#### MATERNITY HOME IN AMRITSAR.

**\*2020. Dr. Sant Ram Seth :** Will the Honourable Minister of Education be pleased to state—

- (a) whether there is any maternity home maintained by the Government in the city of Amritsar;
- (b) the number of patients treated in this home in the years 1936 and 1937;
- (c) the number of deaths that occurred during child-birth in the years 1936 and 1937 in the said home;
- (d) the number of lady doctors employed at present in the said home with their qualifications?

**Mrs. J. A. Shah Nawaz (Parliamentary Secretary) :** (a) There is no maternity home maintained by Government in Amritsar city. There is, however, one private home (Lady Emerson-Seth Chaturbhuj Maternity Home) in this city, which is under the control of a local advisory committee, consisting of the deputy commissioner, civil surgeon, the donor Rai Bahadur Seth Kishore Chand—and representatives of the Municipal Committee, Amritsar. Punjab Government and the Municipal Committee contribute Rs. 6,000 and Rs. 8,000 per annum respectively towards the maintenance of the Home. The Home started functioning in February, 1937, and the lady doctor, who was selected for appointment, assumed charge of her duties on the 1st April, 1937.

(b) 3,984 (3,535 outdoor and 449 indoor) patients were treated during 1937.

(c) Only 4 deaths occurred during the child-birth out of 100 labour cases conducted in 1937.

(d) There is only one lady doctor (Dr. Miss E. M. King), in charge, and she is L.R.C.P., M.R.C.S. (Eng.), M.B., B.S. (Lond.), M.D. (Lond.), D.T.M. & H. (London).

**Dr. Sant Ram Seth :** How many beds are there?

**Parliamentary Secretary :** If the honourable member will give me notice of this question the information will be supplied.

**Dr. Sant Ram Seth :** Is any fee charged from the patients ?

**Parliamentary Secretary :** In these hospitals generally no fee is charged from the poor or from those who are kept in poor persons wards.

**Dr. Sant Ram Seth :** Is there sufficient arrangement for operations ?

**Parliamentary Secretary :** As much as the funds allow.

**Dr. Sant Ram Seth :** Is it a fact that Lady Chelmsford laid the foundation of the maternity home near Hindu Sabha College in 1918 ?

**Parliamentary Secretary :** I want notice of this question.

#### MEASURES FOR PREVENTION OF MALARIA, ETC., IN AMRITSAR.

**\*2021. Dr. Sant Ram Seth :** Will the Honourable Minister for Education be pleased to state the precautionary measures that are being adopted to check the prevalence of Malaria, Dysentery, Typhoid, Cholera and Cerebrospinal fever within the city of Amritsar ?

**Mrs. J. A. Shah Nawaz (Parliamentary Secretary) :** The precautionary measures which are being adopted to check the prevalence of malaria, etc., in Amritsar City are as follows :—

1. *Notification of Infectious Diseases.*—This duty devolves on medical practitioners under section 141 of the Punjab Municipal Act, 1911. Every effort is made by the Medical Officer of Health and the two Medical Registrars to induce practitioners to notify cases at the earliest possible moment so that preventive measures may be applied.
2. *Disinfection.*—As soon as a case of an infectious disease is notified a special gang undertakes appropriate measures of disinfection. During 1937, 2,832 wells were disinfected and 191 houses.
3. *Preventive inoculation.*—It is actively undertaken against all diseases for which inoculation may be appropriately applied. Four thousand and five hundred such inoculations against typhoid and cholera alone were undertaken during 1937 ?
4. *Inspection of articles of food and drink.*—All the principal articles of diet of the population come constantly under scrutiny and samples are taken of all foodstuffs which appear of doubtful quality. Foodstuffs found to be unwholesome are destroyed. The milk supply and the water supply are constantly under observation.
5. *Strictest attention is paid to environmental sanitation with a view to the prevention of fly breeding and mosquito breeding.*
6. *Propaganda.*—Every effort is made by means of posters, hand bills, lecturers, cinema shows and other means to instruct the public in their duty of co-operating with the public health staff in carrying out their part of preventive measures undertaken.

**Dr. Sant Ram Seth :** Will the honourable Parliamentary Secretary please state the number of deaths due to cerebrospinal fever in 1937 ?

**Parliamentary Secretary :** I want notice for this question.

**Dr. Sant Ram Seth :** Did the Health Department receive any instructions from the municipal committees to the effect that officers should go and lecture among people on sanitation ?

**Parliamentary Secretary :** The honourable member knows that the public health staff is not given instructions by the municipal committees. They receive instructions from their own department and they have to carry out those instructions.

**\*2022—\*2024.—Cancelled.**

#### DAMAGE TO CROPS BY HAILSTORM IN LUDHIANA DISTRICT.

**\*2025. Sardar Kapoor Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the names of villages in Ludhiana district where damage to crops was caused by the severe hailstorm on the 12th and 13th February, 1938 ;
- (b) the extent of damage in each village ;
- (c) the steps the Government is going to take to grant relief to the cultivators of that area ?

**The Honourable Dr. Sir Sundar Singh Majithia :** (a) A statement is laid on the table.

(b) The preliminary survey shows that only the early sown irrigated wheat crop was slightly affected.

(c) Careful field to field inspection of the affected area is being carried out with a view to give relief, where necessary.

**Sardar Kapoor Singh :** May I know whether the deputy commissioner and the revenue assistant had been through those villages or whether this report is simply made on the information given by the patwari ?

**Minister :** If the honourable member would study the statement which has been laid on the table, he would find that there is a large number of villages, which are included in this list. Some are inspected by the revenue assistant, some are inspected by the revenue staff and some are inspected by the deputy commissioner. If he wants me to tell him which villages have been inspected by the deputy commissioner, I am afraid I cannot give him that information.

**Sardar Kapoor Singh :** Because I approached the deputy commissioner personally and I know all about it.

**Minister :** Then why do you ask this question ?

[Minister for Revenue.]

*List of villages over which the wave of hailstorms passed in the Ludhiana district.*

## LUDHIANA TAHSIL.

- |                     |                       |
|---------------------|-----------------------|
| 1. Kanceh.          | 40. Baina.            |
| 2. Majara.          | 41. Humayunpura.      |
| 3. Bilga.           | 42. Kheri.            |
| 4. Bir Sahnewal.    | 43. Jamheri.          |
| 5. Jandiali.        | 44. Jassowal.         |
| 6. Ramgarh.         | 45. Chupki.           |
| 7. Mallakpur.       | 46. Dhandra.          |
| 8. Zainpur.         | 47. Mehmudpura.       |
| 9. Jhammat.         | 48. Manakwal.         |
| 10. Ayali Khurd.    | 49. Brahman Mazara.   |
| 11. Dhandari Kalan. | 50. Rania.            |
| 12. Khandari Khurd. | 51. Sangowal.         |
| 13. Ghiaspura.      | 52. Bulara.           |
| 14. Tibba.          | 53. Nangal Kalan.     |
| 15. Nat.            | 54. Nangal Khurd.     |
| 16. Umsaidpur.      | 55. Jand.             |
| 17. Jaspal Bangar.  | 56. Jarohan.          |
| 18. Gharibnagri.    | 57. Latala.           |
| 19. Kanganwal.      | 58. Lil.              |
| 20. Bhagwanpura.    | 59. Kaila.            |
| 21. Faddi.          | 60. Pakhowal.         |
| 22. Jassar.         | 61. Akalgarh.         |
| 23. Harnampura.     | 62. Tunga Hari.       |
| 24. Jarkhar.        | 63. Phallewal.        |
| 25. Alamgir.        | 64. Ballowal.         |
| 26. Mangli Unchi.   | 65. Narangwal.        |
| 27. Gebindgarh.     | 66. Jedhan.           |
| 28. Jugiana.        | 67. Katani Kalan.     |
| 29. Pawa.           | 68. Katani Khurd.     |
| 30. Dolon Kalan.    | 69. Kot Gangu Rai.    |
| 31. Dolon Khurd.    | 70. Laton Dana.       |
| 32. Sarib.          | 71. Chhandar.         |
| 33. Dule.           | 72. Laton Joga.       |
| 34. Khappur.        | 73. Chak Sarwan Nath. |
| 35. Dangora.        | 74. Panglian.         |
| 36. Mansuran.       | 75. Hiran.            |
| 37. Shahzad.        | 76. Barwala.          |
| 38. Rattan.         | 77. Mangarh.          |
| 39. Gill.           | 78. Kohara.           |

## TAHSIL JAGRAON.

- |                    |               |
|--------------------|---------------|
| 1. Heran.          | 9. Akalgarh.  |
| 2. Jangpur.        | 10. Hans.     |
| 3. Sahauli.        | 11. Kular.    |
| 4. Jassowal.       | 12. Pabian.   |
| 5. Tifal.          | 13. Kbandur.  |
| 6. Baraich.        | 14. Raqba.    |
| 7. Bopa Rai Kalan. | 15. Sadbar.   |
| 8. Abbawal.        | 16. Hissowal. |
|                    | 17. Mohi.     |

## TAHSIL SAMRALA.

- |             |             |
|-------------|-------------|
| 1. Balion.  | 4. Ghulal.  |
| 2. Kotala.  | 5. Khatran. |
| 3. Kakrala. | 6. Madpur.  |
|             | 7. Samrala. |

## CASES UNDER MOTOR VEHICLES ACT AT LUDHIANA.

**\*2026. Sardar Kapoor Singh :** Will the Honourable Minister for Revenue please to state—

- (a) the total number of cases tried at Ludhiana under Motor Vehicles Act in the year 1937;
- (b) the number of acquittals and convictions in such cases;
- (c) the total amount of fine imposed on convictions and the amount of the fine realized in this respect?

**The Honourable Dr. Sir Sundar Singh Majithia :** (a) 908.

(b) Cases convicted 839.

Cases acquitted 69.

(c) Imposed .. .. Rs. 7,718.

Realized .. .. Rs. 7,157.

**Lala Duni Chand :** Is it a fact that in most of these cases the only evidence in support of the prosecution was that of a constable?

**Minister :** My friend may have better information in his possession than I have. The honourable member may have been engaged as a lawyer and has therefore more information. I have not that information, but the necessary information must have been placed before the magistrate before conviction.

**Lala Duni Chand :** Is it not a matter of common knowledge that it is only the evidence of a constable that is ordinarily produced in such cases?

**Sardar Lal Singh :** Is the honourable member aware that there is a lot of discontent amongst most of the lorry drivers against the police *zulam*?

**Minister :** I am not aware of it.

**Sardar Kapoor Singh :** Is the Honourable Minister aware that the drivers of Ludhiana have gone on strike and have decided not to pay the tax on account of the heavy fines levied by magistrates?

**Minister :** I have not read anything about the strike in any of the papers, nor have I received any report from the deputy commissioner.

**Sardar Kapoor Singh :** Can you expect a report from the deputy commissioner when the thing is to his own interest?

**Minister :** I would like the honourable member to let me have the information about which he wants my reply.

## PERSONS CONVICTED UNDER MOTOR VEHICLES ACT AT LUDHIANA.

**\*2027. Sardar Kapoor Singh :** Will the Honourable Minister for Revenue be pleased to state—

- (a) the number of persons convicted under Motor Vehicles Act at Ludhiana during the months of January and February, 1938;

[S. Kapoor Singh.]

- (b) the total amount of fine imposed in these months on persons so convicted ;
- (c) the number of persons convicted and sent to jail for non-payment of fine in this respect ;
- (d) the number of cases among them that are still pending ?

**The Honourable Dr. Sir Sundar Singh Majithia :** (a) 318.

(b) Rs. 2,916.

(c) 109.

(d) 525.

**Sardar Kapoor Singh :** In view of the reply to part (c) of the question, may I ask whether it is not a fact that most of the drivers have preferred to go to jail instead of paying the fines on account of their being heavy ?

**Minister :** Refused to pay and preferred to go to jail ? I think when the new amended law is enacted they will have facilities to pay the fines from home.

**Sardar Kapoor Singh :** Are they not fined heavily ?

**Minister :** Unfortunately it is not my function to decide whether the fine is light or whether it is heavy. It is the function of the court to decide.

**Sardar Lal Singh :** Is the Honourable Minister not in a position to conclude it from the fact that they have resorted to go to jail rather than pay a fine ?

**Minister :** It is a matter of opinion.

**Mr. Speaker :** The next question.

#### TERRORISTS AND STATE PRISONERS IN PUNJAB JAILS.

**\*2028. Sardar Kapoor Singh :** Will the Honourable Minister for Finance be pleased to state—

- (a) the number and names of persons convicted of terrorists crimes, and of state prisoners in the Punjab jails or detainee camps ;
- (b) the amount of allowances, if any, that is paid to their families respectively ?

**The Honourable Mr. Manohar Lal :** (a) and (b). A statement is laid on the table.

**Sardar Kapoor Singh :** Is Sardar Chanan Singh one of those state prisoners ?

**Minister :** Yes.

**Sardar Kapoor Singh :** Is he being paid any allowance ?



**Minister :** No.

**Sardar Kapoor Singh :** What are the reasons for not paying him any allowance?

**Minister :** The question of allowances is settled in consultation with the district authorities who make their report after examining the circumstances of each family.

**Sardar Kapoor Singh :** Does the Honourable Minister think that his family condition is good?

**Mr. Speaker :** This question need not be answered.

**Sardar Kapoor Singh :** Is it not a general practice to pay allowances to state prisoners?

**Minister :** I know that in the case of three out of the four state prisoners allowances are paid.

**Sardar Kapoor Singh :** Why is an exception made in this case?

**Minister :** There must be special circumstances. Reports are received as regards their family circumstances and then the question of allowances is decided.

**Sardar Kapoor Singh :** Is the Honourable Minister aware of those circumstances?

**Minister :** No, I am not.

**Sardar Kapoor Singh :** Will he please look into the matter?

**Minister :** Yes, I shall certainly do so.

**Sardar Kapoor Singh :** Is it a fact that Rs. 20 a month is paid to Teja Singh? If so, does the Honourable Minister consider that enough?

**Minister :** Enough or not, that is a matter of circumstances and opinion.

**Diwan Chaman Lall :** Is the Honourable Minister aware that a member of the Legislative Assembly when he is on duty gets Rs. 22-8-0 allowances per day, and yet a state prisoner is paid Rs. 20 per month?

**Mr. Speaker :** That is an argument.

**Diwan Chaman Lall :** On what basis did he fix Rs. 20 a month?

**Minister :** I have already stated the basis on which the decision as to the exact sum is arrived at.

**Diwan Chaman Lall :** Did the Honourable Member himself arrive at that decision or was it his predecessor who did so?

**Minister :** No, I did not.

**Diwan Chaman Lall :** Will he now review the cases of all the state prisoners?

**Minister :** I shall ask the Honourable the Premier to examine the question, because the matter falls in his charge. These two questions were lumped together, so I had to answer them.

**Mr. Speaker :** The next question.  
*Statement.*

**Serial No.**      **Name of convicts ranked as terrorists.**

1	Gurmukh Singh.
2	Surain Singh.
3	Bachint Singh.
4	Sunder Singh.
5	Udham Singh.
6	Gulab Singh.
7	Rup Chand.
8	Jehangiri Lal.
9	Khushi Ram Mehta.
10	Prem Parkash.
11	Hazara Singh, son of Raja Singh.
12	Dhanwantri.
13	Sher Jang.
14	Nathu Ram.
15	Indar Pal.
16	Kundan Lal.
17	Hazara Singh, son of Jhanda Singh.
18	Tara Singh.
19	Munshi Ram.
20	Hans Raj.
21	Gian Singh.
22	Bhola Singh, son of Kirpal Singh.
23	Bhola Singh, son of Waryam Singh.
24	Thakur Singh.
25	Man Singh.
26	Karam Singh.
27	Ishar Singh.
28	Dalip Singh.
29	Harnam Singh.
30	Girdhari Lal.
31	Kishori Lal.
32	Buta Singh.
33	Piara Singh.
34	Bawa Singh.
35	Surindra Nath Sarkhal.
36	Shiv Shankar.
37	Hazara Singh, son of Indar Singh.
38	Ata Muhammad.
39	Mangal Sen.
40	Ram Kishen Azad.
41	Bhagat Ram.
42	Nasir Ali.

**NOTE.**—No allowances are paid to the families of any of the above, being prisoners convicted of offences under the Criminal Law.

Serial No.	State prisoners.	Allowances to the family.
1	Teja Singh alias Basdev Singh .. ..	Rs. 20 per mensem.
2	Ram Kishen .. ..	40 per mensem.
3	Chanan Singh .. ..	Nil.
4	Teja Singh Azad .. ..	32 per mensem.

## LIQUOR SHOPS ON TEMPLE ROAD, LAHORE.

**\*2029. Diwan Bahadur Raja Narendra Nath :** Will the Honourable Minister for Revenue be pleased to state whether a representation signed by 14 respectable citizens living on the Mozang Road protesting against the location of a liquor shop on the Temple Road and the use of its compound opening on the Mozang Road for consumption of liquor by customers was addressed to the Deputy Commissioner, Lahore, in October, 1937, with the request that the licence be not renewed for the next year; if so, the action taken on the same?

**The Honourable Dr. Sir Sundar Singh Majithia :** Yes; under section 9-14 of the Punjab Excise Manual, Volume III, the collector is required to refer such cases to the municipality each year not later than the 31st of August. This case will therefore be considered at the proper time in the next financial year.

**Diwan Bahadur Raja Narendra Nath :** I want to inform the Honourable Minister that there is a women's college in the neighbourhood and that fact should be noted by the authorities.

**Minister :** I have taken note of that fact and have ordered that the case should be reviewed after August next.

**Diwan Chaman Lall :** What prevents the Honourable Minister from reviewing this case earlier than August?

**Minister :** Rules.

**Diwan Chaman Lall :** Surely there are no rules which can prevent him from taking up the case earlier?

**Minister :** The question is of granting a licence, and licences are generally given on payment of certain fees. If the fees have been paid for the whole year, we cannot possibly expect to do away with that licence at once unless we are prepared to pay compensation.

**Diwan Chaman Lall :** Is it the decided opinion and policy of Government that this public drinking place should be allowed?

**Minister :** The policy of Government, if I may inform my honourable friend through you, Sir, is stated in the Excise Manual which I had an occasion of reading the other day, and I do not think I can do any more than that to-day. But if my honourable friend wishes that the matter may be looked into further, I shall be prepared to do so, but my personal policy is and has been that wherever there has been a serious complaint from the municipality or any local body, I have generally tried to follow the wishes of the municipality.

**Begum Rashida Latif Baji :** How can the Government hope to introduce prohibition in the province when they find it difficult to close one liquor shop near a women's college?

**Minister :** Is that question one that I am asked to reply? I will do my best to carry out the wishes of this House.

**Lala Bhim Sen Sachar :** When was this Muzang shop opened?

**Minister :** I am afraid I cannot give that information off-hand.

**Lala Bhim Sen Sachar :** Am I correct in saying that the shop was opened very recently, not more than two or three months ago ?

**Minister :** I am not sure.

**Lala Bhim Sen Sachar :** Does he know that a college for girls is situated very close to this shop, and that there are houses of respectable lawyers and even the house of one of the Honourable Ministers not very distant from that place ?

**Minister :** I do not know whether that arises out of the question.

#### ELECTIONS TO GURDWARA COMMITTEE, HEHRAN AND DELAY IN REFUNDING SECURITIES.

**\*2030. Sardar Lal Singh :** Will the Honourable Minister for Education be pleased to state—

(a) the date when the results of the last elections under the Sikh Gurdwaras Act to the Gurdwara Committee at Hehran in Ludhiana district were gazetted ;

(b) whether it is a fact that the securities deposited by some of the candidates for election to that committee were not refunded to them till the 15th February, 1938, if so, the reasons for this inordinate delay and the action, if any, proposed to be taken against those responsible for this delay and to regularize the refund of such securities ?

**Mrs. J. A. Shah Nawaz** (Parliamentary Secretary) : (a) October 29th, 1937.

(b) All securities were refunded long before February 15th, 1938, except in one case. The delay in this one case is due to the fact that three persons of the same name had made deposits in the treasury, and that, by mistake, the amount due to the depositor referred to was paid to another person of the same name. Suitable steps have been taken to put the mistake right.

**Sardar Lal Singh** Is the Parliamentary Secretary sure that all the securities except one were refunded long before 15th February ?

**Parliamentary Secretary :** All the securities were refunded long before the 15th February, except one, which is now being refunded.

**Sardar Lal Singh :** Is the Parliamentary Secretary satisfied that these inordinate delays are not due to corruption in the office of the Deputy Commissioner, Ludhiana ?

**Parliamentary Secretary :** Yes, we are satisfied that the delay is not due to corruption.

#### BUDGET, GENERAL DISCUSSION.

**Mian Muhammad Iftikhar-ud-Din** (Kasur, Muhammadan, Rural) : Mr. Speaker, Sir, in the short time that I have at my disposal I have no intention to go into any particular item of the budget or criticise any particular demand. It is my belief that a little jugglery with figures will not change the fact that the main object of the Unionist party or the main programme of the Unionist party is just to remain in office. Shunting of a few figures

forwards and backwards, from one department to another, will not lead us anywhere and it will not result in any great progress. It has been pointed out again and again in their honest moments by the ministers themselves that even if the total income of the Punjab Government were to be distributed among all Punjabis it will not give more than Rs. 4 or thereabouts to each individual in this province. Further, as the Raja Sahib stated in support of the budget the main merit of the budget lies in the fact that it is not an extraordinary budget, that it is a perfectly normal, ordinary, budget.

**Diwan Bahadur Raja Narendra Nath :** Nothing strikingly wonderful.

**Mian Muhammad Iftikhar-ud-Din :** Nothing striking—that is the chief merit of the budget according to the Raja Sahib. In the same way the Premier in his speech last Saturday to the District Board of Lahore, pointed out that his ministers could not do much under the present circumstances; but at the same time he boasted of the fact that unemployment is being reduced and he pointed out that a proposal has been put forward according to which one panchayat officer and one assistant in each district will be appointed. That, he thought, was a way of reducing the unemployment of millions of people in this province. (*An honourable member :* What about the Haveli project?) I know that too. These admissions on the part of the ministers, I was pointing out, show that we cannot accomplish much under the present circumstances. Honourable members opposite would ask, "what have the Congress ministers done? What are they going to do in order to relieve the poverty-stricken masses of this country or to bring about any radical change in the economic structure of this country?" My reply to them is this. Persistently the Congress have admitted that they cannot achieve much. In fact they have said that as far as the constructive programme goes, they can hardly achieve anything under the present constitution. (*An honourable member :* "Then why should they carry on?") I will come to that.

**Mr. E. Few :** On a point of order. Is the honourable member discussing the inabilities of the Congress provinces or discussing the budget?

**Mian Muhammad Iftikhar-ud-Din :** It is not a point of order.

**Mr. Speaker :** No. It is not.

**Mian Muhammad Iftikhar-ud-Din :** I have a right to criticise and I was meeting the objection raised on the other side, as to what the Congress ministries are doing. Have they appreciably relieved the burden of the poor? I say that the Congress ministries and the Congress have persistently said that they cannot under any circumstances, working within the four corners of the present constitution, do much good to the poor. And they have rightly said that the only method of achieving anything, the only method of readily and radically reforming the economic structure of this country, can come about only with the freedom of this country. The Congress ministers have made it clear more than once and the recent resignations of the Bihar and United Provinces ministries have established it, that they have gone into office for one and one object alone. Of course they are doing their best to do whatever they can within the extremely limited possibilities of the present constitution in the matter of relieving

[Mian Muhammad Iftikhar-ud-Din.]

the burden of the poor. But they have persistently said that this is not the main object. They cannot do much under the present constitution. They have accepted office in order to strengthen the anti-imperialist forces, so that we may be able to achieve freedom and thereby relieve the poor of their poverty. It is to strengthen the anti-imperialist forces, the Indian national movement, and in order to give a better fight to British imperialism at the next crisis, that the Congress has accepted ministries. Therefore the Congress ministers can never be blamed for such shortcomings. Of course, it has been accepted and it is a compliment to the programme of the Congress that minister after minister has stood up and said that such and such a thing is being done in the Congress provinces and that the ministers here also have gone in the same direction so far. This is a compliment to the Congress ministries. The main object of the Congress in accepting ministries however, as I have said, is to strengthen the anti-imperialist forces, but the ministry here on the other hand is weakening this struggle in this province and thereby in this country. That is our objection against the present ministry and that is where the present ministry, if I may use a philosophical term, is qualitatively different from the Congress ministries. However much the so-called reforms it may bring about, however much jugglery of figures it may show in its budget, it will remain definitely inferior and totally different from the Congress ministries. The present ministry is there in order to be in office and for no other object. That is the only programme that they have and that is the only programme they have had during the last 15 or 20 years of their political existence. Can they cite even a single occasion when they have taken any step towards the achievement of swaraj in this country? Their programme is against it, their programme has always been against it and their activities of course are reactionary and anti-national. I do not therefore object to the fact that they have lagged behind the Congress provinces so much. In fact even if they came up to level of the Congress provinces in their constructive programme, my objection to the policy of the Unionist party will remain intact. They are the greatest weakening force in the anti-imperialist struggle in India to-day. That is my objection to the present ministry.

When we see for a moment the people sitting opposite us on those benches we find the Khalsa National Party and we have the Muslim League or the Unionist Party and then we have the representatives of the Hindu Mahasabha known as the Hindu Nationalist Party. So much has been made out of the fact that they represent rural interests, but I ask, if the Unionist Party represents the rural interests, what does Raja Narendra Nath represent whilst sitting on those benches? You have thus two extremes meeting there, greatest champions of the rural interests and greatest champions of the urban interests. If these two interests can combine and work together against the Congress, I cannot see where the rural interests come in and where the urban interests come in. Further some of them have professed in their election propaganda that they represent Hindu interests and that they belong to the Hindu Sabha. Others have professed in their election propaganda that they are the champions of the Muslim rights. And another party have said that they are the saviours of the Sikh religion. Now, I ask you, if the Hindu Sabha is not a communalist party, which other

party have we of Hindus which is more communal? Similarly, if the Muslim League, the only powerful Muslim communal body in India, is not a communal party, is there any other communal party in India among the Muslims? And if Sir Sunder Singh is not the leader of the greatest communal party of the Sikhs, who else is there communal? My point is this. If these three extreme communalists can join together, if these three parties can join and if the champions of rural interests and urban interests can join as we have in this House, then why quarrel?

If the representatives of the most communal and rabid political bodies can sit together, then what is the difference between them and the people sitting on this side?

*(At this stage Premier stood up to say something.)*

**Mr. Speaker :** A speaker will sit down if some other member interrupts him for the purpose of making an immediate correction of what he is saying. But if he does not give way the correction may be made after he has finished his speech.

**Premier :** I simply wanted to ask whether there is any member of the Maha Sabha who is also a member of the Congress? I am referring to the revered leader Pandit Madan Mohan Malaviya.

**Mian Muhammad Iftikhar-ud-Din :** He is no longer a member of the Congress. He fought the last elections against the Congress and he put up candidates against us. He has resigned and what is more, when he was a member of the Hindu Sabha he fought elections against the Congress. The Honourable Premier is not to go beyond the limits of this city to know that in Lahore itself Malaviyaji put up a candidate against the Congress.

**Minister for Education :** What about Kaya Kalap?

**Diwan Chaman Lall :** What about it?

**Mr. Speaker :** I appeal to the leaders of parties and all honourable members not to interrupt a member who is speaking, as sometimes interruptions create heat and unpleasantness.

**Lala Bhim Sen Sachar :** Interruption also shows utter ignorance in certain cases as the Honourable Minister's.

**Mian Muhammad Iftikhar-ud-Din :** I was asking, what is it that joins the extreme rural and urban interests and what is it that joins the extreme religious and communal parties against us? There is only one reply to this. They are against the Congress for two reasons. First the Congress is fighting the battle of freedom of this country and secondly that the Congress is the champion of the rights of the poverty-stricken masses of this country. The Honourable Minister for Development gave a very eloquent reply during the last budget session. He said they will do good to the poverty-stricken masses of this province—provided that the rights of the richer landlords and the rights of the capitalist classes are not endangered. This is the difference. While we are fighting for the freedom of this country, they are working as the agents of British imperialism and whilst we are fighting for the rights of the poverty-ridden people of this province they are protecting the rights of the rich.

**Begum Rashida Latif Baji** (Inner Lahore, Muslim Women, Urban) (Urdu): Sir, so far as I have been able to gather from what the honourable member Mian Muhammad Iftikhar-ud-Din has said in his speech while criticising the budget, I can say that it is nothing but the propaganda for the Congress. He has utilised this opportunity in parading here on the floor of the House the activities of the Congress and has said that it has done this and that. But he appears to have ignored the fact that the Congress does not find favour with the people of this province. He ought to know that their criticism of the Government adversely affects its smooth working. I would submit that if the Opposition has some constructive proposal to make, it is welcome to do so, but it should not oppose the Government at every step merely for the sake of opposing it and blame it unjustifiably for not doing anything for the masses.

During the speeches yesterday it was stated by the members sitting in the Opposition that the income of the province is Rs. 11½ crores and out of this sum Rs. 10 crores were realised from the zamindars and out of Rs. 10 crores only Rs. 1 crore is being spent on them. Under this condition it would be very unjust on our part if we say that no help is being given to the zamindars. Let me ask the Opposition, what is the Rural Reconstruction Department working for? It is solely for the welfare of the villagers. Peasants are being appointed in a large number almost in every department. For instance, take the Irrigation Department. Almost all of the persons working in that department are villagers. So is the case in the Agriculture Department. Most of the men who are employed in the police and the civil departments as well belong to the country-side of the province. If you read the budget you will find that the following vacancies have fallen vacant in various departments :—

Education Department	..	..	..	95
Hospital ..	..	..	..	3
Public Health Department	..	..	..	38
Agriculture Department	..	..	..	94
Veterinary Department	..	..	..	38
Co-operative Banks	..	..	..	161
Industries	..	..	..	79
Punchayats	..	..	..	441

Let the time come and you will see how many peasants would be employed for these vacant posts. Even in this House except Mr. Manohar Lall all the other members have been elected from the rural constituencies. Parliamentary secretaries, private secretaries and most of the honourable members are also villagers. The real motive of the Government as a matter of fact by giving them fat salaries and big allowances is to help the villagers. I think their position is more safe than that of the town-people who are actually suffering from unemployment.

So far as the employment of the educated youngmen is concerned I would like to submit that every youngman is inclined to get a post in the Government service. But they fail to do so. It is very regrettable to say that those boys are being seen going from door to door in search of employment, boys who were brought up in luxuries and comforts by their parents who did not hesitate to mortgage their houses in order to continue the



studies and education of their sons, in the hope that one day they will be appointed to high posts and will prove a great help in their old age. The condition of our youngmen is most deplorable. Thousands of applications are received whenever a few vacancies arise. If they happen to see an advertisement regarding some vacant posts anywhere, the poor degree-holders rush on with their diplomas and certificates under their armpits to the offices concerned in order to get any post that may fall to their lot. But when they get the reply "No vacancy" they are extremely disappointed. The expression "No vacancy" apparently looks ordinary but in reality it is a spear whose tip is poisoned and that is why this expression hurts them the most. This expression sometimes affects them so adversely that some disappointed young men fall easy victims to the fatal diseases and some others being desperate of idle life put an end to their lives. They think that it is better to die than to live without earning any livelihood. These are the results of unemployment that is prevailing in the province.

As the time given to me is limited, I think I must be brief. I quite remember that a committee was appointed during the Simla session and the work of preparing the lists of unemployed educated young men had been entrusted to that committee. But those lists have not been prepared so far. I think, the public might not have received adequate information regarding the duties of this committee. I have been told that 50 or 60 thousand unemployed people have got their names entered in that list and twenty thousand rupees have been spent on this committee out of the forty thousand rupees that was sanctioned by the Government for the said committee. But nothing solid and substantial has been done as yet. It is just like the Persian saying:—

تا تریاق از عراق آورده شود مار گزیده مرده شود

The most important problem which we are facing at present is the problem of unemployment and the Government should first of all make its best attempts to solve this matter of grave importance.

I would like to request the Government to take immediate steps to introduce free primary education in the province.

I would suggest that five factories be opened in the five divisions of the province by taking a big sum out of the amount provided for the beneficent departments in the present budget. I think, the Government would be in a position to remove the evil of unemployment from the province to some extent by doing so.

Another important submission of mine is that in future the present system of education be improved and the technical education should also be given to the students so that they may earn their livelihood by doing some technical work. I have been sent here as the representative of the women-folk and I should have placed their grievances before the House regarding female education, but the unemployment problem has attracted my attention, so much that I have neglected my special subject. The women of all communities have been coming to me and they still come to me with their unemployed children and they request me to plead their cause before the Government so that they may devise some means to get out of this serious

[Begum Rashida Latif Baji.]

problem. So I plead their cause before this House by saying that they should consider this matter of vital importance most seriously.

In conclusion I submit to the Opposition that they should not raise a new question of being "Slehri" or "Dehati", but they should try to reel out the evil of unemployment from the province by co-operation with the Government. As the time given to me is limited, I resume my seat with these humble words.

**Minister for Education** (The Honourable Mian Abdul Haye) : When I entered this Chamber this afternoon to seize an opportunity of addressing the Honourable members, I found my friend the honourable Mian Muhammad Iftikhar-ud-Din on his legs and I found that he had already engendered a good deal of heat into this debate. It is my privilege that I should pour oil on troubled waters and bring back the honourable members to the facts and figures of the budget. I would like first of all to state the position of the three beneficent departments, that I hold under my charge, so far as the budget is concerned. The three departments that are under my charge are education, medical relief and public health. Those honourable members who have very carefully studied the voluminous books that we have before us would kindly realise that out of a total amount of Rs. 3,28,38,000 which is proposed to be spent on all the beneficent departments a sum of Rs. 2,27,51,000 is to be spent on these three departments. Out of this education alone gets Rs. 1,56,81,000. (*Hear, hear*), medical relief Rs. 52,54,000 and public health Rs. 18,16,000. So far as new expenditure is concerned, honourable members should realise that out of a total amount of Rs. 21,68,000 as much as Rs. 11,15,000 is to be spent on these three beneficent departments. (*Hear, hear*). I attach very great value to the activities of the Public Health Department because we must give an impetus to the preventive activities if we want to serve the people in right earnest. I would therefore first of all take up the department of Public Health. The other day when we were having this discussion I found that the honourable member from Ambala, who I regret is not in his seat to-day, stood up and severely criticised me. He went to the length of saying that early last year when I visited Ambala I had a sort of discussion with the non-official members of the committee there and that I gave an undertaking or made a promise that so far as water supply of the Ambala town is concerned I shall assist them. I confess that I did go there. I confess I took these honourable members into my confidence and I confess that I did say that I would assist the people of Ambala town so far as the question of water supply is concerned, but I regret to find that the criticism levelled against the Government is based upon sheer ignorance. Early last year as soon as we assumed office I carefully went into the question of the water supply of the Ambala town. What I noticed partly with regret and partly with pleasure was that during the past the Punjab Government had spent no less than Rs. 3,50,000 to improve the water supply of the Ambala town. Nevertheless I thought that I must assist Ambala. In the first instance a sum of Rs. 5,000 was granted by the Punjab Government and placed at the disposal of the Ambala municipality. The work was taken in hand and our officers of the Health Department were successful in sinking at least two

shallow tube wells which are at present yielding between 11 thousand and 12 thousand gallons per hour. (*Lala Duni Chand* : You promised much more.) I do not think I promised the millenium. The position is that with the money placed at the disposal of this local body there has been an increase of 12 thousand gallons per hour in the water supply of Ambala. Then the question cropped up as regards pumping arrangements. Pumping machinery was not available. The local body was not in a position to supply funds. The Punjab Government placed at the disposal of this local body their own machine. An estimate was later on put up that at least Rs. 19,000 would be required to sink more wells and purchase the pumping machinery. The local body concerned was consulted and they expressed their inability to provide funds. I may tell my honourable friend from Ambala, *Lala Duni Chand*, that the Sanitary Board at its meeting the other day has sanctioned a sum of Rs. 15,000 for machinery. Then my honourable friend, the Leader of the Opposition, levelled another criticism against the Punjab Government. He got hold of a certain item in the budget which provided Rs. 10,000 for travelling allowance to the doctors who are in charge of rural dispensaries. My honourable friend, *Dr. Gopi Chand*, went to the extent of saying "here is this Punjab Government : they have provided Rs. 10,000 for travelling allowance to the doctors. What would the doctors do? They will go about the country, and draw their travelling allowances ; no provision has been made for medicine." He said these people will go, see their patients and will neither prescribe nor supply medicine. Now I may tell *Dr. Gopi Chand* that so far as the Punjab Government is concerned they hate those doctors who go about the country feeling the pulse of the people and are unable to prescribe or to provide medicine. The mistake committed by my honourable friend was that he confined himself to one item in the budget and did not care to look to other items. We have got dispensaries here that have been working for a number of years, provision has been there including provision for supply of medicines and for apparatus. Even in this budget we are providing a sum of Rs. 80,000 extra for rural dispensaries.

(*Lala Duni Chand stood up to interrupt.*)

**Mr. Speaker** : If the honourable member persists in interrupting and stands up again I shall have to ask him to leave the Chamber.

(*Lala Duni Chand again stood up to interrupt.*)

**Mr. Speaker** : I direct the honourable member to leave the House.

**Lala Duni Chand** : I do not care to remain. But before I leave—

**Mr. Speaker** : Order, order, no speech please.

(*Lala Duni Chand then left the Chamber.*)

**Minister for Education** : Now, Sir, a sum of Rs. 10,000 has been provided in the budget to assist a certain scheme, a scheme that was enforced very early after the present Government assumed office. We thought that we should provide more facilities to our doctors in the villages to afford better relief to the suffering peasantry and the only thing we could do in the middle of the year was that we required our doctors in charge of these dispensaries to tour in their areas within a radius of five miles and for that purpose this money is provided. I may tell you, Sir,

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that during my visit in the country I have very carefully studied the working of this scheme and I have found that much useful work is being done. Now I feel that the time at my disposal is rather short. (*A voice: The Honourable Minister's time is over.*)

**Mr. Speaker :** To ministers who have to reply to all speeches, I have to give a little more time.

**Diwan Chaman Lall :** May I request that more time should be allotted to certain leaders of the Opposition?

**Mr. Speaker :** I have already agreed to do so.

**Diwan Chaman Lall :** Was any extra time given to Lala Duni Chand?

**Mr. Speaker :** He was not speaking but interrupting.

**Minister for Education :** Coming now to the Department of Education. I would first of all take up the Anderson Committee's Report.

3 P. M.

**Khan Bahadur Captain Malik Muzaffar Khan :** On a point of order Sir. In my opinion the days appointed for general discussion—

**Mr. Speaker :** Some gentlemen get up on a point of order, but begin to make a speech. That is not fair.

**Khan Bahadur Captain Malik Muzaffar Khan :** On a point of order. The Honourable Ministers will have ample opportunity of speaking on their own subjects, later on.

**Mr. Speaker :** That is not a point of order.

**Khan Bahadur Captain Malik Muzaffar Khan :** If the Ministers consume the whole time then no time will be left for us.

**Minister for Education :** I am entirely in the hands of this House. I am prepared to cut short my remarks. So far as the Anderson Committee's report is concerned, there is a good deal of confusion and there is somewhere an impression that this Government has not tried to face the situation. I may for the information of the honourable member who raised this point and for the information of other members also point out that Government has very carefully gone into the recommendations of the Anderson Committee and that they have given effect to such recommendations as they have approved of. Other recommendations are being considered. But there is this difference that there are certain recommendations which can be given effect to without resorting to legislation while there are others which cannot be given effect to without resorting to legislation. I may be permitted to point out half a dozen instances in which action has been taken. It was one of the recommendations of the Anderson Committee that the Punjab University should have a paid vice-chancellor. Effect is being given to that recommendation and provision for the salary of the vice-chancellor is being made in next year's budget. Next comes the recommendation regarding the extension of the primary course from 4 to 5 years. Government has accepted this recommendation.

Another recommendation was regarding the elimination of wastage. Steps have been taken by me and wastage is being stopped and good results

are being achieved and these efforts shall continue. One of the recommendations urged the necessity of providing better qualified teachers for rural areas, both male and female. We have very carefully considered this question and the Punjab Government recently appointed a special committee of experts, who have considered this matter and have put up their recommendations.

So far as female teachers are concerned, I may point out that the Punjab Government has opened 8 more special normal schools for the benefit of those girls who come from rural areas and who are willing to go back to rural areas to serve people there. (*Cheers*). I may also point out that a very big departure has been made from the previous programme. The programme that we have chalked out is that we are trying to induce the female near relatives of our present teachers and new students to take to the profession of teaching after receiving the necessary training, so that we could post them together in one school or one village. Our aim is that we should, as far as practicable, place primary schools under the control and supervision of female teachers. This experiment was started in various districts, including Amritsar and Sheikhpura. I am glad to point out to the honourable members that the experiment is showing signs of success. Since then, under my instructions, the department has issued instructions to the inspectors all over the province to encourage co-education and the replies that have been received are very encouraging.

Another recommendation of the Anderson Committee was to give more impetus to elementary education and make a better provision for compulsion. This is being done. The Punjab Primary Education Bill has been published in the Gazette and will, I hope, be introduced within the next 24 hours.

Then comes the question of encouragement to girls' education. This is one of the recommendations of the Anderson Committee. Last time I was able to tell this House that out of the annual expenditure 80 per cent. was being allotted to girls education and the same policy is still continued. Honourable members must have noticed that we are giving one degree college to Amritsar, one high school to Ferozepore, raising another school at Muzaffargarh to high standard. We are opening nine new vernacular middle schools for girls. As regards these middle schools I may point out that at present we have only 4 or 5 vernacular middle schools in the Punjab. Punjab Government is now opening 9 vernacular middle schools in one year. Increased attention is being paid to encourage girls to join existing institutions meant for boys. Orders have been issued that in all primary schools meant for boys, girls may also be admitted—and I understand more girls are coming. (*A voice*: What about those schools which are under the control of male teachers?) Even in the case of those primary schools which are under the control of male teachers, I for myself see no objection if small girls join these institutions. So far as girls education is concerned and the question of better arrangement and better type of education is concerned I may point out—

**Sardar Lal Singh**: On a point of information. Was the Anderson Committee appointed by this Government or by the previous Government?

**Minister for Education :** I find that we have an honourable member present in this House who does not know who appointed this committee.

**Sardar Lal Singh :** I want to know whether you are carrying out the recommendations of your Government or of the previous Government?

**Minister for Education :** We have no doubt stepped into the shoes of another Government. We shall not hesitate to utilize any opportunity of serving merely on sentimental grounds. (*Hear, hear from the Treasury benches.*)

So far as general education and better type of education is concerned, I may refer the honourable members to the provision that we are making under special development programme. We have allotted 50 thousands rupees for opening a new type of school in each tahsil. It would have the best enrolment and attendance; it would possess up to date equipment and educational appliances; it would teach rural science on an attached farm; it would introduce the latest methods of instruction as adapted to the needs of the locality; it would give a definite rural bias to all instruction; it would, if possible, encourage co-education: its students would have a milk bar; a medical officer would hold regular inspections and prescribe treatment; it would have its parents' day; its specially chosen teachers would take active interest in rural uplift work and in fact it would be a centre of national activity in the countryside. So far, in the Punjab we had only one model school and that was in the capital of the Province. I am now establishing model vernacular schools in every tahsil. (*Hear, hear from the Treasury benches.*)

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

**Pandit Shri Ram Sharma** (Southern Towns, General, Urban) (*Urdu*): Sir, the importance of the subject of budget and the shortness of the time at my disposal remind me of an Urdu couplet which describes my feelings to some extent. It is thus:

فکر معاش عشق بزان یاد رفتگان

تھوڑی سی زندگی میں بے کیا کرے کر ٹی

(*Laud cheers and cries of 'Once more'.*)

Sir, the general discussion on the budget has been going on for the last three days and it has been described by various speakers by different names. Some honourable members have called it the zamindar budget, some have described it as the budget of the poor, while others have termed it as the jat budget. But all these are misnomers. In my opinion it is the bania budget and the credit for having created this truly bania budget goes, of course, to the Honourable the Finance Minister. I am inclined to congratulate him personally because this bania budget could not have been produced without his having put his heart and soul into it (*Cheers*). His mastery of the jugglery of figures has stood him in good stead in giving this budget the appearance of being a budget for the poor while, in fact, it is the budget of the landlords and other capitalists of the province. It can

by no stretch of imagination, be called a poor man's budget as it has been framed strictly in accordance with the desires of the capitalists. Take for example the surplus which has been shown in the budget. In reality a sum of 6 lakhs has been taken from the savings of the last year and shown as income of this year. But for this change on the paper the so-called surplus budget would have appeared in its true colours and indicated a deficit of several thousands. Even if we admit that it is a surplus budget, there is no cause for special elation, because, about a dozen of such surplus budgets have already been presented to us in previous years. So, a surplus budget is not a special feature of this Government.

Again it has been shown in the revised figures for the last year that there has been a saving of 61 lakhs, but I beg to ask, where has that money come from? After all it was collected from the poverty-stricken masses of the province. Instead of returning this money to the poor peasantry it has been earmarked for the Special Development Fund. It is useless for the Unionists to praise this surplus budget. I would not mind even a deficit budget provided that the poor were taxed as little as possible and the largest amounts were spent on them. Not that the largest amount is taken from the poor, and the least spent for them. But nothing of the kind is traceable in the present budget, every pie of which has been raised by squeezing out the blood of the poor classes and on the expenditure side of which the lion's share has gone to the big bellied people.

Adverting to the question of beneficent departments, we find that the Unionists claim special credit for the provision of more than 8 crores for this purpose. But I fail to understand why an autonomous government should feel so proud of having done a thing only once which even an irresponsible government has been doing over and over again. A glance over the previous budgets of the province will show that in three different years the bureaucratic government provided three crores of rupees every year for the beneficent departments and there was at least one year when more than this amount was spent on these departments. Here too the Unionist Government stands beaten by the old government.

Again, the annual expenditure of 6 lakhs out of the Special Fund on rural uplift work, is claimed to be a unique achievement of our government, but, I am sorry to observe that a greater achievement of the Unionists is being lost sight of and it is this. Our benign Government is going to spend  $4\frac{1}{2}$  lakhs of rupees on the poor ministers and their secretaries to enable them to keep their body and soul together. It is here that the Punjab leads or misleads the rest of India. A provision of Rs. 6 lakhs for the starving millions and Rs.  $4\frac{1}{2}$  lakhs for a few individuals with beautiful faces, that is the unique achievement of this kissan government. Here are a few more figures;  $3\frac{1}{2}$  lakhs for the police; 2 lakhs for the jails;  $2\frac{1}{2}$  lakhs for education;  $2\frac{1}{2}$  lakhs for agriculture and  $1\frac{1}{2}$  lakhs for industry out of which a sum of Rs. 17,000 will be spent on the survey officers of this department.

Now let me contrast the political condition of the province with this huge expenditure. It is an open secret that political prisoners are rotting in jails and the repression policy is being ruthlessly pursued by the Government. But I may be allowed to ask, what is meant by violence and terrorism under the pretence of which citizens of this province are rotting

[Pandit Shri Ram Sharma.]

in jails, and daily arrests continue? The repressive policy of the government is termed as a move towards the maintenance of law and order. If that were not so, how is it that the Indian War of Independence of 1857 is called a mutiny and those who worked against the cause of their country are called loyal subjects of His Majesty the King. Some Honourable members still hold Jagirs, titles, and sanads of those days as a proud heritage while in fact, these were awarded for acts of violence on the part of the recipients of these honours. Leaving alone the story of the past, I may come up to the recent repression on the part of the Government. We daily hear of cases started by the Government under sections 124-A and 158-A. It is said that there are only 26 such cases, but, I find that in my district alone three persons have been arrested under these sections of the Indian Penal Code and two of them are Jats. Similarly there are other such cases in the district of Karnal and several other districts. But I challenge the opposite benches to prove if there was any real act of instigation to violence in the speeches of those who have been arrested under the charge of sedition. In spite of all this, section 124-A is freely being used which is said to have been only used in a case of instigation to violence. The Unionist Government indulges in its own violent propaganda at the expense of the Government. No opportunity is missed to carry out the party propaganda during the tours of the Ministers. The Honourable the Premier himself remarked that the urban and rural interests are conflicting, yet they champion the cause of both of them, which means that either of them will have to be ignored and it would be, probably, the zamindars who would suffer. All this is being done at the Government expense. So far as the Honourable Minister for Development is concerned, the less said the better.

The poison infused in the budget will shortly show its signs in the rural areas and will prove fatal for rural interests. Repression is being used against the opponents of the Unionist Party. The leaders of the party particularly the Honourable Minister of Development advocate the use of physical force in dealing with Congress workers as he did at village Pai in the Karnal district. Repression is freely used against those who have anything to say against the Unionist Party Government. This is the political aspect of the Unionist propaganda.

Now I come to other topics of the day. The other day the Honourable Premier appealed to the Congress to help him to settle the Shahidganj problem. I wonder why when they find themselves unable to cope with a difficult problem, they seek the help of the Congress. As a member of the Congress Working Committee of the Province I submit that if you give us an undertaking in writing that you will abide by the decision of the Congress we will very gladly try to find a solution of the problem. But this is most improper and unjust that you should bring the Congress into disrepute over a communal matter like this.

Again, whenever we make a complaint to the Unionist Government, we are directed first to go to the district authorities who do not pay any heed to our complaints. I went to Rewari in connection with last year's riots to get the differences settled with the help of local Congress workers, but when we interviewed the deputy commissioner he refused to hear the grievances through me saying that I was not elected to represent the people.



before a district magistrate. This is the way in which local authorities deal with the public. When I wrote to the Honourable Premier he replied that it was not proper for him to interfere at the stage when the case was pending before a court of law, while there was nothing of the sort ; and on my challenge the Premier kept silent. This is a sample of the general administration of the province.

**Lala Deshbandhu Gupta :** As a matter of procedure, may I request you to warn the members at least two minutes before their time is up ?

**Professor W. Roberts** (Parliamentary Private Secretary) : Sir, there are at least two things in this budget on which I think we should all be able to agree. One of them is that as custodian of the finances of the province for the first year of the Reforms the Finance Minister has shown a surplus of 61 lakhs. That is a matter for which all of us should join in congratulating him on. The second is that in the budget for the next year he is able to show a surplus without increased taxation. I was very sorry to see, on the 1st of March when this excellent achievement was given out by the Finance Minister, that a section of the House were unable, or at any rate they did not join, in congratulating him publicly in this matter. I think this is a reflection on the public life of the Punjab which should be removed. I do not think that it would have done any harm, in fact it would have strengthened the subsequent criticism of the budget, had you given generous applause where it was due. I have myself listened to five budget speeches and I have read every one of the budget speeches for over a quarter of a century, made in the Punjab, and I can say without any exaggeration, that the budget speech of the Finance Minister this year takes its place very very highly among that list of speeches of Finance Ministers. (*Hear, hear and applause.*) Further it should have been an occasion for pride, quite apart from any question of party, that a Punjabi should have been the one announcing this excellent result. This has been pointed out by my honourable friend Nawab Muzaffar Khan and I only mention it now as an additional reason why I appeal to you in fairness that in future budgets and on matters of this kind the House will express generous approval, so as to strengthen their criticism of details later on.

As regards the development fund, I am very glad to find that this money has been put aside, because it enables the Government to have a five year programme. Without a long range programme of this kind, it is impossible to make any effective improvement in rural conditions. I must say that I wish to congratulate the Finance Minister on his persuasive powers. I would have thought it almost impossible to get the Finance Department to agree to a proposal of this kind. The fact that it has been done and agreed to wholeheartedly, speaks very highly indeed of the Finance Department and of the Minister.

There is one point which I raised in the last budget speech and that is with regard to the money coming under the name of provident fund. In the memorandum of the budget credit is taken for this money transferred from the Government of India. But again I wish to draw attention to the fact that I can see no definite statement that the Punjab regards this as part of its obligations or its debts. I should be very grateful to the Finance Minister if in his reply he will state whether the total debt of this province

[Prof. W. Roberts.]

is 32 crores of about 36 crores. In my humble opinion the correct figure is somewhere near 36 crores.

Another point in the budget which I should like to draw attention to is the fact that two-thirds of the income of the province is derived from two taxes, that is land revenue and water rate. Seven and a half crores out of a total budget of 11·4 crores is produced by these two items alone and I would like to emphasise that in all future budgets, some explanation may be made as to why part of the surplus if available, should not be used for reduction of taxation, and I particularly recommend reduction in land revenue, which touches every corner of the province. I do not think that water rate stands on the same footing, because it applies to irrigated tracts only, and in that case people are to some extent in a better position than the people of barani tracts.

There is one other matter on which I would like to draw the attention of the House, and that is the provision of an additional 11 lakhs from the Government of India on account of income-tax contribution. This is due to the good results of the Railways. On the 11th of January, this year my honourable friend Mian Iftikhar-ud-Din criticised the railways as compared to motor transport; and I have taken the trouble of looking up the figures and checking up what he gave as facts the other day. The real facts are that interest is paid by the railways to the extent of 27½ crores to the Government of India and only 7½ crores go towards company railways and sterling creditors. Further, as far as stores are concerned, 12·4 crores are obtained from India or are of indigenous origin and only 1·23 crores worth comes from abroad.

**Diwan Chaman Lall :** Where do the 27 crores go ?

**Professor W. Roberts :** Stores and goods.

**Diwan Chaman Lall :** Is the honourable member referring to interest on Railways ? It is about 34 crores a year and the entire sum practically goes out of the country.

**Professor W. Roberts :** These are the figures given to me by a very competent authority. An annual amount of 14 crores of which 12·3 is retained in India and 1·23 goes abroad. Railways also give employment to 7 lakhs of people. North-Western Railway gives employment to 1 lakh. Further industrial progress of the Punjab depends on cheap carriage of coal, and motor transport cannot compete in this class of transport. There is no doubt about the fact that in the economy of India, Railways will and do and play a real and essential part, and I should therefore like to correct the impression which my honourable friend perhaps unwittingly created, regarding the part of railways in the economic development of the Punjab.

**Sardar Mula Singh** (Hoshiarpur West, General Reserved Seat, Rural) (*Punjabi*) : Sir, it is highly regrettable that promises were held out to us in the last year's budget that much would be done for our benefit. We have been waiting since then in the hope that something substantial would be actually done for us. But the present budget has surprised me very much. Full one year has passed on and nothing has been done for our betterment. Achhuts (untouchable classes) are still starving and they go from door to door in search of bread as they have been doing before.

The budget presented by the Unionist Government has very much disappointed me because the weights of both the budgets do not differ at all. They are equal in weight. I beg to submit that not a pice has been provided for the achhuts. I do not understand why these seven representatives of achhuts are sitting silent after getting their seats in the armpit of the Government. They should be ashamed of hearing such things. It is clear that not a pice has been provided for the welfare of the achhuts in the present budget while it has been pointed out in the Punjab Assembly several times before that the Government should pay attention to the excesses that are being committed on the achhuts. A conference was held at Jullundur and most of the grievances were placed before Chaudhri Sir Chhotu Ram and Sir Sikander Hyat and the former said during his speech that the achhuts will be considered as the owners of their houses. Sir Sikander Hyat remarked that the achhuts would be recruited to the police. How regrettable it is that not a single achhut has been recruited as constable in the police so far. Not only this, but even last year it was said by the Government that as they could not do anything substantial for the general good of the scheduled castes in that budget, they would provide several lakhs of rupees specially for the betterment of the scheduled castes in the next budget. But even in the present budget they have provided nothing for them. Our Government is ever ready to make promises of every kind but they never try to fulfil them. For instance, a conference was held last year at Mahelpur in district Hoshiarpur and the Government promised there that 800 squares of land would be granted to the scheduled castes in the Haveli Project.

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

Besides, nothing has been done for our education as yet. I know that a propaganda has been done by the Government against the Congress but I may tell the Government straightaway that much has been done for the scheduled castes in the other seven provinces of the country while our province lags behind in this respect. We are being told here that the Rural Reconstruction Fund is being spent on the scheduled castes. It is absolutely wrong. Generally speaking that fund is being distributed among zaildars and lambardars of the various villages in order to spend it on the comforts of the executive officers who happen to visit those villages. What is being done by the Rural Reconstruction office is that we are being requested to construct ventilators in the walls of our houses in order to get more light. But do you know what this request really means? It means that burglaries might take place every now and then in the houses of the members of the scheduled castes and in this way they would be put to greater troubles. The Government have been told many a times before that the members of the scheduled castes are often maltreated in the villages and cruelties are being done to them. But the Government have not even moved its finger in this matter. It is very unjust that Sir Chhotu Ram can get a big sum of money granted for the purpose of cattle breeding and ninety-seven thousand rupees can be provided for water supply in the Jhelum district, but no facility is given to our brethren who drink dirty water and who are not allowed to come even near the wells containing sweet potable water. I beg to ask the Government how far they would go on treating us so indifferently. They have not even managed to give us technical education.

[S. Mula Singh.]

I still remember what the Honourable Minister for Education stated during the Simla session that half of the fee would be remitted up to the matric class for the children of the members of the scheduled castes. I am at a loss to understand why the Punjab Government have remitted only half of the fee for the children of the members of scheduled castes, while in the other provinces full fee has been remitted. I would also like to point out that even the poor classes wish to give education to their children up to the matric standard and they do it. Some people are in a position to send their children to colleges for higher education. As far as this matter of education is concerned I may request the Honourable Minister for Education that special favours should be shown to the members of the scheduled castes by remitting the whole of the fee regarding the college education including law, arts and science. Let me bring one thing more to the notice of the Honourable Minister in charge that the scholarships and the stipends given to the children of the members of the scheduled castes are not sufficient to meet their requirements. They are so very poor that they cannot pay even admission fee to the University. Therefore it is very necessary that they should be first of all exempted from all sorts of fees.

Let me bring one thing more to the notice of Government and that is the high-handedness of the police. We are being much harassed by the police and every kind of cruelty is being done to us. In spite of the fact that our Premier has been giving promises everywhere to the effect that a practical step will soon be taken in this matter, I am very sorry to say that no serious action has so far been taken in this respect. A sum of 11½ crores of rupees was provided to the various departments last year but the scheduled castes were absolutely neglected. The present budget is merely a copy of the last budget. The members of the scheduled castes are still being shoe-beaten in the villages by the zaildars and the lambardars. They cannot purchase land anywhere. When the condition in the province is this, prominent members of the Unionist Party acclaim twisting up their moustaches that they have prepared a unique budget. I cannot understand this claim. It is very funny indeed that the Government have done propaganda against the Congress in the Karnal district by saying that the Congress wants to take away land from the zamindars and to give it to sweepers and shoemakers. I submit that the members of the scheduled castes are, as a matter of fact, poverty-stricken zamindars and therefore they should not be neglected at any cost. I pray to God that the big landlords and the capitalists who possess innumerable squares of land may begin to starve and then only they will realize that whatever we have been saying was quite correct and true.

My submission is that the Government is squandering away the money that the poor harijans earn with the sweat of their brow. They do not care to ameliorate the condition of the poor harijans. It is said that two parliamentary private secretaries have been appointed from among the scheduled castes members of this House. I may submit that is no special favour to us. (*Cheers*). Their appointment as parliamentary private secretaries has not in any way improved the condition of the backward classes.

Besides, I may submit that large sums of money are spent to provide bungalows for the Honourable Ministers. But not a penny has been spent

on erecting even a small hut for the poor harijans. They are so much stricken with poverty that they can easily be prevailed upon and exploited by every unscrupulous zamindar. I can make bold to say that in the Congress provinces, the harijans have been provided with many facilities. But our Government has done nothing for them. I would appeal to all the honourable members who belong to scheduled castes not to vote for this budget, but should cast their votes against it and reject it *in toto*. It is their duty to raise their voice against the present Government. I assure them that when this Government goes out of power, the in-coming cabinet would take special care of their needs, and try to remove their disabilities and handicaps and ameliorate their condition.

Again it was given out that the members of the scheduled castes would be nominated to the municipal committees and district boards. But what do we find here? Not a single harijan has been nominated to any of the municipal committees or district boards. If my honourable friends Sardar Gopal Singh has been nominated as a member, that does not amount to any special favour to the scheduled castes. I submit that he himself is an influential person and that he has secured all the offices through his own personal influence. In fact nothing has been done for the poor harijans in this respect. May I inquire from the honourable members opposite whether any member of the scheduled castes has been nominated to any municipal committee or district board in either Hoshiarpur or Karnal? On the other hand I submit that in the Madras province, Mr. Shiv Shanmugham has been appointed as the President of Corporation. That is the difference between this Government and the Congress Governments.

Again the Unionist Party claim that they are the well wishers of the harijans. I may submit that I am quite at a loss to discover this. In 1925 a resolution for improving the lot of harijans was introduced by Mohan Lal in the Punjab Legislative Council. But I am sorry to remark that the Honourable Sir Sikander Hyat-Khan, the Honourable Chaudhri Sir Chhotu Ram and the Honourable Mr. Mir Maqbool Mahmood opposed this resolution. I may point out that it was provided in that resolution that the members of the scheduled castes should be given the right of drawing water from public wells.

**Mr. Speaker :** The honourable member's time is up.

**Dr. Gopi Chand Bhargava :** Mr. Speaker, I find that my honourable friend Lala Duni Chand is not here under your instructions. I would request you to treat the matter as closed and allow him to be recalled.

**Mr. Speaker :** Honourable members, I have no objection to act according to your wishes (*Hear, hear*). The honourable Leader of the Opposition has been pleased to say that I may treat the matter as closed. So far as I am concerned it is closed and I have no objection to Lala Dani Chand's return if the House has none. Is it the pleasure of the House that Lala Duni Chand may be permitted to come back? (*Voices : Yes.*) He may return.

**Lala Harnam Dass** (Lyallpur and Jhang, General Reserved Seat, Rural) (*Urdu*) : Sir I rise to make some observations in connection with the budget from the point of view of the scheduled castes. Whenever the budget of any province or country is to be prepared, it is necessary that one should

[L. Harnam Das.]

take into consideration all the aspects administrative, social, industrial, economic, etc. My submission is that in this budget efforts have been made to strengthen the hands of the administration. I may also point out that provision has been made for the development of industry and much has been done for improving fruit culture and fruit industry. Besides, provision has also been made in the budget for solving the thorny problem of unemployment.

*(At this stage Lala Duni Chand resumed his seat amidst cheers.)*

But so far as the depressed classes are concerned, there is nothing in the present budget that indicates that the Government has their welfare also in view. It is possible that there may be some scheme unknown to us under the consideration of the Government, but I cannot help saying that the budget as it stands, includes no scheme aiming at their social uplift or political betterment. *(Cheers from the Opposition benches.)*

Whenever we meet our brethren, the first question they usually put to us is whether any provision has been made in the budget for their betterment. We are forced to reply that if we were to be included in the category of bulls of Hissar breed, it is possible that Government may work out a scheme to better our condition *(Laughter)*. May I enquire from the Government whether in view of the miserable plight of the depressed classes they have chalked out any constructive programme for their uplift? May I know if it is not the duty of the Government to support and do something for the welfare of the backward classes, or make arrangements for providing these starving millions, with food, or wipe out illiteracy from amongst them.

I would like to make a few observations in regard to our education. In last year's budget nothing worthy of note was provided for us. But we do feel grateful to the Honourable Minister for Education that he granted half fee concessions to the students of our community up to the tenth class. Apart from this he had promised to grant stipends to them. It is a matter of great regret that those students who were to receive those stipends, were not given any and in consequence they had to face difficulties in defraying their school expenses.

Sir, we are confident that the Government will redress our grievances. That is why we are with them and will continue to be with them. *(Hear, hear)*. My honourable friend Sardar Mula Singh was pleased to remark a little while ago that the Unionist Government is not prepared to do anything for us. *(Interruption)*. I am sure the Government will make the honourable member soon realize his mistake by removing our difficulties and hardships and accepting our legitimate demand. *(Cheers from Government benches.)*

**Sardar Mula Singh :** Your Government would not be able to do that even five years hence.

**Lala Harnam Dass :** I, therefore, request the Government to lose no time in redressing our legitimate grievances. Besides, I have never heard or come across any country where a community or a class of persons have not been recognised as *maliks* or proprietors of their lands, in spite

of the fact that they have been residing there for centuries. In this province the members of my community who have been in possession of their ancestral lands are not regarded as owners. May I ask the Government if they are prepared to get this unjust law soon repealed? I hope the Government will see their way to accede to our request.

The grievances of the zamindars given expression to by the honourable members in this House are legitimate and genuine. But my submission is that our condition in the villages is even more miserable and hopeless than theirs. And as our welfare depends upon their welfare, if their condition is bettered, our lot is sure to improve.

In the end I hope that the Government would not take it ill when I lay our grievances before them, because it is our duty that we should bring to their notice the troubles and difficulties of the people whom we have the honour to represent here and again it is their duty to remove them.

**Mr. S. P. Singha** (East Central Punjab, Indian Christian): Mr. Speaker, Sir, since last year I have been wondering what the exact purpose of the general debate on the budget was. I have understood that it gives us an opportunity to get our money's worth in making freelance speeches, but as far as the budget itself is concerned my impression last year was that the job of the Opposition was to slash the budget blindly and for these benches to defend it blindly—I do not know which was blinder. The thought occurred to me that in these days when so much stress is laid on economy we might as well ask these parties to have gramophone records made. We may thus save money on members' attendance during the general debate and instead we may have one record on this side and one on that side. This year I find that as far as the Opposition is concerned the gramophone record would have done just as well. But I am very glad we have had many constructive suggestions from this side of the House (*hear, hear*). Sir, I do not know in what way the budget could possibly be bettered. It is a Punjabi budget based on Punjabi commonsense and made by a ministry which embodied the solid commonsense of the Punjab and even that flash of brilliance which occasionally the Punjabi is capable of. We could hardly expect less with Mr. Manohar Lal as Finance Minister. After all, in these days it is a great thing to have a budget with no extra taxation, more money for beneficent departments, no borrowing and above all what none of the other provinces has, a Development Fund. This party has no need to borrow for little tinkering for the sake of propaganda. I am sure when the time comes for borrowing, we will not borrow like other provinces just to please people in little things. It will be a borrowing to some purpose, with some purpose. I am sure that the Ministry is laying a firm foundation for big beneficent activities. Some people may not know now what this party is capable of doing, but they will soon. Their five years are not over yet.

Sir, I have not been able to understand why we should have this blind Opposition? Why cannot we have a co-operative opposition? If there was co-operation, I am sure that the next budget would be still better and we will be able to do something worthwhile. I was this morning

[Mr. S. P. Singha.]

reading in a paper the statement of Dr. Satya Pal. May be this supplies a reply to my query. He says :—

“Has Sir Sikander Hyat-Khan any regard for the Congress? Is there any single demand of the Congress which he has accepted? Political prisoners are rotting in jails. Fresh prosecutions are being carried on”.

Sir, I ask, who is responsible for this? If political prisoners are not rotting in jails in some other Provinces, it is because the Congress Ministeries are in power there. They know that if these people come out of jails they being their own men, they can be relied upon. It will not be in the interest of their party to create trouble after release. If the Congress really wishes, the same can be done here. Barring those cases in which, under any circumstances on merit, prisoners cannot be released, in other cases, I am sure, Sir Sikander will be the first man to release them if there is co-operation from the Congress. Congress is not in charge here and they are always in opposition to the Government's policy. How can they then expect that Government should add to its trouble by acceding to all their demands. Let them offer co-operation, and then try Sir Sikander. They will then find out that they can have everything that the hearts of the Opposition desire.

Some honourable members have made a remark about the budget in the Congress provinces. If they want to know about that, I would say that they have also been criticised. For example, about the United Provinces it has been said in the United Provinces Assembly general debate that they have made terms with imperialist exploiters, and that they have not axed salaries of high-placed officials. The Ministry has been called a Ministry of Congress Rajahs. It has been feared that their borrowing policy would lead to a financial collapse. It has been complained that judiciary and executive have not been separated, etc., etc. To-day, I was reading in a paper that Allahabad was being patrolled by police and military with loaded guns. If that thing had happened here, the Opposition would have been up in arms. If I appeal for co-operation to the Congress, my appeal is not misplaced because the Congress is a national movement. We are after all an *ad hoc* party here in his province and we try to do our best in response to the vote of the people of the Punjab who have returned us in such overwhelming numbers. Congress has a future. But if Congress wants to have a future in this province, it would brighten its prospects by co-operation. Sir, the trouble is that the Opposition think that they have a monopoly of patriotism. Sir, I will not say very much more, except this that the goal of us all is the same. Across the high mountains of national difficulties awaits our *Bharat Mata*, starving in her isolated village, bleeding with the stab of our fratricidal quarrels. We are all hurrying thither to offer her succour and comfort. How much longer shall we hinder each other's progress? Let us pool our resources, so that our journey may be hastened, our gifts made the richer and our homage the more acceptable because of the love we bear to one another and to our motherland.

**Malik Barkat Ali** (Eastern Towns, Muhammadan, Urban): Sir, I desire at the outset to congratulate the Honourable Finance Minister, who has undoubtedly proved a very valuable asset to the Treasury benches, on the lucid budget that he has presented to this House. The Honourable



Finance Minister is an economist of established repute and I am not in the least surprised that he has been able to supply this House with a budget which has all the appearances *on paper* of a cautious and well-balanced budget. I deliberately say 'on paper' because if you scrutinise the items in this budget, you find very little in it to inspire a people or a nation. While it is true that no fresh taxes have been imposed, my complaint against the Honourable Finance Minister definitely is that he could have, on the figures in this budget, taken some steps to reduce the crushing burden of taxation. On his own showing, he budgeted a surplus of 2 lakhs for the year 1937-38. He actually succeeded in amassing 61 lakhs, thanks to those forces over which he has no control. He will agree with me that if he had sat in his room with his eyes shut and his hands resting on his lap, these 61 lakhs would still have flowed into his coffers. We have been told that in the year 1937-38 remissions of land revenue to the extent of 32 lakhs have been made. If the mishap of nature, which occasioned this remission, had not happened, the Honourable Finance Minister would have got another present of 32 lakhs. These 32 lakhs added to the actual surplus of 61 lakhs would have made a surplus of 93 lakhs. These figures make out a case, I submit, for some reduction in taxation. What does the Honourable Finance Minister do? He has taken away a sum of 55 lakhs and put it into a Special Development Fund for intensive development propaganda in rural areas. He will agree with me that if with this surplus in hand he had announced that the poor peasantry of this province, holding one acre or less than one acre, would henceforth be exempted from the burden of land revenue, the denizens of the rural areas, for which so much solicitude is being professed, would have certainly welcomed this act of the present Unionist Government. But he has done nothing of the kind. We have been told that they would give them good roads, they would give them good water. By all means give them good roads and good water, but please remember that you are under an obligation to raise the soul and self-respect of the people. You are here to ameliorate the material and spiritual conditions of these people of the rural areas, and we on this side of the House are with you in this effort, because we believe with Bright that the nation dwells in the cottage and that unless the light of your constitution shines there and the beauty of your legislation and the excellence of your statesmanship are impressed on the conditions and feelings of the people, there you may rely on it that you have yet to learn the duties of Government, and that you can never succeed in having a contented peasantry.

I should like the Honourable Ministers to know that even in the new order that began last year, the visit of a petty constable, a petty excise official, a petty peon from the tahsil, to these rural areas makes these poor people tremble in their shoes. I ask, what have you done to alter this state of things? What have you done to make them realise that this petty constable, this petty excise official, the tahsil peon is not their master but is their servant, that they are above him and that in this new order their role is not the role that the bureaucracy had allotted them, namely, the role of helots, of hewers of woods and drawers of water. What have you done to make them realise that instead of being helots they are really the masters with power to choose or alter the Government which shall rule them?

[Malik Barkat Ali.]

I should like to take and discuss a few concrete instances. I should like to ask the Honourable Ministers, what have they done in the way of separating the judicial and executive functions? As soon as this House met last year, a resolution was tabled by this side of the House recommending to the Government to do something in connection with the separation of the judicial from the executive functions. That resolution could not unfortunately be discussed, thanks to the tactics which have become a prominent feature of this House. Here is a Cabinet consisting of three learned members of the Bar. It is known to them that there is nothing more depressing in the present system of administration of justice than this combination of the judicial and executive functions in one and the same person. Time was when the question of the separation of these functions was resisted by the bureaucracy. In 1919 Sir William Vincent, Home Member to the Government of India, stated that it was for the provinces to make their own arrangements in this matter. In 1921 when there was a dyarchic Government, do you know what they did? Mr. Shah Nawaz, the worthy consort of the lady who now adorns the House, moved a resolution recommending the appointment of a committee to go into this question. A committee was appointed. Some recommendations were made. Some of them were carried out. The civil judiciary was placed exclusively under the control of the High Court, but so far as the criminal magistracy was concerned it was left where it was. You must remember that the bureaucracy was then responsible for law and order, which were reserved subjects. But to-day law and order are not reserved subjects. How can you say that magisterial work is not judicial work, that it is only the civil work which is judicial and that magisterial work can continue to be carried on as before?

I would in this connection draw the attention of the honourable members that the country has been clamouring for the abolition of that vicious and reprehensible system of honorary magistracy which had been introduced in this country for its own ends by the bureaucracy. In this matter our neighbours on the Frontier have gone ahead of us, for they have abolished the system, while nothing has so far been done in the Punjab.

The other day we were told by our Chief Justice that the police continues to send up cases of cooked and false evidence to secure verdicts of what may be called judicial murders. Even false confessions have been wrung from innocent persons by the methods of torture. What have you done to check all this? Nothing. The chariot of the administration, this Jagernath's Car, jogs along as before, with this difference that while in the past we had white bureaucrats as drivers, now we have brown bureaucrats put into positions of authority by the unfortunate circumstances that our province happens to be the only province in India where the citadel of the bureaucracy has not been broken. (Applause). I would draw the attention of the Honourable the Premier to these hard realities that stare one in the face. I am thankful to him for the applause that he has been pleased to give me and would beg of him to carry these suggestions into practice and show to the province that it is a different kind of Government which is now in the saddle and not the old bureaucratic government or its successor or its nominee.

I will now turn to another matter in the domain of local self-government. The record of this Government in this matter is certainly not praiseworthy. When this Government came to power, there were seven municipalities which stood superseded. I put a question and in the answer supplied to me by the Minister in charge, I was told that the Karor Municipality—a small municipality—was superseded on 31st August 1932. Six long years have elapsed since but the official management of this small municipal committee is still going on. Nothing could be a greater condemnation of the policy of Government than the fact that a small committee has stood superseded for so long and the electorates of the place concerned deprived of their inherent right of managing their local affairs. Buria was the second committee which was superseded on the 21st August 1933. When I asked Government for how long it was the intention of Government to keep the supersessions in force, I was told that the committees would be reconstituted as soon as the financial and other conditions of the localities concerned show improvement. I do not know whether the Honourable Minister who gave me this reply understood the implications of what he was saying or whether he just read out the reply which had been supplied to him by the officials below. I put it to the Honourable Minister, is it fair to treat the elected representatives of the people in this way? Besides the two municipalities already mentioned, there were five other municipalities which were superseded. Gohana was superseded on the 10th November, 1933, the Municipal Committee of Sialkot was superseded on the 19th February, 1936, the municipality of Baghbanpura-cum-Bhogiwal came next on the 18th May, 1936, then came Lahore, the premier municipality of the province, superseded on the 27th October 1936, and last one (Mithankot) was superseded on the 3rd May, 1937. What have you done in the case of the Lahore Municipality? It is being administered by an I. C. S. Officer. How long is he to remain there? Judging by his plans, for ever? If for six long years the small municipality of Karor has failed to be reconstituted, I do not know how many years this Ministry will require to reconstitute the Municipal Committee of Lahore.

The other day, an honourable member on the Ministerial benches tabled a resolution, recommending to Government to adopt the policy of prohibition and to at least introduce it in five districts on an experimental basis. We were told by the Revenue Minister that excise revenue brings us one crore. How can we sacrifice so much? As if the morals of the people have no value or concern in the eyes of this Minister. The Honourable Premier read out on the occasion a *communiqué* of the Madras Government. We understood from the Premier that he was going to give a lead in the matter of prohibition, and yet what did his speech come to? He read out that *communiqué* in order to make the House realise that though the Madras Government had launched the scheme, yet they did not mean it; they had made some concession here, some concession there and another concession there and so on. It was as if he was ridiculing that great policy of the Madras Premier.

**The Honourable Dr. Sir Sundar Singh Majithia:** Certainly not.

**Malik Barkat Ali :** I fail to see then what was the point of reading that *communiqué* and saying in the same breath that the Premier was going to give a lead in the matter.

Then there were the wretched press laws. What have you done to repeal the press Law? Why do you want to keep this power in your hands to ask for securities and to forfeit securities of the poor press and after you have forfeited the securities, to leave the press the useless and extremely meagre remedy of a petition to the High Court? What have you done to amend the objectionable penal and criminal laws? What of the seditious cases and of section 144 of the Criminal Procedure Code and of those emergency powers under which you can send out some people and ban the entry of others? And with this you call yourself a popular government, a government of the elected representatives of the people of this province. I could go on multiplying the sins of omission and commission of the present government to show that the experiment in popular government within the framework of the Government of India Act, 1935, has not led to any substantial results in this province, thanks to the fidelity with which the present ministry is obeying the behests of its bureaucratic master and is carrying out loyally the evil traditions of the bureaucracy. This province will have to make a prodigious efforts to break and end for ever this vicious spell of bureaucratic rule, which, though technically ended, exists in fact in this province, sitting as a seat of nightmare over our best efforts to bring nearer the dawn of that happy day when we shall have emancipated our province from the fetters and chains which have bound it in the unhappy past.

**Premier :** So the cat is out of the bag.

**Malik Barkat Ali :** We have been told that the cat is out of the bag. Yes, Sir, and I can tell you why it is out of the bag. We have a reactionary rule of the worst type which must be exposed, and ended so that the night of suffering through which this province is passing may determine and the present sad and dismal chapter in its history brought to a speedy close. It may be that we shall have to knock our heads against a stone wall of majority, consisting of titled magnates, representatives of the landed aristocracy, honorary sub-registrars, honorary magistrates, zaildars and others, the time old friends and allies of the bureaucracy and some of them even its creatures (*hear, hear and applause.*) But let our friends not forget that they are accountable, unlike the bureaucracy, for their acts to their great masters outside this House, and that their day of reckoning will come, if not to-day, to-morrow—if not tomorrow, certainly the day after. Remember your obligations, remember your pledges, and remember the reign of reaction and repression to which this province is being subjected in your time.

Before I close, Sir, I should like to make reference to one other subject, namely, the Shahidganj issue. The Honourable Premier was pleased to tell us the other day on the floor of this House that some of its members had been dishonest to use the Shahidganj mosque as a plank in their electioneering platform. I must tell the Premier that his appraisal, of the matter, his point of view, is essentially wrong. He should know, he should realise, that there is a great agitation in the country outside and that if the voters want an undertaking from you that you shall support them, when the time comes for your vote on the Shahidganj, that you will

get them the Shahidganj mosque, certainly the honourable member who gives that undertaking is within his rights and is perfectly honest. My friend, Dr. Muhammad Alam, was perfectly honest, my friend the Honourable Mr. Haye was certainly honest, my friend the lady member, Mrs. Shah Nawaz, was certainly honest, when they told their electors that they shall get back the Shahidganj mosque. The Honourable Premier made an appeal to the Congress benches and he told the Congress benches that they become arbitrators of this dispute. I do not know what is the authority of the Honourable Premier for this statement. I mean no disrespect, no affront to my friends on my right. But I deem it my duty to state publicly and in the strongest terms that no Mussalman worth anything is prepared to accept the arbitration of the Congress. Possibly with the exception of the Honourable Premier, there is none. I would ask my honourable friends not to be misled, not to be carried away by any such false compliments. Not that I pooh pooh, not that I repel any contribution to this problem made by the Congress. It is the duty of the Congress to contribute its humble mite just as it is the duty of everybody in this hall to contribute his humble mite to the solution of this question. This question has got to be solved. No amount of procrastination and delay will get you over the difficulty. Solve it, face the situation with courage, face the situation with responsibility but if you fail, let me tell you that this issue will engulf you and will encompass your destruction before you even realise that you have ceased to be.

**Premier** (The Honourable Major Sir Sikander Hyat-Khan): Sir, I confess that I have not got much material on which to base my speech to-day because I find that my friends opposite have singularly failed to pick out any holes in the budget this year and I am not surprised at it because the budget when viewed by unbiassed persons or from unprejudiced angle, appears to every one to be a cast iron budget. One of my honourable colleagues yesterday mentioned in this House the view of impartial judges from other provinces on our budget and he made it abundantly clear that in comparison with other provinces our budget far surpasses them both with regard to the provision for beneficent activities and with regard to the sound financial canons on which it is based. Sir, the present budget indicates the nature and the extent of stewardship of the present Government during the past ten months and I with pardonable pride may be allowed to say that we are proud of that stewardship. (*Hear, hear*). You would find that during these few months we have not only been able to balance the budget, we have not only been able to add a recurring expenditure of 14 lakhs to our beneficent activities, but we have also managed to provide a rural development fund of no less than half a crore of rupees without framing a deficit budget. (*Hear, hear*). We were told that other provinces, at least one neighbouring province, has provided a crore of rupees under this head. That is by borrowing. But how long can you borrow? How long can you go on borrowing? How long can you go on feeding the vast rural areas on borrowed money?

**Sardar Sohan Singh Josh**: Beware of the Greeks when they come with gifts.

**Premier**: My honourable friend is thinking of Greece. We are in India and I must confine myself to this country. Although it might

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look more or less self praise, I must offer my warmest congratulations on the floor of this House to my honourable colleague the Minister of Finance (*Hear, hear*), because this budget clearly indicates the sagacity of his class, the shrewd and matured experience of a great economist and above all the work and the vision of a great patriot. (*Hear, hear*). I am proud of him and I am proud of the department which he has so ably run, not because he happens to be the head of that department but because this budget is the first budget which has been prepared by Indians from top to bottom. (*Hear, hear*).

I am sorry to say that there was not one honourable member in this House who mentioned this fact or even noticed it.

**Lala Bhim Sen Sachar :** Lala Duni Chand acknowledged it.

**Premier :** We have been twitted and we have even been blamed that Indians cannot rise to the occasion in the matter of administration and efficiency.

**Mian Muhammad Iftikhar-ud-Din :** From your side.

**Premier :** Not a bit of it. Here, Sir, is the clear proof that Indians when they are entrusted with the task can rise to the fullest height and can compare with any nation in the world (*Cheers*).

**Dr. Gopi Chand Bhargava :** Thank God, you realize it.

**Premier :** I realized it long ago. So far as the criticism of my honourable colleagues is concerned, I find that I have got nothing to answer. My honourable friend the Leader of the Opposition and several other speakers on the other side made flimsy or very weak sort of talk on the budget. For instance, they had to resort to such fatuous and baseless arguments as my honourable friend the Leader of the Opposition gave. Water-supply arrangements, he said are being made only in 233 villages out of 37,000 villages in the Punjab. May I ask him whether all the 37,000 villages are suffering from scarcity of water-supply? No, Sir, the villages that are actually affected are few in each district and it is for these few villages that we have launched a scheme whereby within a short space of time we may be able to provide wholesome, fresh and sweet drinking water.

**Dr. Gopi Chand Bhargava :** May I ask through you, Sir, how many villages are so affected in the Punjab?

**Premier :** I have not got the figures with me but I can assure my honourable friend that out of 37,000 villages not even half and not even a quarter of that number is so affected. Another argument which my honourable friend the Leader of the Opposition used against the present budget, and I do not understand how it was relevant, was this, that we have appointed or perhaps, wanted to appoint a town planner, although nothing has been done so far as I am aware except that we have advertised for a town planner not only in this country but also in England. My honourable friend must have very short memory if he forgets that during the time when this question was being discussed in this House I made it quite clear that we have made another appointment of more or less similar nature and connected with this appointment and that is of an official architect. We had applications from eminent Europeans and also highly qualified Indians.

and other things being equal, we came to the conclusion that we must appoint an Indian and an Indian was appointed. But let me assure my honourable friends that as far as specialist posts are concerned in the interest of the province, we must have the highest efficiency irrespective of class, colour or creed. That is the policy of the Government in regard to specialist posts and that will continue to be the policy of the Government and if we can find a suitable Indian he may be sure that he will be given preference over others every time. (*Cheers*). Another point which must have appeared to my honourable friend who made it, as a very cogent argument was this. My honourable friend said that the Government is being run on the same old lines and that we have not done anything at all so far as amelioration of the rural areas is concerned and that our curtailment of expenditure was restricted to a few copyists. That is what my honourable friend Mr. Sachar said. He must be perfectly aware, Sir, that we have a committee now sitting to look into the question of retrenchment as well as fresh sources of revenue. He should rest assured that where we find that there is any post redundant whether big or small and it is in the interest of the tax payer that the post should be abolished immediately, it will be abolished. But does he mean to say that only because it is filled by a low paid employee the post should not be abolished, although the post is useless? I do not think that that can be his contention. Any way that argument was quite as futile as others which I have instanced just now. My honourable friend the Leader of the Opposition also referred to the political policy of the Government. He said that the Premier remarked the other day that the political prisoners were murderers. I never said anything of the kind. What I said was that it is very difficult to differentiate between one class of murderer and another class of murderer and I gave a very cogent instance and that was of the people who placed religion above politics and everything else and who in the heat of the moment or through religious fanaticism murder people. Would you not, if you want to be logical, give them the same position as you give to those who commit murders for political reasons? If you are not prepared to do so, why differentiate between an ordinary murderer and another murderer? But so far as other prisoners are concerned, I have submitted several times on the floor of this House and I will repeat it again that Government has always been prepared, and even now is prepared, to adhere to its policy which I declared in Simla that we would cause every individual case to be examined and would release the prisoners where we think that it is not against the interest of the public peace and tranquillity and in this connection let me inform my honourable friends opposite that my honourable colleague the member in charge of that department is even now engaged in examining these cases and my honourable friends perhaps would be glad to learn that we expect within the next few weeks or so to let out several of these prisoners (*cheers*).

**Diwan Chaman Lall :** Pressure of Congress opinion.

**Premier :** I am afraid this is a very uncharitable view. I have already said that we have been adhering to our policy.

**Diwan Chaman Lall :** At the same time you continue to arrest more.

**Premier :** It will not deter me and nothing will deter me from arresting them if they continue to preach violence and try to disturb the peace and tranquillity of the province (*hear, hear*). Another argument used against the present Government was about some press or book agency known as Narang Bros.

**Dr Sir Gokul Chand Narang :** I have nothing to do with it.

**Premier :** I think the blame was thrown on the present Government for that act of omission or commission. Let me assure you with regard to that particular matter that the decision was taken several years ago and was taken by the University of the Punjab. If the University consulted the Government it was the previous Government, my Government had nothing to do with it and yet my honourable friend used even that as a weapon to criticise the present Government. It is very unfair. Another point raised by my honourable friend the Leader of the Opposition was that so far as boy-scouts were concerned only the official movement is recognized. I do not find the honourable gentleman in his seat, otherwise I would have with your permission put him a question as to what he means by the words "official movement". Boy-scout movement is not an official movement.

**Diwan Chaman Lall :** What he meant was Baden Powell movement.

**Premier :** Baden Powell movement is not an official movement.

**Diwan Chaman Lall :** Has not the Honourable Premier seen the report of the United Provinces Government that they are not subsidizing the Baden Powell movement ?

**Premier :** It is not the United Provinces Government he said about. He said that we are merely giving a grant to an official movement. If you can call a movement whether it is Baden Powell movement or Seva Samiti movement an official movement only because a Government pays a grant to it, then Seva Samiti is an official movement in seven provinces. I do not think that that is what my honourable friend meant to convey. I find from these notes that one gentleman said I believe it was Chaudhri Kartar Singh who said so, that the appointments of panchayat officers will go to Tiwana and Co. or Sir Sikander Hyat and Sons. Let me assure him that no Tiwana is aspiring to any of these appointments and so far as Sir Sikander and Sons are concerned I have got a liability and a fairly unlimited liability (*laughter*), but let me assure him that my sons will not like to get into any official appointments merely because they happen to be my sons. My eldest son had to get into a service through a competitive examination and although my friends several times suggested that I should use my personal influence with people, I refused to do so and I told my sons that they have to stand on their own legs.

**Nawab Sir Malik Muhammad Hayat Khan Noon :** Will you kindly consider the honourable member's name ?

**Premier :** My honourable friend perhaps meant that these panchayat officers will be sympathetic towards Unionists. Is there any harm if, other things being equal, I appoint a person who is having the best interests of the province at heart and who is sympathetic towards Government ? Is



it an offence? It is not. My honourable friend must remember that in the United Provinces they have appointed about twelve hundred people for this village uplift work and I would not be surprised if they gave preference to Congress people in employing them and I would not blame them for doing so because these people have to carry out the policy\* of the Government and if they are sympathetic towards that Government they will be better able to carry out that policy. (*Hear, hear*). We are not going to do anything which may be strange or peculiar to this province. We are going to appoint best possible people who are best suited for the job and if they happen also to be strong sympathisers of Government, so much the better. One honourable gentleman who, I must say unfortunately, drifted into rather delicate technical field of finance, suggested that out of revenue receipt of 11.42 crores nearly 10 crores come from zemindars. That is perfectly true and that is what we say. But on referring to the deficit budget of the United Provinces he said that a deficit budget here would have been better. I cannot understand what he means by the expression that "a deficit budget would have been better." Does he mean that we should also have borrowed money for incurring expenditure and spent it and then next year should have tried to borrow more? He is perhaps singularly ignorant of the ways of the financial market and the intricacies of finance and credit. I think it was Sardar Partab Singh who made that very bright suggestion. If he had the interest of the province at heart, he would have got up and would have had the good grace to congratulate this Government that without resort to borrowing we had provided half a crore this year for amelioration of rural masses. But instead of that he condemns us and says, "Why don't you follow that cut-throat policy of borrowing and spending." If our policy had been 'to make hay while the sun shone' and if we had to consolidate our position on this kind of nullity we would have done so. If we had believed that 'if there is deluge it does not matter what happens later, let us make a name and earn cheap popularity,' we would have done that, but that is not the purpose for which we are sitting here. (*Hear, hear*). Our purpose is to so husband the resources of this province that not only the present generation but posterity should also benefit from it. (*Hear, hear*). (*A voice from Opposition benches: Question*). We want to have stable foundation for the great structure which we have to build. My honourable friend Khan Bahadur Nawab Muzaffar Khan referred to village touring. I agree with him that there are several difficulties attached to this question and I agree with him that a great deal of worry is caused to the zemindars by certain officials who are not careful in trying to avoid unnecessary burden on the people. But at the same time, I think, he will agree with me that it is necessary that officers should keep in close touch with the villages. The question is how to ensure that they will keep in touch with villages without putting any burden on the villagers. That is the problem. We are trying our best to solve that problem and I shall be grateful if I can get any constructive suggestions from friends from any part of this House because this is a very important problem which affects intimately the rural people particularly the peasant classes. I should be glad if my honourable friends could give any suggestions which would be very sympathetically considered. We tried an experiment of contractors in some places but that unfortunately has not

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proved successful. The officer after all pays to the contractor but there is the trouble of the retinue which goes about with him. They are really a burden on the villagers. How to get rid of their rapacity and hunger for illegal exactions is the problem that we want to tackle and I shall be glad if my honourable friends opposite and from this side of the House will give concrete suggestions with regard to this matter.

I might say a few words with regard to the speaker who just preceded me. I am referring to my honourable friend Malik Barkat Ali. He dismissed the budget with scant praise and I do not blame him for doing so because after all he is a very eloquent orator and a very learned and lucid speaker and I suppose he can make anything real which is not real by his words. It was mere verbal jugglery but there are one or two points which he mentioned and which I should like to answer. One was that this budget does not indicate any reduction in taxes, that the Government could have easily reduced taxation. Apparently he was referring to the Development Fund—that instead of creating a Development Fund perhaps it would have been better if we had given relief to the people. I take it that that was his point. He must realise that to give permanent relief you must have resources which are not non-recurring. To give permanent relief you must give permanent remission and that permanent remission cannot be given unless you get a little windfall here and there. This amount was a windfall and we wanted to conserve it in the interest of the rural population—in the interest of the poorer classes of the rural population. When we get a report of the committee which is considering that bigger and wider question, and I might say a very difficult question of relief in land revenue to peasants, we will give it very sympathetic consideration. My honourable friend is perfectly aware that for the last fifteen or sixteen years this party has been exploring every possible avenue to give permanent relief to the small zemindar.

**Mian Abdul Aziz :** How long will it take ?

**Premier :** If my honourable friend will read the questionnaire he will find that even if we try to frame a questionnaire like that it would have taken months and years and he expects me to say how long it will take. *(Interruption)*. I am almost certain that there are several questions in that questionnaire which my honourable friend will not be able to understand in spite of his vast experience of legal practice. *(Mian Abdul Aziz :* Perhaps it might be the reverse).

**Sardar Sohan Singh Josh :** But that is a mountain in labour producing nothing.

**Mr. Speaker :** This is the fourth time that Sardar Sohan Singh Josh has interrupted.

**Sardar Sampuran Singh :** That is the safety valve !

**Premier :** Let me assure my honourable friend that even if nothing comes out of that report or their suggestions are not practicable, we must still find some way to give relief to the poor peasantry in the province *(Hear, hear)* even if we have to tax those classes which can bear taxation, and perhaps even a little more, to give relief to those people who have been bearing a burden which, everybody admits, has been beyond their

means up till now. (*Loud applause*). I do not see why we should anticipate the recommendation of that committee. After the arrival of that report there will be plenty of time to concentrate on that recommendation and then devise ways and means. (*A voice*: On the eve of next elections?)

My honourable friend also referred to the question of judiciary and executive. He said that this is a problem of first class constitutional importance which has been exercising the mind of this House and its predecessor. I admit it has been, but he forgot to mention that every time it was brought before the House it was thrown out. My honourable friend must remember that; and he must not forget either that since then times and circumstances have further changed. In spite of its limitations, it cannot but be conceded that we have been invested with a certain amount of control under this constitution and power to run governments on purely autonomous lines. My honourable friend now wants me to hand over that power to a body which is not under the control of this House, to a body which still consists of a very large non-Indian element. (*Loud applause*). It was a different matter when the separation was pressed on the ground that the magistracy was under the control of a bureaucratic government; but under an autonomous government—a government constituted of representatives of the people—a government elected by the people—for this House to divest itself of that power would—

**Dr. Gopi Chand Bhargava** : We doubt very much.

**Premier** : My honourable friend doubts. He is welcome to hug his doubts closely. It is perhaps for that reason that he and his conferees of the Congress Party in other provinces do not consider it praiseworthy to press any longer for the change. I give him the instance of my contemporary in the Madras Government. There the Premier has made it quite clear that he is not prepared to consider any such proposal now when the control of the services has passed to him. It is our duty to improve the morale and efficiency of the services, but he must not forget that under the previous government it was he and his colleagues who were never tired of shouting from the house tops that an alien could not be better than an Indian. If an alien is better than an Indian then why not frankly say so. He is welcome to that view, but I am not sure if he or others hold that view. He cannot blame me now for trying to retain that control in the hands of an autonomous Indian Government.

My friend Malik Barkat Ali made some disparaging remarks about honorary magistrates. I agree that honorary magistrates either in this province or in other provinces are not always brilliant nor are they as a rule legal luminaries. I do not think anybody will deny that, and I will be the last person to deny it. I have had the privilege of being an honorary magistrate myself for several years (*laughter*). I believe his main objection to the honorary magistrates is that they are dishonest. I am very sorry to say that he should have made those remarks.

**Malik Barkat Ali** : I suggested nothing of the kind.

**Premier** : I am very glad to hear that.

**Malik Barkat Ali :** My honourable and learned friend the honourable the Premier, says that I suggested that honorary magistrates were dishonest. I want to contradict that : I suggested nothing of the kind. What I said was that they were absolutely unfit for the technical work for which they were appointed.

**Premier :** I am glad my honourable friend did not say that and I apologise for having misunderstood him. So far as the elimination of honorary magistrates is concerned my honourable friends opposite know what happened in Madras and the United Provinces. I entirely agree with those Governments when they say that we should try to improve and raise the standard of work of the honorary magistrates ; but I cannot agree with my honourable friend by endorsing his unqualified condemnation of the class because some of them are doing very useful work and are saving a great deal of money to the province. I agree with him that we should try to secure a better and more efficient class of persons for the posts of honorary magistrates. If that is his point I am at one with him ; but if he wants to do away with them altogether then I am afraid he will have to adduce further and stronger arguments and reasoning to convert me to his view. He also referred to the fact that corruption and dishonesty are rampant in the province. I agree that there is a great deal of corruption and dishonesty still rampant in the province. It is our misfortune that this is so and nobody will deny that fact. If anybody tries to gloss over it he cannot be speaking the truth. It is our earnest desire and in that desire I think I am voicing the desire of the whole House that the sooner this disease is eradicated the better. To that end we want the support of every section of this House and every section of the people. It is no use making voluminous and vitriolic speeches in this House unless we make up our minds to translate the views we express here into practice and carry on the good work among our own class in our respective spheres. My honourable friend will admit that bribery was no less rampant when he was in service. Government has always been trying to eradicate it ; and after all the present government cannot with one stroke of the pen change the mentality of the people or the criminal mentality of its corrupt employees. Government is doing its utmost to remove corruption from the services. When it can find reasonable proof of their guilt it does not hesitate to turn them out. I can assure my honourable friend that that policy would be even more consistently, and persistently pursued now.

**Pandit Shri Ram Sharma (Urdu) :** Sir, the Honourable Premier has been pleased to appeal to us for co-operation, but may I ask what practical measures he proposes to take to eradicate corruption from the public services for which he desires our co-operation ?

**Premier :** My honourable friend wants me to enumerate the steps we have taken or are taking. There are several directions in which we are working. It will require time to detail the various steps which we have taken or intend taking in this connection, and if he wants further information and will see me I will be glad to tell him what we are doing and propose doing. It will not be appropriate to discuss now the methods which we intend to adopt for getting at the root of this disease.

**Lala Doshbandhu Gupta :** The Honourable Premier has not understood the question.

**Premier :** My honourable friend Malik Barkat Ali has endorsed the criticism of some other members of the Opposition, with regard to the so-called repressive policy of the Government which we are supposed to have launched. Does he base his criticism on the prosecution under section 124-A? Why did we institute those proceedings? I have made it clear on the floor of this House several times that we had to undertake, much against our will and reluctantly, to sanction the prosecution of those persons who persist in preaching violence with a view to disturb the peace and tranquillity of the province. Do my honourable friends wish these people to go about preaching violence from village to village inciting lawlessness, creating communal disturbances or otherwise disturbing the peace of the countryside? Do they consider it fair to the people of this province. I am sure there can be only one answer—an emphatic 'No'; and if that be the answer they cannot blame the government for trying to preserve peace and tranquillity in the province. I have appealed time after time to members of this House and to the public outside to help us in creating an atmosphere which would make it unnecessary for us to use section 124-A, or other similar provisions of the law. And what has been the response? Instead of helping us they deliver critical and rabid speeches. What else have they been doing all this time to assist us. There are others who hold meetings and try to incite one community against the other (*Dewan Chaman Lal*: It is your colleague) No, he is not a communalist. My honourable friend cannot but admit that no effort has been made by them to create that atmosphere. Practically every speaker, whether he belongs to his party or another has hitherto done nothing except to rouse the feelings of the masses for his own ends or for the ends of his party, or for some similar objective. Can my honourable friend the member for Lahore say in how many of his public speeches he has condemned this kind of utterances? (*Mian Abdul Aziz*: You can see my yesterday's speech). Nobody likes these things.

(*Lala Bhim Sen Sachar stood up to offer some remarks*).

**Mr. Speaker :** I will not allow interruptions.

(*An honourable member raised a point of order when he was not in his seat and it was ignored*).

**Mr. Speaker :** Honourable members, I request you to restrain yourself from making remarks when a member is speaking.

5 P.M.

It is for you to maintain parliamentary dignity by behaving in a parliamentary manner.

**Lala Bhim Sen Sachar :** The question that I put to the Honourable Premier is this. Will he find it possible or feasible to circulate amongst members of this House some of the speeches which he says people go about making in the province and which he terms as violent speeches?

**Chaudhri Kartar Singh :** Sir, will you also permit us to raise points of order from any seat other than our own?

**Mr. Speaker :** Is the honourable member questioning the Chair? He raised a point of order when he was not in his seat and I ignored it.

**Premier :** May I now say a few words with regard to my brethren of the scheduled castes. One honourable member opposite tried to make out that Government was doing nothing for scheduled castes and thus provoked my friend honourable Mr. Harnam Das also to voice certain grievances on behalf of the scheduled castes. I think it would be unfair to deny that our brethren of scheduled castes have not been treated fairly hitherto, and therefore it is one of the foremost plans in our policy that they should get similar opportunities as any other member of any community in this province. (*Hear, hear.*) It has been suggested that in this budget, nothing is provided for the scheduled castes. (*Interruptions.*) My honourable friend opposite, I am sure, is not capable of understanding the budget if he makes that remark. Let me tell them that the large amount provided this year for rural areas is not meant for any class exclusively. It is meant for all classes, and the scheduled castes are included, we shall see that that money is so spent that they get their due share out of it. Let me give you one instance. We have provided an amount for supply of water in villages where there is any difficulty in getting water. My honourable friends of the scheduled castes know perfectly well that they are not allowed to use all wells. They are not. It is therefore necessary to have public wells where nobody can stop them from taking water. (*Hear, hear from the Treasury benches.*) It is more in their interest than of anybody else that we are providing wells where nobody will stop them. We are going to issue instructions that placards should be put on public wells that anybody who stops them from using those wells will be punished. Similarly in education, medical and other departments we are determined to secure our brethren of the scheduled castes their due share in all spheres of administration.

With regard to recruitment in the services, let me assure them that so far as my colleague the Minister for Agriculture is concerned, he has already issued instructions to all his departments that if a vacancy occurs and if a suitable member of the scheduled castes is available, he should be given that appointment. (*Hear, hear from the Treasury benches.*) Now it is for my honourable friends of the scheduled castes to invite the attention of the Government and of the Heads of Departments concerned to suitable scheduled caste candidates.

So far as police is concerned, let me tell them that I did issue instructions once but they did not so far bear fruit as desired because certain people took strong exception to the enrolment of the members of this class. They are not members of my party who took objections but others. Nevertheless I am determined to secure due recruitment of suitable scheduled caste candidates in police and have issued orders to that effect.

**Chaudhri Kartar Singh :** Sir, I want to ask the Honourable Premier, through you, whether he is going to take any scheduled caste member as an assistant punchayat officer out of 56 persons whom he is going to appoint.

**Premier :** Certainly. (*Hear, hear from the Treasury benches.*) Now, Sir, I was mentioning that so far as Police Department is concerned, the Inspector-General of Police has issued instructions to all superintendents of police to take first opportunity to enrol as many scheduled caste people as they can get, and I have issued instructions that I should like to see the names of the first thirty scheduled caste constables recruited. (*Dewan*

*Chagman Lall* : Why was it not done in the past ?) I cannot be responsible for the past. But my honourable friend should know that recruitment does not take place every day.

Now, Sir, take the question of *begar*. So far as official *begar* is concerned, we have already issued instructions and, if necessary, further instructions will be issued that no official *begar* should be taken. Let me tell my honourable friend, who raised the question of *begar*, that it is illegal and people can refuse to do official *begar*. (*Hear, hear from the Treasury benches.*) (*A voice* : What about prosecution that follows ?) No prosecution is followed if it is an official *begar*. (*A voice* : There have been cases.) Those cases must have been started by my honourable friend opposite or by his friends' friends, but not by Government.

My honourable friend Lala Harnam Das asked what we had done with regard to municipalities ? He must remember that unless new election takes place and unless there are vacancies, no nominations can be made on those local bodies. Government only makes nominations in the first class municipalities and not in second class municipalities. But we have issued instructions with regard to first class municipalities. There have been only two opportunities so far where it was possible to put in members of scheduled caste. In Hoshiarpur and Ludhiana we had nominated scheduled class members. There are several other things which we have done and which we are doing for our brethren of the scheduled classes.

**An Honourable Member** : On a point of order. The deputy commissioners do not even send up our names.

**Mr. Speaker** : That is not a point of order.

**Premier** : Let me assure my honourable friends that so far as our policy of nominating our brethren of the scheduled classes to committees is concerned, we are not dependent on the recommendations of the deputy commissioners or commissioners. There are other things which we have done and which we intend doing and you will see for yourselves what happens during the next few years. In winding up my speech I should like to say—

**Mr. Speaker** : The Honourable the Premier has already spoken for 45 minutes.

**Premier** : I shall take only 5 minutes more. I will refer briefly to what my honourable friend representing the Kasur constituency has said with regard to the Congress provinces. As I have repeated time after time on the floor of this House, I have never yet made any disparaging remarks against any government in any other province, and I do not propose to depart from that principle or practice. All that I want to say is to repeat his remark with regard to the Congress provinces when he said that the Congress ministries admit that within the constitution they cannot do anything. As a matter of fact one Premier of a Congress province is reported to have said that his achievements up-to-date were zero. (*A voice* : He was referring to the political issue.) I am prepared to accept that and I would not challenge that statement at all. I daresay their achievement is zero and if we compare the doings of other provinces we will find that there is no other province with perhaps the exception of one province, that is Madras, which can come up to the Punjab level. In the case of that province I would make an exception,

[Premier.]

for that is a province for which I have a soft corner, and that is a province which has so far been administering with commendable foresight and justice. We are prepared in certain things to take a leaf from Madras. If you compare the budget of the Punjab with that of any other Congress province, you will find that there is no comparison. We are shoulders above any other province. (*A voice* : It shows a lack of sense of proportion.)

**Lala Duni Chand** : Did the Honourable Premier read in this morning's paper that a certain Government has remitted 12 lakhs interest with one stroke of the pen ?

**Premier** : My honourable friend is not aware that what they have done this year, we have been doing for years in the past. I think my honourable friend is probably referring to *taqavi* loans. It is not only the interest that we have remitted, we have remitted principal amounting to several lakhs. But we do not want to do things for the sake of advertisement.

The honourable member for Kasur also said, why should we worry about other provinces? If the Congress has not done anything we should not worry because their main objective is freedom for their country. As if freedom can only be achieved by making a mess of the budget of the province! If this is how they are going to achieve freedom, I am sure they will go deeper and deeper into mud and it will be difficult to extricate them. If this is the method of the Congress provinces to make their provinces absolutely developed by seeing that no taxes are realised, I am afraid there are very few people who would like to achieve that freedom. He said, our hope is in international crisis in Europe. What a hope! And this is my friends' sense of patriotism. He is relying on an orgy of bloodshed in other countries to achieve his country's freedom. A most inhuman thought! He is relying on the troubles of other people to achieve his object. Sheer cowardice, I call it. We are not relying on any such thing. We want to achieve freedom for this country, our motherland. (*A voice* : Through slavery). You may call it slavery. If it comes to fighting, I know it will be he who will be in the rear guard and it will be we who will be in the vanguard of India's defence. The Opposition would only supply camp followers and contractors. There will be room for them there.

**Lala Deshbandhu Gupta** : To fight the battles of other countries ?

**Premier** : I am concentrating on my original point. If my honourable friend is relying on that hope for the freedom of his country, I think he will be disillusioned, because he must realise that people in those countries in spite of their rivalries and in spite of their lust for power or imperialism are saner than he thinks. They do not want to fight. This competition for armament is merely to see that the other does not fire the first bullet and each country is going on making armaments. I am almost certain that they will not fight. Then, according to my friend, if they do not fight we will still remain slaves. But if the crisis comes in Europe and if we are quarrelling amongst ourselves, our plight will be much worse than it is to-day. Let me assure him that to-day it is not the number which matters, it is the armaments, that matter. A small well trained army equipped with modern armaments can sweep a country like India in a few weeks. Those old days



have gone when we used to have hand to hand fighting. Look at the plight of China. Four hundred million people and yet they are being overrun by a handful of Japanese. What happened in Abyssinia? The same thing will happen in India unless my honourable friend is careful and does not rely on some international crisis but tries to do constructive work here to be prepared for that crisis, so that we can rely on our own strength and not depend upon any crisis in other countries.

My honourable friend wants aeroplanes. We must first learn to walk before we try to run or fly. Let me tell him that the only panacea for our ills—I say so deliberately and emphatically—the only panacea for our ills is unity, communal unity, inter-communal harmony. Unless you can achieve that, the Congress can strive its utmost but it will not succeed. Unless we succeed in bringing about that inter-communal harmony, we will never attain *purana swaraj*, we will never have independence in this country. If you want freedom, if you want to rise to the full height of your national stature, the first essential to do that is to try to learn to tolerate others. That is what is lacking unfortunately in our country, and to my regret and to our joint shame in our province more than in any other province.

My honourable friends said, the Premier asked the Congress to arbitrate in the Shahidgunj matter. What I said was that it is the duty of the Congress equally as it is mine to strive to secure an agreement which is honourable and fair and equitable to both communities and that my services will be at their disposal. I do not want to take any credit. I will serve like a soldier, I will serve behind them. Let them take a lead and they will not find me wanting or my colleagues wanting. That is what I ask them. But this is the reply which I get from the head of the Congress in this province. I am not going to impute any uncharitable motives. But this is the reply to my appeal to the Congress. I dare say that my honourable friends have read that statement by the President of the Congress in this province. His remedy of course is easy. His solution is very easy. He says, 'appoint me arbitrator and I will settle the thing in a minute; appoint me as an arbitrator and I will find a solution honourable to both communities in five seconds.' That is not what I wanted of him. I said he should try to create that atmosphere and bring about a rapprochement. But I am not disheartened. I will continue to appeal to my friends of the Congress party and say that in spite of this statement they should come to me and help me and ask for my service to help them in composing the differences between the two communities. They must remember that if Sikhs and Muslims start fighting each other, others cannot possibly remain out. There would be blood-shed in this province, blood-shed of the worst type and those people who are trying to sit on the fence or think that they will be spared from that orgy of murder and blood-shed, are living in a fool's paradise. They will be the first to be brought in. It will be the innocent people more than anybody else who will be the victims of such an orgy of blood-shed in this province. My honourable friend says that this government, unless it does something for the Shahidganj and composes the differences now will probably find itself in more difficulties. I am already in difficulty and I know that there are several people who want to put this

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Government into difficulty. I have got proof of it and when time comes I will be able to put that proof before this House and before the public. I have got written documents which will show that the objective of some of the people is not the solution of the Shahidganj—that sacred place—sacred to the Muslims and sacred to the Sikhs—it is not the solution of that problem, but to embarrass this Government. My honourable friend Malik Barkat Ali in his last sentence let the cat out of the bag and he has told us that Government will come to grief, it will go to pit. Wish the father to thought. Let me tell him, if my Government is going to come to grief on that issue, it will come to grief only when it has resorted to all reasonable honest methods. But if it will come to grief because of those people who want to exploit the situation for their own sordid personal motives (*hear, hear*), and if that happens, let me assure him that that community in whose name you are trying to exploit those ignorant masses will be the first to curse you, because that community would be the worst to suffer than any other community in this province. That is my fixed conviction. However, I do not want to approach that subject. But before I sit down I should like to make one last appeal to all sections of the House that this is an inconvenient and most difficult problem, but a solution has to be found and I should like to appeal to my honourable friends with all the emphasis which I can command that I expect every one of them, Sikhs, Hindus, Mussalmans and others, to help me and if they want my help it will be at their service, as I have said, in trying to get at an amicable solution of the problem for the sake of their province and for the sake of their motherland. (*Hear, hear and prolonged applause.*)

**Mian Muhammad Iftikhar-ud-Din:** Sir, I rise on a point of personal explanation. I am sure the House will bear witness to the fact that not once in my speech did I refer to the question of utilising any international crisis. I referred to the question of making use of the next political crisis in this country, which is quite different. I also say that when an international crisis does occur, my honourable friend the Premier, as his past services show as also those of his party, will fight for British imperialism, whereas we Indians here will do our best to fight against British imperialism in that war of imperialistic aggression.

**Dr. Gopi Chand Bhargava:** May I just ask one question? I am sorry I was absent at the time, but I am told the Honourable Premier made reference to my remarks regarding Baden Powell scouts. I want to make clear my position about that, but before doing so I would like to know what objection he took to my remarks.

**Chaudhri Muhammad Abdul Rahman Khan** (Jullundur North, Muhammadan, Rural), (*Urdu*):

ضعف سے مہن جو گھٹا اور بڑھا اسکا ستم  
جب زبان حال نہ سکی وہ منجمل سمجھا

Sir, before I proceed with my speech I would like to relate a story. A certain mirassee (bard) went to a rich man and asked for the gift of a horse. After a few days the rich man ordered his servants to give to that mirassee a very good horse with all the necessary equipment. The servants of that

rich man were clever fellows. Instead of giving the horse which the rich man had commanded them to make over to the mirassee they gave him a very lean animal. He had no alternative but to accept the proffered horse. Leading the lean horse, with the rein-string in his hand he started afoot on his way back home. Wending home in this way he kept on crying all the while. Asked as to why he wept he blurted out :

ملکيا سى ھيٽھ نون مليا اوتے نون

The same is the case with our budget :

ملکيا سى ھيٽھ نون مليا اوتے نون

I may submit that this budget is a blessing as well as a curse in one and the same breath. It may be a boon and a blessing and it may be a herald of death and the last knell. This budget is a blessing for those whose pockets are lined with money. I may submit that when after the elections the ministry was formed, we were pleased to learn that people of talents and ability had formed the cabinet. We were glad to know that in this ministry a great economist was also included. We were glad that such people were included in the cabinet who had at heart the welfare of the zamindars. Moreover, we thought that the time had come when our hardships would be removed, our land revenue would be reduced, our water supply would be increased and that waterlogging would be done away with. In short we thought that we would get everything to our satisfaction. But what does it come to? پتيا پھارے نکليا چوہا (Much cry little wool).

This budget is a blessing for the members of this House, for the parliamentary secretaries, and for those who have come into power. This budget is also a boon to those who receive pay above Rs. 100. I may point out that the honourable members of this House have gained something by it. Previously they used to receive Rs. 12. Now they receive Rs. 22½. This budget is also a blessing for those, who draw fat salaries and whose duty is simply to strengthen the chains of bondage.

The budget presented before this House indicates the provincial revenues realised from the people of the Punjab by means of taxation in order to run the administration. But before going into the details of the budget, I would like to throw some light on the misfortune of the province and that is that the chief representative body of the people of the Punjab, I mean this Honourable Assembly, which has the welfare of the province at heart, is required to conduct its business in English. It is a pity that the business of Government offices and the proceedings of the law courts should be conducted in English. Can there be any more unfortunate country than the one where a foreign language dominates the people's activities in all spheres of life? I would submit that honourable members who champion the cause of the country, should take up the question of language and have the business of the Assembly transacted in our own language just as it has been done in other provinces. In my opinion before the inauguration of the new reforms, the old Council was in a better position inasmuch as the budget was used to be supplied to members in Urdu. The answers to member's questions were sometimes also given in Urdu and even the speeches delivered in English against the Opposition were used to be interpreted in

[Ch. Muhammad Abdul Rahman Khan.]

Urdu, for the benefit of Urdu-knowing members of the House. Now, most of the members of the Assembly do not know English; those who can adequately express themselves in English can be counted on one's fingers. It would not be out of place to mention that this House is not a mere farce. If one member cannot follow the speech of another member it should not be treated as immaterial. I think it is not proper that any of the honourable members should be kept in the dark about the proceedings of the House.

Coming now to the budget under discussion I may say that it is a prelude to our misfortunes. To zamindars it is nothing short of a death message. I have been a member of the Council for the last 14 years. I have seen honourable members ventilating the grievances of the poor zamindar and telling harrowing tales of his miserable plight on the floor of the House, but so far no remedy has been suggested for their ills.

I may be permitted to say that rabi crop is not yet ready and the market rate of wheat is Rs. 2 per maund. It is possible that it may come down to Re. 1 at the time of Besakhi Festival, but I do not find anything in the budget about it. Again, may I ask the big zamindars who are well off and possess a large number of squares of land, whether they have ever cared to pay attention to the deplorable condition of small holders who possess only two or three acres of land? Their condition is simply hopeless. When the land revenue was fixed the rate of cotton was from Rs. 20 to Rs. 40 per maund and that of wheat from Rs. 4 to Rs. 5. Gur also fetched a reasonable price. But now the prices have gone down. Nobody cares about the sugarcane although we have sugar mills in our province. I may inform the House that the United Provinces Government have enacted a law to fix the price of sugarcane.

**Mr. Speaker :** The honourable member's time is up.

**Minister for Revenue** (The Honourable Dr. Sir Sundar Singh Majithia): I am not sure whether I am in a position happy or unhappy that I have to bring in the revenue which my honourable friend the Minister for Finance has to put in the general exchequer whose purse strings he has to keep tied and endeavour as far as it is possible to use his discretion and not to allow any excess expenditure to be incurred by several of my very enthsaistic colleagues. But I would not detain the House longer on that aspect of the thing. A few statements have been made in the course of the general discussion in which it has been said that the income from land revenue has increased by about 8 lakhs and the income from irrigation has increased by about 27½ lakhs and the income from excise has increased by about 7 lakhs. These are the three departments which are in my charge and which bring in money to the exchequer of the province and these are the chief items from which the greatest part of the resources of the province are produced. I think some explanation is due as to why these increases have taken place inspite of the great relief and remissions that we have given in the past. Perhaps honourable members have not studied the budget carefully or perhaps they have studied it with a little less care than was due. If they had devoted a little more care they would have noticed that in the

original estimates we had provided Rs. 4,71,47,000 but in the revised we provided Rs. 4,79,27,000, an increase of 7.75 lakhs. There is a decrease of 6.30 lakhs on one side while there are increases of fluctuating land revenue 11.45 lakhs, rent of land leased for a single year or harvest 1.46 lakhs, management of Government estates 30,000, miscellaneous 28,000, transferred from the Special Development Fund Rs. 50,000. That means 14.8 lakhs. Therefore, if you decrease 6.30 from this increase the difference would approximate 8 lakhs. This is the reason for these increases inspite of the remissions that have been given in the past. My friends should understand that with fluctuating remissions and with fluctuating demands on the land revenue such increases and such decreases must take place as occasion arises. Coming to the matter of increase in the Irrigation Department, I may be permitted to read a few figures. I will take the very year 1928-29 which my honourable friend Sardar Hari Singh took. In that year the area irrigated was 11,010,035 acres and now, in the year 1937-38, it is 12,145,580 acres. My friends will remember that since that year some new canals have come into being. The Sutlej Valley Project has taken water to a large area which had not been brought under plough before. Under these circumstances if the income from the Irrigation Department has increased by 27.5 lakhs there is no wonder at it. I may point out that increase in the water used from kharif 1927 to kharif 1935 is 9.3 and rabi 1926-27 to rabi 1934-35 is 14. My friends would see that the increase in area is 10 per cent. over the average of previous three years while the zamindar has to pay somewhat less than 7 per cent. on that. That will be a sufficient explanation which my honourable friend the Leader of the Opposition wanted from me as to why this enormous increase has taken place and why, in the words of another friend on the opposite benches, Government has so to speak 'sucked the blood of the zamindars.' My friends do not understand that if there is no value of land why it is that every member of non-agricultural communities is coming forward and asking us under the Land Alienation Act to give him protection that that Act provides (*Hear, hear*). Why is it that they are asking us to include them in that category of zamindars. Is it not that there is something behind it? Is it not that it is not only the zamindars who have to gain something out of this but there are other people also who gain? I may remind my friends of the very heavy burden of debt that is upon the zamindar community. A friend was telling me last night that the interest that the zamindars have to pay is something between 12 crores to 15 crores a year—it may be even more than that. My honourable friend on my left was telling me that the incidence of debt upon the zamindar is such that if you put in twenty-five maunds of rupees net silver on a cart and if you join such like carts with one another from Lahore to Ludhiana the rupee-laden carts would fill up that whole route. You can realise that that is the burden of debt upon the zamindar and the burden, as I have said, of interest alone ranges between 12 crores and 15 crores. All this amount is paid from the income of the land. Besides this, as I said in my speech the other day, our friends utilise some of this money for purposes of drink taken on certain occasions which results in many riots, troubles and difficulties. That also comes from this income of the land. With all this, people still say that we are squeezing the people. I am astonished at that remark. Would people who are suffering from this incidence of heavy weight due to interest upon the loans like that to be taken away or would they like the

[Minister for Revenue.]

land revenue to be reduced? I put the question to some of my friends in certain parts of the province where I went and they told me plainly that they would very much appreciate if this weight or burden of more than 24 crores were taken away from them rather than they were relieved of this comparatively petty item of 4 crores and some odd lakhs on account of land revenue. Our friends have been telling me that the committee, which is looking into this matter, is a sort of eye-wash and nothing more. Certain friends have even remarked that it only means that we are going to do nothing for the betterment of the condition of the zamindars. It is not fair to judge the result of that committee beforehand. That committee is doing a good deal of work by touring about in the province and collecting evidence everywhere and I would request my honourable friends on the opposite benches and others to await the result of their enquiry. If the result of that enquiry is disappointing then it will be time for them to say something on the subject. As regards remission, it has been said that we have not given any remissions we have done nothing as regards taqavi, we have done nothing as regards removing the incidence of weight upon the zamindars. Let me give them a few figures. From 1930 onwards, 190·25 lakhs of rupees have been remitted in land revenue of the province (*hear, hear*). In 1935 thirty lakhs of rupees were taken away in respect of abiana. In the year 1935-36 forty lakhs, in 1936-37 twenty lakhs and in 1937-38 fifteen lakhs were taken away. My friends should know that when the last hailstorm took place in the province something like twenty-nine lakhs were remitted to the people of the province on account of great damage done to crops. I may be permitted to say that since that remission another hailstorm visited the province some time later. I will now say something as regards remission in land revenue and abiana on account of this second visitation. We have given away Rs. 1,91,000 in land revenue and Rs. 6,89,000 in abiana. In addition to that Rs. 14,66,000 out of the fixed land revenue demand has been suspended under the ordinary rules and Rs. 1,51,000 has been remitted under the three harvest rule.

**Mr. Speaker :** Please be brief, if possible.

**Minister for Revenue :** I will do my best. My friends from the opposite benches have said that we have done nothing to give relief to the zamindars on account of taqavi. I will take the years 1928-29 to 1936-37. They would not be astonished if I tell them that Rs. 37,14,770 have been remitted under Act 12 of 1884 and Rs. 16,09,366 under Act 19 of 1884. In view of these figures of remission can anyone say that we have not got any sympathy for my zamindar brethren? We are doing our best to see that their difficulties are removed. Sometime ago they have been telling us that the land revenue system should be adopted on the basis of income-tax. I think it will be wrong on my part to say anything on that subject because that subject is one of the matters which is being enquired into by the Darling Committee. But I must try to remove some misconception. There are not many big landlords in the Punjab. There are petty landlords who cultivate their own land and also take land on rent and cultivate the same. It will be interesting for my friends to know that only 2,626 people pay land revenue of Rs. 500 and over. The rest come in the lower category.

Therefore if they expect that Government should base assessment of land revenue on the basis of incometax, this House must be prepared to forego 4 crores out of 4 crores and 56 lakhs. Could anybody suggest to any government, which has the responsibility of the administration on their shoulders that they should give up that amount without finding ways and means as to how to make up this gap? Would my honourable colleague on my left, the Finance Minister, be happy if his "guthi" is kept empty and he only takes charge of an empty purse? On the one side we are being asked to provide all amenities to the rural population—education, hospitals, roads and other amenities. May I say according to the Punjabi proverb, has anybody "*pakaod thukki waras*"? But people should know it costs money to fry *pakauras*. We have to manage the administration of the province and we cannot simply do it like the miser who took his bread and by simply putting his hand towards the almirah where he kept the ghee and said "I am buttering my dry roti." That cannot be done. Another honourable friend was telling us of the difficulties of the zamindar. He said when a balance of six annas was due from a zamindar coercive measures were taken to collect that money. He told us that 8 annas were paid to the peon who went to collect the money: still six annas balance remained. I fail to understand when a man can pay 8 annas, to the peon why he should not pay six annas and clear off the account. Why pay 8 annas to the peon and still leave this burden? Then my friend said we send our relatives to foreign countries to get education and so the poor parent spends his hard earned money. My honourable friend who made these remarks has himself been educated in a foreign country. He told us that such foreign returned youngmen learnt how to shake hands. Perhaps that is the only thing he came back with. He has told us he got the M.A. degree and said he is not able to express himself in this House in English sufficiently. I do not want to make any remarks against him but if he is not able to express himself sufficiently in English even by getting his education in a foreign country then why did he waste his parent's money?

**Mr. Speaker:** Will the Honourable Minister please wind up his speech?

**Minister for Revenue:** They accuse the Government for not having done anything for the people. Only the other day I read out a statement in reply to a short notice question about Nili Bar tenants which I need not repeat. What I said was that we have done everything possible for the benefit of those people who are suffering. I think that their troubles have come to an end. In winding up I would again appeal and join whole heartedly with my friend on my right the Honourable the Premier and request all the members of the House to join their heads to do the needful and remove the bane of communalism from the province if you want any progress to be made by the province and if you want to achieve that goal which, every one of us has in view; Let us all, whether on this side or on that side of the House, join hands with the Government to achieve this. I appeal to all, let us put our heads together and find out a solution of how to do it (*Applause*).

**Minister for Finance** (The Honourable Mr. Manohar Lal): Sir, we now reach the closing stage of the general discussion on the budget. And as I view the discussion that has

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taken place during the last three days, I am forcefully reminded of the oft-quoted words of a great Whig authority who used to say that the duty of the Opposition was very simple. It is easily defined as "The Opposition has to oppose everything and propose nothing." Our Opposition here has not only embraced this simple formula in all its literal rigidity, but, if I may say so, has gone further in evolving an exaggerated version of their own to the point almost of extravagant caricature. They imagine that what the Opposition should do is to refuse to admit the slightest good in Government's plans and proposals, to deny even the most obvious facts, and, in short, to denounce all Government's projects howsoever carefully and anxiously designed for the welfare of the people.

During the last three days we have listened to much indiscriminate criticism, if criticism it can be called. My regret is that much of it has been so pointless. A great opportunity has been missed, because we were at an important stage of the discussion which corresponds in the House of Commons, to what is called 'Grievance before Supply.' Much useful examination of policy can be done and should be done at this stage, while here we have indulged, if I may say so, in much idle diatribe and factions attacks. Be that as it may, for, he knows very little of mankind who expects by any facts or reasoning to convince a determined party man. However, it is no small gratification that in large parts of this House where the heart of the Punjab throbs true, the budget and the Government's solicitude for the welfare of the province has been kindly received and genuinely appreciated. And to me it can only be a matter of deep consolation that the main features of the budget have been received with such general acclaim throughout the country.

Now, Sir, two criticisms were advanced against this budget to which I must refer at the very outset. One of these was by the Leader of the Opposition, who while intending to be critical, unwittingly described the budget as "old wine in new bottles." He chose to select a drinking metaphor for the exposition of his view. As I see it, I think he paid this Government a very high compliment. We provide very fine and desirable beverage, and it is thoughtfully presented in new bottles which will not give way. In a word he described the budget or the work of the Ministry as good old wine in sound, good new bottles. So much about the kindly compliment that he has paid us.

Another gentleman on the opposite benches said that I, the Finance Minister, had tried to throw dust into the eyes of my colleagues, and, if I may use a corresponding French expression "dazzle them." Nothing was farthest from my mind. It is not easy to deceive a set of level-headed persons like my colleagues. There was no occasion to practise any such deception upon them whatsoever. Who can be deceived by this budget? If I may mention with a certain degree of vanity I might say that one of my ambitions in preparing this budget was to present a simple plainly compiled picture, so clear that the merest man who runs may understand it without difficulty. There is not the least effort to mislead. I had not the slightest idea of making a mystery of figures. I trust that this has been fairly achieved, at any rate, that was my ambition in presenting this budget. I



can only wish it be possible to paint such a pleasant picture every year, and if I can do so, I am sure my colleagues would bear me no ill-will if such golden dust is thrown in their eyes.

Another line of criticism has been advanced, and that is that this is a richman's budget. Now, Sir, this is an expression which is frequently used in European countries, but how is this particular budget a richman's budget? Let us avoid loosely using a stock phrase. Have we here, as it is in Europe, any indication such as that of incometax being reduced or tea duty being put on? These are the typical circumstances that lead to particular budgets in European countries being described as richman's budgets. In this particular budget, you will see, Sir, that there is not a penny anywhere taken off the burden of the richman. In fact, there is very little of the richman that figures in the Punjab budget at all. There are no particular amenities that are provided for the richman in this budget. And I may straightaway, at once, say, without fear of challenge, that out of the three crores and 28 lakhs that is being spent on beneficent nation building activities, it would be really surprising if one can find more than a bare fraction, more than Rs. 30 lakhs that is being spent on exclusively urban objects. The whole of this money goes to the rural classes and so is most of our other expenditure.

There was one general complaint implicit and running through a great deal of discussion that took place. It was in some such words as these: That the Finance Minister has failed to reduce revenue and at the same time to increase expenditure. I plead guilty to that charge. A Finance Minister who could perform such a feat must possess a sovereign secret that no Finance Minister has ever possessed. A Finance Minister who without increasing the burden of taxation could provide schemes of increased welfare, as has been done in this budget is fortunate enough, that is the utmost that any Finance Minister can ever achieve, and if he does so there is every reason for him to congratulate the House under whose aegis it has been possible to secure that object.

Another criticism that was launched, and repeated with increasing emphasis, was this, that it is a budget to do propaganda for the party in power. No such design existed in my mind, but it cannot be denied that a properly conceived budget is the best possible propaganda that any party could wish for. It is the best propaganda that a Government could have because after all the budget represents the largest formulation of Government's activity, and if it is satisfactory the Government is at once on a secure and firm basis. And may I say one word here. I believe in that wise conclusion of history that he serves his Party best who serves his country best. If this budget has in any measure served the predominant Party which occupies seats on the Ministerial benches, it is because the budget claims to serve the Punjab best. Otherwise, there is no other sense in which you could say that it is doing any kind of propaganda for our Party. It is sometimes said that "measures not men" should be the object of Government's study. I am not a believer in any such glib formula. Our position is, that has been the position of Government in framing this budget, that we are, making provisions for certain measures in order that our Punjabi men, the tillers of the soil and the labourers in the field, as I said, should be served.

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That is our ideal in this budget and that is what I would mean here by the expression "measures not men." We say measures for the sake of men.

Politics may be a study of exigencies, but we consider that all political power is a trust, and that we are accountable for its exercise to the people of this province at large and even beyond, for, from the people and for the people all springs and all must exist. That is the attitude which we had in framing this particular budget and let the most pitiless publicity centre upon this budget to discover if it fails to satisfy that final and stringent test of what a good budget should be.

In adverting to the fact, often mentioned, that the budget shows that the larger part or the major part of our income is derived from certain sources which bear on the agriculturist or the rural classes—may I say this, as we are apt to forget it, that in this particular matter we in the Punjab are not in any manner distinguished or different from our brethren in other provinces. We are all aware that the taxes to which a provincial Government can have resort are of this description. We should, however, be aware at the same time that certain other taxes which are exclusively those on which the central Government depends are the taxes which proceed more largely from the urban classes. I am not here to distinguish the exact measure of the burden that rests upon the urban and the rural classes by virtue of the Government of India Act which allocates the tax burden in a particular manner. But what we ought to remember is that the Punjab has done nothing peculiar, it has done nothing to which the slightest exception could be taken in as far as our revenues are derived largely, almost exclusively from the rural classes. And, of course, these burdens are not new, freshly introduced since the Government of India Act. The other issues are entirely of a different kind. It is not possible for me in the limited time at my disposal to refer to many aspects of this budget, but in elucidation of this assertion on our part that the interests of the tiller of the soil and the labourer in the field have been particularly kept in view, I may refer to one or two matters. The first reference which I shall make is to the position of agriculture, veterinary and co-operation, three activities which bear directly on the agriculturists. Here the most striking fact is that in the Punjab while our total revenues are smaller as compared with those of several other provinces in India, our expenditure on agriculture, veterinary and co-operation is no less than 65·4 lakhs. The United Provinces budget comes next with 48·8 lakhs. I am giving here absolute figures. In spite of the fact that our total revenues are much less than the United Provinces, and they in the United Provinces have double our population and three crores more of income, yet they fall short of us so significantly. Bengal provides 30·6 lakhs, Madras 48·6 lakhs and Bombay 29·8 lakhs. This is a most significant figure, and it is not, therefore, surprising that even when European economists refer to expenditure on agriculture in the world, they can so far as India is concerned mention only the province of the Punjab (cheers).

**Diwan Chaman Lall :** Not your achievement, your predecessor's. Therefore you are the same as your predecessors.

**Finance Minister :** This interruption is most unfortunate. If the honourable members do not wish to listen to me they have only got to say

so, and you would give me the direction. I claim that this province as compared with the other provinces is able to spend substantially more on agriculture, co-operation and veterinary—three activities which go directly to help the agriculturist and the poor man, and that is a matter for gratification. (*A voice*: Question). Madras with its revenue of 16 crores and 62 lakhs, Bengal with its 13,24 lakhs, United Provinces (1937-38) with 14,02, Bombay with its 12,50 lakhs cannot rise to our standard. (*Interruptions*). It is impossible for us to—.

**Diwan Chaman Lall** : You must be expected to accept a challenge. Accept it like a man and do not whine.

**Finance Minister** : It is impossible to proceed in this atmosphere and what licence in language does the honourable member think fit to permit himself.

**Diwan Chaman Lall** : Do not proceed then (*hear, hear*).

**Mr. Speaker** : I request the honourable member not to interrupt the Honourable Minister.

**Diwan Chaman Lall** : It is the right of every member to criticise the speech of another member. I do not see why any honourable member should be so sensitive that he cannot even stand up to an interruption. The Honourable the Premier stood up to interruptions throughout his speech, while my Honourable friend has begun to whine only after two interruptions.

**Finance Minister** : Next, Sir, a great deal of attack is made on the policy of this Government in the matter of industries. Here again facts are of a most interesting character. I am not here to suggest that any province does or could do all that may be considered desirable for its industries. Far from it. But let us view facts squarely in the face and nothing can be more eloquent than facts. Here you will find that so far as industries are concerned, we have an expenditure, small expenditure as it may be—but we have got to consider it relatively with other expenditure—of 16 lakhs. Now of all the provinces in India the United Provinces has a slightly higher expenditure, but you will consider that its population is twice ours and its total revenue much more, and Madras is also slightly higher. But except these two provinces, as I said in both cases you have twice the population, the Punjab has a considerable position in the matter of industries. So far as the industries are concerned, you will remember that I was quoted against myself. It was said that only the other day in a broadcast speech I emphasized the necessity, if a country is to prosper, particularly an old country with a large population like India, to see that both its economic arms are properly developed—both agriculture and industries. In fact that is not a new doctrine. I myself can remember preaching it as far back as I learnt my first lessons in economics and honourable members on all sides of the House will remember that emphasis was laid on it for the first time in the report of the Indian Famine Commission, where it was said that we must diversify our industries and we must not depend entirely on agriculture. Now permit me to say at this stage the debate on this matter was raised to a really high level by our friend Nawab Fazl Ali. He pointed out, as in fact I had done so in that broadcast speech to which reference has been made, that the increasing dependence of our people on agriculture is a tragic fact,

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is a matter of the gravest concern, it should be a matter of the gravest possible concern to the Punjabi, and in fact the problem is India—wide, because whatever effort we may make to ameliorate the condition of the agriculturist—and we must make every effort because we cannot allow, so far as lies in our power, to let misery and starvation and economic embarrassment grow apace—but whatever we may do, nothing can be of the slightest avail if for one reason or another dependence on agriculture grows in a manner in which it has been growing. I do not wish in this matter to canvass the exact responsibility of the Government. But I must say that considering the gravity of the question, considering that the most fundamental interests are involved, considering that there is no escape from poverty unless some solution is discovered of this all-pervading problem in this country, it is the duty of us all, as I said in that broadcast utterance, to strive our utmost. To achieve this is a stupendous task, towards which all our powers of leadership must ceaselessly tend. We must secure balanced economy. That is an appeal which as a humble student of economics I would make to members in all sections of the House and I trust in this matter, at any rate, there should be no difference of opinion, because here we rest our conclusions on sound and careful analysis of scientific facts. This is a problem that should engage our attention particularly, if I may say so, in this generation and here and now. As I think, so far as I can judge, this is the greatest problem of thinking India to-day, the problem of all real leadership at the present moment. Industries should grow and we are aware as a matter of fact that industries are growing even in this province of ours—big industries and small industries—not perhaps at the rate at which we like them to grow; but no industries and no employment which Government could furnish can absorb the increasing population, the teeming millions, to use the oft-repeated phrase, which is now obliged to depend on agriculture. Prosperity in this country is impossible if the situation continues as at present, this assertion is strongly founded on fact and open to no challenge.

Sir, as regards our beneficent expenditure, I said in my speech in presenting the budget, that statistics have been closely examined recently. Reference may be made to a recent number of the "Servant of India," a weekly that comes from Poona and is a most thoughtful paper, there the situation was examined for the year 1937-38 in a dispassionate study the correctness of which as to facts cannot be impeached. To this my own contribution was a very humble one, and I say without hesitation as I did in that speech, that this is not a position that is capable of any challenge whatsoever in the India of to-day. (*Hear, hear*). I do not claim any particular credit for it. (*Premier: Why not?*) You might say happy circumstances have helped us in occupying that position of importance. But the fact has to be admitted, and I think that circumstances being beyond question, honourable members in every part of the House will admit that this is a matter of real congratulation. (*Hear, hear*). One other circumstance I shall point out. Sir, I have assiduously studied the budgets of the various provinces that have been presented during the last few days. I do not want to institute any comparison whatsoever. But may I say this, lest honourable members are led away by erroneous and misleading conclusions, that in the budgets as disclosed by the Honourable

Ministers in several of those various provinces, the expenditure on civil works, particularly on roads, expenditure on irrigation, is included in that category which falls under the amount on beneficent activities. In one province a very definite classification in this direction is attempted. But as I have presented these figures to you I have reduced them on a comparable basis. It is obvious that if irrigation were included, our position would be supreme.

**Diwan Chaman Lall :** Seventy-two lakhs extra expenditure for beneficent departments in Bombay.

**Finance Minister :** Sir, it was said and I am deeply grateful to the honourable member who said so, that this budget depicts in clear outline the stability of our finances. I am not ashamed to say that the finances of a province should be in a stable condition. It is no use trying to argue—let us work for a deficit, let us raise a loan, what does it matter if in pursuit of the good things of the world our finances are set in disorder? It is always a matter of serious moment, and it is of particular importance to this province that our finances should be in a proper condition. We are a developing province, we want to get on, we want to build more canals (*hear, hear*) and we want to expand our hydro-electric energy and we want to make available power on most favourable rates, and we want to avail ourselves of engineering science and skill to the utmost in the development of the province. For this one has to go to the borrowing market. But if a province with disorganized finances, with finances that are unstable and disordered, finances that are not framed on cautious lines, goes to the borrowing market, it is not in a position to approach the loan market with any success. The best test of the prosperity of a province's finances is the treatment which it receives in the loan market which is no respecter of persons. The loan market judges every person on his real financial merit, and you will be pleased to hear that in our last floatation which this Government had to raise the Punjab had notable success (*hear, hear*). Our credit stands high in the market.

I would have said something about unemployment to which so much reference has been made but my time is running out fast. But I will say this that so far as unemployment is concerned it is a matter that has engaged more than any other question both on the theoretical side and on the practical side the attention of the economists and the administrators in the recent past, and so far as the question of unemployment of the educated is concerned it is probably more serious in other parts of the world than in India. I am not entering any plea in defence of the educational system of this province, though it is apparent to every member of this House that even when education of the highest character of a technical variety is obtained, it is not a sure guarantee of a person's securing any employment either in a private concern or with Government of this country, because there are so many in the competitive market that the supply unfortunately happens to be greater than the demand, and a few additional industries here and a few industries there are not going to solve the problem of unemployment. The problem of unemployment in this country as elsewhere is the problem of complete adjustment of a nation's various activities, whether agriculture or industry, and education conducted so as to secure this adjustment. While there is all the clamour in this country for more colleges and more education,

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however unsuitable, we all wish that the problem of unemployment be solved. We are all emphatic, indiscriminately so, that colleges of the old pattern should be multiplied as rapidly as possible. We grumble at the growing unemployment of the educated. That is not the way to face this issue of unemployment. The problem is intense because it touches man at the most vital point. For, what is wealth if men starve? It is grave, distressing and imperative, but can we say that it is receiving from our leaders of opinion, from the fashioners of our society, adequate attention?

My friend Raja Sahib referred in particular to the position of the South-Eastern Punjab in the matter of water supply and that is a subject which I cannot allow to go unnoticed. Sir, nothing at present is a matter of deeper concern to the Punjab Government than the provision of water, the blessings of water, in the South-Eastern districts of the Punjab (*hear, hear*). The problem is being examined, and the moment a solution is reached, either in the way of tube-wells or otherwise, I am sure our Premier and his Government will not have the slightest hesitation in providing the necessary crores for the object. Our sound finances and our strong position in the loan market would enable us to carry out our plans. This is my answer as to what we propose to do in South-Eastern Punjab.

Two or three words more about the budget that I have presented. You will remember that we gave 25 lakhs extra, over and above our normal remission in 1937-38. We also increased our expenditure in regard to our beneficent activities by 25 lakhs. That represents a sum of half-a-crore. But in spite of that the Punjab Government, your Government, has done what they could do and they feel happy about it, to put a further 55 lakhs in a Special Development Fund every penny of which will go to carry that message of hope and activity in every village home in the province (*hear, hear*), which is the ideal and ambition of all of us. I am perfectly conscious, we are all conscious, and I am not so stupid as to think that 6 lakhs a year can achieve a miracle, nothing so fatuous. But 6 lakhs in the first year, 12 lakhs in the next and the year after 18 is money which when added to our normal expenditure on beneficent activities, and when especially spent in several departments co-operating together in carrying this good message, it can achieve a great deal (*hear, hear*). It is recognized all over India that the work of the Punjab in the matter of co-operation which will occupy a very important place in the activities that will proceed out of this fund is very high and the Punjab in the matter of co-operation unhesitatingly is not only a leader, but also a teacher (*hear, hear*). A crore of rupees gathered and spent in this particular manner for the Punjab and the people of the Punjab out of our resources in 1937-38 is not a sad picture. It is a happy state of affairs that can afflict only an unreasoning Opposition. It certainly gives us courage and my heart is full of joy that it should be so. It is not a solution of all our evils, no one can suggest that it is, but it does place our foot on the right path. That certainly it does.

Sir, one of my friends, I think it was Master Kabul Singh, stated: "Oh, you are planning schemes for a hundred years and imperialism would be over in three years. Its hours and days are numbered." My answer to that is a short one. If I were to frame a reply to the question it will be entering on a large excursus. My answer, therefore, is a simple one. Sir,

a politician thinks only of the next election, a statesman of the next generation. We who are charged by you to conduct the affairs of the State—.

**Diwan Chaman Lall :** Think of the party.

**Finance Minister :** Charged with the business affairs of the State are not thinking merely of the next election to which references have been so constantly made by the opposite side in the House, but we are laying deep and sure and securely the foundations of a prosperous Punjab, so far as it lies in our power (*hear, hear*). In this regard sometimes it is suggested that one ought to follow public opinion indiscriminately. Follow public opinion by all means, but the responsibility of any Government that wishes to govern and achieve results is also to guide public opinion. We are prepared to respect public opinion in the highest, possible measure; and the budget of this ministry, the present budget, claims in every single particular to have done this. Sir, this will be my last word, because time presses. References were made to socialism and the good lady member from Amritsar was even pleased to mention the name of Karl Marx. It would be a fascinating theme, if I had a little time to descant on the philosophy of Karl Marx, a philosophy which one hears is already crumbling and disrupted. Escape is being sought from the meshes of socialism along newer lines of individualistic thought. A most recent thinker, a powerful thinker, says this about Socialism:

Socialism is fighting a defensive battle in the open field of political philosophy.

**Diwan Chaman Lall :** Who said so?

**Finance Minister :** For the time being take my word for it.

**Sardar Hari Singh :** The Honourable Premier is a declared socialist.

**Premier :** Then take them to be my words.

**Finance Minister :** May I tell the honourable members opposite what a communist is? A communist has been defined to be a person who is yearning for equal division of unequal earnings. The present is a period of resounding conflict of principles. But the fundamental problems of politics do not vary, and have been always concerned with the issues of law and liberty, order and progress, authority and conscience, Man and the State.

The emphasis, as ever, is now on the one and then on the other. Liberty, freedom, self-rule are priceless gems and to those ends we must all daily strive. We, the present ministry, are determined to strive. But progress is the best preparation for these priceless gifts, and for progress we must plant our feet firmly on sure ground. Think of the hard facts, and attend to detail, and respect short steps. We must build on no shifting sand, as I said before, if permanent results are to be achieved and it is this which our government is striving to do. (*Loud applause*).

*The Assembly then adjourned till 2 P.M. on Thursday, 10th March, 1938.*

1917

1. The first of the three main branches of the  
theology of the church is the doctrine of God.

2. The second of the three main branches of the

theology of the church is the doctrine of man.

3. The third of the three main branches of the



1917

1. The first of the three main branches of the  
theology of the church is the doctrine of God.



# PUNJAB LEGISLATIVE ASSEMBLY.

SECOND SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Thursday, 10th March, 1938.

The Assembly met at the Council Chamber at 2 p.m. of the clock. Mr. Speaker in the chair.

## STARRED QUESTIONS AND ANSWERS.

### MUSLIM HONORARY MAGISTRATES IN RAWALPINDI DISTRICT.

\*2031. Subedar-Major Raja Farman Ali Khan : Will the Honourable Minister for Finance be pleased to state—

- the number of Muslims and non-Muslims on each bench of honorary magistrates in the Rawalpindi district ;
- the number of 1st class and 2nd class single bench Muslim and non-Muslim magistrates in the above-mentioned district and the number of agriculturists among them ;
- the age of each honorary magistrate of the Gujjar Khan bench—in case of the military pensioners according to their discharge certificate or according to their certificates of birth ;
- how many honorary magistrates of the Gujjar Khan bench possess middle or Matriculation certificates ;
- the action the Government intends to take to give adequate representation to the Muslims among the honorary magistrates of Rawalpindi district ?

The Honourable Mr. Manohar Lal :

(a)	Bench.	Muslims.	Non-Muslims.
	Gujar Khan .. ..	3	2
	Rawalpindi .. ..	3	3
(b)		1st class.	2nd class.
	Muslim .. ..	1	1
	Non-Muslims .. ..	2	1

None of these are agriculturists.

(c)	Name of magistrate.	Age on 1st January, 1938.
1.	Risaldar Muhammad Sarwar Khan ..	About 47 years.
2.	Honorary Captain Raj Khan Bahadur ..	About 62½ years.
3.	Major Bakhshi Avtar Singh ..	52 years.
4.	Captain Rang Baz Khan ..	About 59 years.
5.	Sardar Bishen Singh ..	44 years.

(d) None.

(e) Government will consider the claims of the different communities, when a vacancy arises.

## PATTI MUNICIPAL COMMITTEE.

**\*2032. Mian Sultan Mahmood Hotiana :** Will the Honourable Minister of Public Works be pleased to state—

(a) whether it is a fact that the ratio between the Hindus and the Muslims in the population of the Patti Municipal Committee, is one to three ;

(b) whether it is a fact that the number of seats allotted to the Hindus on the Municipal Committee is larger than their due share ?

**The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana :** 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 the honourable member may bring to my notice in a more informal way.

**Chaudhri Kartar Singh** On a point of order. I want to have a little information. During the last Simla session the Honourable Premier had declared that no answers would be given to questions of a communal nature. In view of that, is it advisable that reply to question No. \*2031 should have been given ?

**Mr. Speaker :** The honourable member may raise his point of order when the Premier is present in the House.

## HOSPITAL IN TAHSIL DEHRA, KANGRA DISTRICT.

**\*2033. Pandit Bhagat Ram Sharma :** Will the Honourable Minister of Education be pleased to state—

(a) whether it is a fact that there is no hospital in *ilaga* Changar, tahsil Dehra, district Kangra, which comprises a very big area ;

(b) if answer to part (a) above be in the affirmative, the reasons why Government has not so far taken up the question of opening hospitals in the said *ilaga* ?

**Mrs. J. A. Shah Nawaz** (Parliamentary Secretary) : (a) Yes.

(b) The District Board, Kangra, is primarily responsible for providing medical relief in this rural area.

## ROADS IN TAHSIL DEHRA, DISTRICT KANGRA.

**\*2034. Pandit Bhagat Ram Sharma :** Will the Honourable Minister of Public Works be pleased to state whether it is a fact that there are no roads throughout the length and breadth of tahsil Dehra, in the Kangra district, and that in the absence of roads the public is put to a very great inconvenience ; if so, whether and when the Government intends to attend to this need of the people of this *ilaga* ?

**The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana :** No. There are many roads running through the length and breadth of tahsil Dehra in the Kangra district and a few of them are in motorable condition although they are unmetalled. The position stated in the concluding portion of the question, therefore, does not arise. A list of roads in the area is laid on the table.

*List of roads.*

Arterial Roads=No. 18	..	Jullundur-Hoshiarpur-Dharmasala about 16 miles in length, all unmetalled in motorable condition.
Class II (District Board) Road	..	(Jawali)-Haripur-Dehra-Jowalamukhi about 24 miles in length, of which last 7 miles are motorable.
		Ranital-Jowalamukhi-Nadaun about 17 miles in length all motorable.
		Talwara-Dada Siba-Dehra about 23 miles—all non-motorable.
Class III roads	..	Jowalamukhi-Kaloha 13 miles, 1st 5½ motorable.
		Dehra-Banah, 7 miles non-motorable.
		Bankhandi-Haripur, 5 miles motorable.
		Dehra-Sanot, 1½ miles non-motorable.
		Gopipur-Bharwain, 8 miles non-motorable.
		Dhalyora-Paragpur, 3 miles motorable.
		Paragpur-Garli, 2 miles non-motorable.
		Mandir Mohon-Kaleshar, 3 miles non-motorable.
		Paragpur-Paroh Saddun, 3 miles non-motorable.
		Haripur-Ranital <i>via</i> Trippal, 6 miles non-motorable.
		Dola-Doda, 4 miles non-motorable.
		Gopipur-Paragpur, 5 miles non-motorable.
		Kaloha-Nadaun, 8½ miles non-motorable.

HOSPITALS IN THE KANGRA DISTRICT.

**\*2035. Pandit Bhagat Ram Sharma :** Will the Honourable Minister of Education be pleased to state whether it is a fact that the number of hospitals in the Kangra district both for men and women is very small at present ; if so, whether Government has any intention to increase the number of such hospitals in the district to afford relief to the suffering population of the place ?

**Mrs. J. A. Shah Nawaz (Parliamentary Secretary) :** There are 30 hospitals and dispensaries in the Kangra district. The question of increasing the number of rural dispensaries in the province generally is under consideration.

**Lala Duni Chand :** Is it true that Kangra district is almost a province including Spiti and Lahaul with a length of about 250 miles and breadth of 150 miles and, if so, whether the Government thinks that the number of dispensaries in this district is sufficient to meet the requirements of the district ?

**Parliamentary Secretary :** I have already told the honourable member that the question of increasing the number of rural dispensaries in the province generally is under consideration and that is the reply that I can give again to his supplementary question.

**Lala Duni Chand :** Is the Government aware of the fact that the people of Kangra district—particularly of Kulu Valley—are lying prostrate before disease and ignorance ?

**Parliamentary Secretary :** Is it giving information or seeking information ?

**Lala Duni Chand :** I want to know whether that state of things exists ?

**Parliamentary Secretary :** Not that we know of.

#### EXCISE LICENSES IN KANGRA DISTRICT.

**\*2036. Pandit Bhagat Ram Sharma :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that the number of excise licenses in district Kangra has been increased this year ; if so, the places at which the new licenses have been allowed and also the reasons for this increase in the number of such licences ?

**The Honourable Dr. Sir Sundar Singh Majithia :** Only one new license for the sale of country liquor has been allowed in the Kangra district at village Chaukimanian, tahsil Hamirpur, with effect from 1st April, 1938. This shop has been opened at the request in writing of the residents of that village as no other shop exists in the neighbourhood. The district board also raised no objection.

**Lala Duni Chand :** Is it true that Kangra district is one of the poorest districts in the Punjab, and, if so, whether the granting of these licences will not offer a temptation to the already poor people of that district ?

**Minister :** Does that arise out of my answer to the main question ?

**Mr. Speaker :** No.

#### GOVERNMENT RIGHT IN TREES ON LANDS IN KANGRA DISTRICT.

**\*2037. Pandit Bhagat Ram Sharma :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that a very big area in district Kangra has been assessed to land revenue and the zamindars in possession of this area have been paying revenue thereof from 1868 onwards and that the trees standing on this area have been declared to be the property of the Government as entered in settlement record of 1910—15 ;
- (b) whether it is a fact that the Government has acquired the proprietary right in these trees without paying any compensation to the zamindars ; if so, whether it is intended to compensate the zamindars now ;
- (c) in round figures of acreage the total area which is at present in the possession of zamindars who are paying land revenue thereof and the trees standing on which area are declared to be the property of the Government ?

**The Honourable Dr. Sir Sundar Singh Majithia :** (a) Yes.

(b) The honourable member is referred to paragraph 25 of the Settlement Report of the Kangra district (1872) by Sir James Lyall, in which the history of the title in land and trees is given. The position was that Government

was owner both of the soil and of the trees ; it freely gave away the ownership in the soil to the people but retained the ownership of the trees principally in the interests of forest conservancy. The question of payment of compensation does not arise.

(c) 62,011 acres.

**\*2038.**—Vide *Debates* of 14th March, 1938.

#### AYURVEDIC REGISTERED INSTITUTIONS.

**\*2039. Sardar Hari Singh :** Will the Honourable Minister of Education be pleased to state—

- (a) the number and names of Ayurvedic Registered Institutions in the Punjab that issue diplomas to students after private coaching;
- (b) the nature of control exercised by the Government over these institutions ?

**Mrs. J. A. Shah Nawaz** (Parliamentary Secretary) : (a) The only ayurvedic institution recognised by the Punjab Government is Dayanand Anglo-Vedic College, Lahore (Ayurvedic Classes).

(b) The Punjab Government gives an annual grant of Rs. 3,000 on the condition that the Government will have power to inspect the institution. The institution submits annual reports on the progress of the institution.

#### LORRIES FOR USE BY POLICE IN FEROZEPURE DISTRICT.

**\*2040. Sardar Hari Singh :** Will the Honourable Premier be pleased to state—

- (a) whether he is aware of a recent advertisement in the Press by the Inspector-General of Police, Punjab, inviting tenders for the supply and maintenance of three motor lorries for the use of the Police in the Ferozepore district with effect from 1st April, 1938 ;
- (b) the purpose for which these lorries are proposed to be used in the said district by the police and the reasons for specially selecting this district for the purpose ;
- (c) whether similar practice is proposed to be started in any other district ?

**Sardar Sahib Sardar Ujjal Singh** (Parliamentary Secretary) : (a) Yes.

(b) To transport police parties engaged in patrolling and in operations against gangs of dacoits. For some years past lorries have been in use for this purpose in the Ferozepore district, which has a special reputation for violent crime. The arrangement to which the advertisement relates is not in any sense a new one.

(c) There is no such proposal at present under consideration.

**Sardar Hari Singh :** May I ask the Parliamentary Secretary to state if he is in a position to let me know the basic causes of violent crime in the Ferozepore district and why it is that Ferozepore has a special reputation for violent crime ?

**Parliamentary Secretary :** Does it arise out of this question ?

**Sardar Hari Singh :** Mr. Speaker, the Parliamentary Secretary has stated in reply to the main question that these lorries will be required for use in the Ferozepore district in connection with rooting out violent crime. I want to know from the Parliamentary Secretary whether he can give us the basic causes leading to violent crime in the Ferozepore district. If he cannot give us then he may say so.

**Parliamentary Secretary :** The question does not relate to the extent of crime in that district. The question relates to an advertisement regarding the use of lorries and the answer is clear and unequivocal on the point.

**Sardar Hari Singh :** I want to know whether he has gone into the causes.

**Parliamentary Secretary :** This question does not arise out of the original question.

**Sardar Lal Singh :** Is it not a fact that the contiguity of the native states to the Ferozepore district is one of the causes ?

**Parliamentary Secretary :** Certainly it may have a great bearing on the causes of crime in that district.

**Sardar Hari Singh :** May I ask whether violent crime has been on the increase in the district during the last few months or is it on the decrease ?

**Parliamentary Secretary :** I cannot answer off-hand and give the honourable member exact figures for the last few months.

**Sardar Hari Singh :** May I ask whether any other curative methods are being used by Government for rooting out crime there ?

**Parliamentary Secretary :** I would again say that this supplementary question does not arise out of the main question put by the honourable member.

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#### ALLEGATIONS AGAINST POLICE BY PUNJAB MOTOR UNION.

**\*2041. Sardar Hari Singh :** Will the Honourable Minister for Revenue be pleased to state—

(a) whether his attention has been drawn to the allegations recently made by the Punjab Motor Union (Registered) to the effect that the policemen at Sargodha and Shahpur in particular and in other places in general travel in public motor vehicles free of charge ; and

(b) if the answer to (a) above be in the affirmative, the steps taken by the authorities in the matter on the allegations so made ?

**The Honourable Dr. Sir Sundar Singh Majithia :** (a) No such complaints appear to have been received. In connection with the general question, a reference is invited to the reply given to question \*26<sup>1</sup> put by the honourable member for the Ambala and Simla (General) Rural Constituency in the Simla session.

(b) Does not arise.

**Sardar Hari Singh :** May I know whether in particular reference to Sargodha and Shahpur, he has made enquiries from the Superintendent of Police, Sargodha ?

**Minister :** Reports are received and naturally these replies are based on those reports.

**Sardar Hari Singh :** May I know whether allegations to this effect through the Motor Drivers Union have been brought to his notice ?

**Minister :** Several reports and several complaints sometimes do come to my notice and these are duly enquired into.

**Sardar Hari Singh :** May I ask whether particular allegations have not been brought to his notice ?

**Minister :** No.

**Diwan Chaman Lal :** May I ask the Honourable Minister to state, as the complaints are widespread, whether he is intending to make enquiries into this matter and issue proper instructions ?

**Minister :** My honourable friend knows that we have been making enquiries and taking necessary action in the matter and endeavouring to see that lorries are not used by the officers. In case police men have to use a lorry they have been given some sort of permit which they hand over to the lorry driver and as soon as the lorry driver presents that permit to the police office he is paid for that. In case we do not give these permits, then the result would be that these drivers sometimes may not be paid.

**Lala Duni Chand :** Does Government take cognizance of the facts which are known to every person in the Punjab including the inhabitants of the district ?

**Minister :** If the honourable member would let me have information regarding commission of any offence I will look into it.

**Lala Duni Chand :** The fact is that these lorries are used by the police *gratis* and that fact is known to every person. Will Government take cognizance of such facts or not ?

**Minister :** We have done our best in the matter and I do not think anything more can be done.

**Sardar Hari Singh :** May I ask if it is not a fact that the Superintendent of Police, Sargodha, has been in receipt of a representation from the Motor Union containing these allegations ?

**Minister :** If my honourable friend will put a separate question I will make enquiries.

PROVISIONAL CERTIFICATES IN LIEU OF PERMITS FOR PLYING  
MOTOR VEHICLES.

**\*2042. Sardar Hari Singh :** With reference to the answer to starred question No. 141<sup>1</sup>, asked on 25th June, 1937, will the Honourable Minister of Revenue be pleased to state—

- (a) whether the suggestion regarding a provisional certificate being given in lieu of the permit to enable the motor vehicles to ply even during the time taken for the endorsement of the permits has by now been extended to all the remaining districts as promised in answer to part (d) ;
- (b) whether it is a fact that licensing officers at Lahore and Amritsar did not issue provisional certificates in lieu of permits recently ;
- (c) whether he is aware that many motor drivers were challaned in the above-mentioned districts while their permits were with the licensing authorities about the end of January and beginning of February, 1938 ;
- (d) the steps Government proposes to take to strictly implement the assurance referred to in (a) above ?

**The Honourable Dr. Sir Sundar Singh Majithia :** (a) No, there are still some districts in which the system in question is not followed. The issue of circular instructions has been delayed pending consideration of certain other proposed changes in connection with the taxation arrangements.

(b) In Lahore, yes. In Amritsar it is reported that no occasion has arisen for the issue of a provisional certificate.

(c) Two such cases are reported to have occurred in Lahore ; none in Amritsar.

(d) By means of a new system which it is hoped to introduce from the 1st April next, much of the delay will be eliminated and it is possible that the issue of receipts will not be necessary. If, however, it is found that it is still essential for owners to deposit their permits in connection with the payment of tax, arrangements will be made for the issue to them of standardised receipts.

PURCHASE OF SWADESHI MATERIALS AND ARTICLES.

**\*2043. Sardar Hari Singh :** Will the Honourable Minister of Development be pleased to state—

- (a) whether Government have so far issued instructions to government offices and institutions to purchase swadeshi materials and articles ;
- (b) if answer to (a) above be in the negative, whether it intends to consider the question of issuing such instructions now ?

**The Honourable Chaudhri Sir Chhotu Ram :** (a) Yes—to the utmost extent consistent with economy and efficiency.

(b) Does not arise.



**GRANTS OF LAND ON TREE PLANTING CONDITIONS IN LOWER  
BARI DOAB CANAL COLONY.**

**\*2044. Tikka Jagjit Singh Bedi :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether the Government is aware of the fact that certain grants on tree planting conditions were made in Lower Bari Doab Canal Colony in Montgomery and Multan districts in the year 1921-22 ;
- (b) whether it is a fact that these grantees were originally intended to be relieved of their undertaking to plant and to look after the growth of trees after the lapse of 5 years and thereafter to be in a position to acquire the occupancy rights of the said grants ;
- (c) whether the Government is further aware of the fact that many such grantees were actually relieved of their duties to look after the growth of these trees by 1928, after the lapse of 5 years ;
- (d) whether it is also a fact that in the year 1928 it was ordered by the Government that unless the grantees purchased proprietary rights in such lands, they could not be relieved of their duty to look after the growth of the trees ;
- (e) if the answer to (d) above be in the affirmative, the reasons for issuing those orders contrary to the original intention of the Government in the matter ?

**The Honourable Dr. Sir Sundar Singh Majithia :** (a) Yes.

(b) and (c) This was the practice of local officers but it had not Government sanction behind it.

(d) No ; but it was only in the year 1928 that the irregular practice of local officers came to light.

(e) Does not arise.

**Mian Sultan Mahmud Hotiana :** What are the conditions for the grant of proprietary rights to the grantees ?

**Minister :** That does not arise out of this question.

**Mian Sultan Mahmud Hotiana :** If land is 'kallar' and trees cannot grow, would such land be exempted from the operation of these conditions ?

**Minister :** That is a big question. To reply to it enquiries shall have to be made which places are 'kallar' and which are not 'kallar'. My honourable friend cannot expect me to give a reply to such a question put on the floor of the House.

**Mian Sultan Mahmud Hotiana :** Have any proprietary rights been granted to the grantees since 1928 ?

**Minister :** If my friend could quote any cases I will make enquiries about that.

**Chaudhri Kartar Singh :** Will Government consider the advisability of issuing instructions to the authorities for granting squares of land to the big landlords of the Montgomery district ?

**Minister :** May I ask if this question arises out of the main question.

#### RELEASE OF POLITICAL PRISONERS.

**\*2045. Chaudhri Kartar Singh :** Will the Honourable Premier be pleased to state whether the Punjab Government recently had any correspondence with the Government of India on the subject of the release of political prisoners ; if so, to what effect ?

**Sardar Sahib Sardar Ujjal Singh** (Parliamentary Secretary) : No.

#### PROSECUTIONS FOR OBJECTIONABLE SPEECHES.

**\*2046. Sardar Hari Singh :** Will the Honourable Premier be pleased to state—

(a) the number of prosecutions launched in district Hoshiarpur for alleged objectionable speeches since 1st April, 1937 ;

(b) similar prosecutions in the rest of the province in the same period ?

**Sardar Sahib Sardar Ujjal Singh** (Parliamentary Secretary) :

(a) 7	} Up to the 4th March, 1938.
(b) 29	

**Sardar Hari Singh :** May I ask the honourable member to kindly state that in view of 7 out of 29 prosecutions that have been launched in one district, whether he has examined the causes underlying this marvellous percentage of prosecutions in Hoshiarpur district ?

**Parliamentary Secretary :** It depends upon the nature of speeches and the number of persons making them.

**Diwan Chaman Lall :** Is it a fact that in some cases prosecutions have failed ? Is it not a serious state of affairs ?

**Parliamentary Secretary :** It may have failed.

**Diwan Chaman Lall :** May I ask the honourable member whether he is aware that they have failed because the courts have held that the evidence given by the police was false and perjured ?

**Parliamentary Secretary :** I am not aware of any case in this connection.

**Diwan Chaman Lall :** Is the honourable member aware of Sardar Dukhia's case ?

**Diwan Chaman Lall :** Is the honourable member aware that serious state of affairs exists in Hoshiarpur where false and perjured evidence is brought against political workers belonging to the Opposition Party here ?

**Parliamentary Secretary :** No such case has been brought to the notice of the Government.

**Diwan Chaman Lall :** What action is the honourable member taking in order to vindicate justice and in order to take steps to prosecute those who gave false evidence ?

**Parliamentary Secretary :** The matter is receiving consideration of the Government.

**Diwan Chaman Lall :** May I ask whether the honourable member has directed his attention to the question that I put as to what action the Government is taking in order to vindicate justice by prosecuting those who gave false evidence ?

**Parliamentary Secretary :** I have said that the enquiry is being made and Government will take necessary steps.

**Lala Duni Chand :** Is it true that Khan Abdul Ghaffar has paid a short visit to Hoshiarpur and made a short speech and for that he was prosecuted under section 153 (a) ?

**Sardar Hari Singh :** May I ask the honourable member to please state whether such a large number of prosecutions in one single district has got anything to do with certain alleged circular sent by the Chief Secretary to Government, Punjab, to the district authorities in the Hoshiarpur district to the effect that Hoshiarpur is Congress-ridden and local authorities are doing nothing to suppress that movement ?

**Parliamentary Secretary :** Prosecutions are made on the reports of violent speeches or activities of the persons prosecuted. They have nothing to do with the circular.

**Diwan Chaman Lall :** Was there any circular like that sent to the Hoshiarpur district ?

**Parliamentary Secretary :** Not to my knowledge.

**Diwan Chaman Lall :** Will the honourable member make an enquiry whether there was a circular to this effect ?

**Parliamentary Secretary :** If notice is given an enquiry will be made.

**Sardar Hari Singh :** May I ask the honourable member to please state whether any complaint has been received by him or the Honourable Premier to the effect that the Superintendent of Police of Hoshiarpur sent for some constables and told them to crush the movement and prosecute the workers everywhere ?

**Parliamentary Secretary :** It does not arise out of this question. But I will certainly make enquiries about it. To my knowledge no such complaint has been received but still I will place this matter before the Honourable Premier.

**Diwan Chaman Lall :** Will you inform us of the results of that enquiry ?

**Parliamentary Secretary :** If it is not considered confidential, certainly the result of the enquiry will be placed before the House.

**Lala Duni Chand :** What was the reason for the arrest of Sardar Kharak Singh ?

COMPULSORY ATTENDANCE OF PEOPLE OF A LOCALITY IN A MEETING  
ADDRESSED BY MINISTERS AT BHULLAN.

**\*2047. Sardar Hari Singh :** With reference to the answer to starred question No. 1118<sup>1</sup> put in the last session of the Assembly on the subject of compulsory attendance of people at a public meeting addressed by the Punjab Ministers at village Bhullan, district Hoshiarpur, will the Honourable Premier be pleased to state—

- (a) the name and designation of the official who instituted inquiry into the allegations made in the question ;
- (b) the mode and scope of inquiry ;
- (c) whether inquiry was made from the people of surrounding villages ?

**The Honourable Major Sir Sikander Hyat-Khan :** I am not prepared to go into these details.

GRIEVANCES OF OCCUPANCY TENANTS OF VILLAGE MANGEWAL  
IN TAHSIL UNA.

**\*2048. Sardar Hari Singh :** With reference to the answer to starred question No. 1241<sup>2</sup> put in the last session of the Assembly on the subject of the grievances of occupancy tenants of the Una tahsil, district Hoshiarpur, will the Honourable Minister for Revenue be pleased to state the nature, mode and scope of inquiry instituted or proposed to be instituted by the Government into the matter and the time by which the inquiry is expected to be finished ?

**The Honourable Dr. Sir Sundar Singh Majithia :** The matter is still under consideration. A report has been called for from the deputy commissioner, who has not yet been able to complete his report. It will, as soon as it is received, receive the careful consideration of Government. The deputy commissioner assures that he will shortly complete his enquiries and submit his report.

DAMAGE TO CROPS BY HAILSTORM IN HOSHIARPUR DISTRICT.

**\*2049. Sardar Hari Singh :** Will the Honourable Minister for Revenue be pleased to state—

- (a) the details of the damage done by recent hailstorm in various tahsils of Hoshiarpur district ;
- (b) whether Government have decided to allow any remission to the agriculturists affected thereby ?

**The Honourable Dr. Sir Sundar Singh Majithia :** (a) No appreciable damage has been done in any tahsil.

(b) Does not arise, but if after girdawari any relief is recommended the question will be considered.

<sup>1</sup>Volume II, page 490.

<sup>2</sup>Volume II, page 601.

**Sardar Hari Singh :** May I ask the Honourable Minister kindly to state whether the reports received from the local authorities are reliable ?

**Minister :** Unless they were considered to be reliable, the reply would not be given.

**Sardar Hari Singh :** Is it a fact that this information has been supplied merely by the patwari and whether the deputy commissioner or the revenue assistant visited those villages ?

**Minister :** This reply is based on the report of the deputy commissioner and I presume he must have made enquiries. My reply is not based on the report of the patwari.

**Sardar Hari Singh :** Can the Honourable Minister definitely say whether or not the deputy commissioner visited those villages which were said to be affected by hailstorm ?

**Minister :** What has this thing to do with it ? He made an enquiry and on that my reply is based.

**Sardar Hari Singh :** Did the deputy commissioner make the enquiries on the spot ?

**Minister :** My honourable friend cannot expect the deputy commissioner to go to every village. He has to use his own agency to make enquiries.

**Sardar Hari Singh :** I wanted to know whether the deputy commissioner went to any other place ?

**Minister :** Why should the honourable member allege that the deputy commissioner has not gone to any village ?

**Dr. Gopi Chand Bhargava :** May I know what was the agency of the deputy commissioner through which he made enquiries in this case ?

**Minister :** Revenue officer and tahsildars.

**Dr. Gopi Chand Bhargava :** Is the Honourable Minister certain of the fact that patwaris are not the agency through which the enquiry was made ?

**Minister :** Naturally patwaris have to deal with fields, but tahsildars and revenue assistants look after their work. Therefore, they are subordinate to the tahsildar and the revenue assistant and the tahsildar is subordinate to the deputy commissioner.

**Dr. Gopi Chand Bhargava :** My question is quite different. I want to know whether it is a fact that in some cases at least the deputy commissioners rely on the enquiry made by patwaris ?

**Minister :** That is natural.

**Dr. Gopi Chand Bhargava :** Is it so ?

**Minister :** What is so ?

**Dr. Gopi Chand Bhargava :** That in this case the report of the patwari has been relied upon by the deputy commissioner who forwarded it to the Honourable Minister ?

**Minister :** I cannot question the discretion of the deputy commissioner in this matter.

**Dr. Gopi Chand Bhargava :** That is not the question. The Honourable Minister has just said in reply to a supplementary question that this answer is not based on the report of the patwari and now I want to know whether deputy commissioners forward the report of patwaris only in some of the cases or not ?

**Minister :** No, not like that. He has to submit his own report.

**Dr. Gopi Chand Bhargava :** Was it based on the report of the patwaris ?

**Minister :** I do not know what it was based upon. The report has been received from the deputy commissioner who must have based his report on certain enquiries.

**Dr. Gopi Chand Bhargava :** May we take it that it is not a fact that the deputy commissioner did not rely on patwari's reports ?

**Minister :** That does not arise.

**Mr. Speaker :** The Honourable Ministers know their duty but there is one little suggestion which I venture to make in the interest of all concerned. It is open to a Minister or a Parliamentary Secretary (i) to answer a supplementary question ; or (ii) to say that he requires notice ; or (iii) to say, without assigning any reason, that he is not going to answer it. He may also say if he feels justified, that it is not in the public interest to answer it. If my suggestion is followed, I hope much of the valuable time of the House will be saved.

**Minister for Public Works :** If the question is irrelevant ?

**Mr. Speaker :** If the Honourable Minister does not consider a question to be relevant, he may decline to answer it.

Besides, if he does not consider it advisable to answer a question, he may keep sitting silent.

#### LIQUOR SHOPS IN AMRITSAR.

**\*2050. Dr. Sant Ram Seth :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that the Government has sanctioned five new retail shops to be opened in the city of Amritsar for the sale of liquor ;
- (b) whether it is a fact that five licences have already been issued by the Government to five different persons ;
- (c) whether it is a fact that the Amritsar Municipal Committee disapproved the idea of the Government of opening the already existing five liquor shops in the city of Amritsar ?

**The Honourable Dr. Sir Sundar Singh Majithia :** (a) and (b) No.

(c) A proposal was submitted in 1936 for removing the existing liquor shops inside the city of Amritsar from their present location outside the city, but Government did not accept the suggestion.

**Lala Duni Chand :** May I know what the intention of Government is, whether it is to increase or decrease the consumption of liquor ?

**An honourable member :** May I know whether Government intends to open new retail liquor shops in the province ?

**Minister :** The question does not arise.

APPOINTMENT OF LECTURER IN SURGERY, MEDICAL SCHOOL,  
AMRITSAR.

**\*2051. Dr. Sant Ram Seth :** Will the Honourable Minister of Education be pleased to state—

- (a) whether it is a fact that the Lecturer in Surgery of the Medical School, Amritsar, has retired from service ;
- (b) the qualifications of the new Lecturer in Surgery who has been appointed in place of the retiring surgeon ;
- (c) whether the Lecturer in Surgery of the Medical School, Amritsar, is required to do operation work in the hospital ?

**Mrs. J. A. Shah Nawaz (Parliamentary Secretary) :** (a) Yes.

(b) The new Lecturer in Surgery holds the following qualifications :—

M.B., B.S. (Pb.), M.R.C.S. (Eng.), L.R.C.P. (Lond.), F.R.C.S., (Edin.).

(c) Yes.

RESEARCH WORK BY PROFESSORS OF MEDICAL COLLEGE, LAHORE  
AND LECTURERS IN MEDICAL SCHOOL, AMRITSAR.

**\*2052. Dr. Sant Ram Seth :** Will the Honourable Minister of Education be pleased to state whether the professors of the Medical College, Lahore, and lecturers in the Medical School, Amritsar, are required to do any research work after their lecture hours ; if not, reasons for the same ?

**Mrs. J. A. Shah Nawaz (Parliamentary Secretary) :** All the members of the teaching staff of both the institutions make researches and observations in their respective subjects during and after the working hours.

**Dr. Sant Ram Seth :** Is research work necessary for them ?

**Parliamentary Secretary :** I have already said that they all make researches and observations in their respective subjects.

**Dr. Sant Ram Seth :** Is private practice allowed them ?

**Parliamentary Secretary :** That question does not arise.

APPOINTMENT OF HONORARY DEMONSTRATORS IN THE MEDICAL  
SCHOOL, AMRITSAR.

**\*2053. Dr. Sant Ram Seth :** Will the Honourable Minister of Education be pleased to state whether it is a fact that the honorary demonstrators were appointed in the Medical School, Amritsar, when Colonel Goil was the Inspector-General of Civil Hospitals in the Punjab ; if so, the reasons for discontinuing the practice ?

**Mrs. J. A. Shah Nawaz** (Parliamentary Secretary) : No. No honorary demonstrators were ever appointed in the Medical School, Amritsar.

#### METHODS OF POLICE INVESTIGATION.

**\*2054. Sardar Hari Singh** : With reference to the answer to starred question No. 1441<sup>1</sup>, put in the last session of the Assembly, will the Honourable Premier be pleased to state—

- (a) whether the Government intends to take further steps to purify the methods of police investigation beyond the issue of a circular setting forth the views of the Government in the matter ;
- (b) if the answer to (a) above be in the affirmative, nature of the steps proposed to be taken ?

**Sardar Sahib Sardar Ujjal Singh** (Parliamentary Secretary) : The use of improper methods in police investigations can only be eradicated by drastic action against the offenders in proved cases. (The same applies to corruption in any other department). This is already being done. Looking at the question I cannot help feeling that the honourable member has not appreciated the earnestness of the efforts which are being made by the officers at the head of the police to check malpractices, but I shall ask him to accept my assurance that they, and the provincial Government, are every bit as anxious as he is to deal effectively with such abuses as those he has in mind.

**Diwan Chaman Lall** : Is it a fact that not even the Chief Justice of Lahore has appreciated the efforts of the honourable member in this connection ?

**Parliamentary Secretary** : I can only assure the honourable member that in those cases which have been brought to the notice of Government every step will be taken to punish the guilty persons ?

**Diwan Chaman Lall** : Will the honourable member please state whether it is sufficient that when a case is proved he should take action against the person, or whether he should make an enquiry in regard to the serious disclosure made in the speech of Sir Douglas Young ?

**Parliamentary Secretary** : Necessary action will be taken after proper enquiry.

**Diwan Chaman Lall** : Will he give this House an assurance that he is going to overhaul the entire system of police investigation in view of the remarks made by the Chief Justice ?

**Parliamentary Secretary** : It is impossible to overhaul the whole system.

**Diwan Chaman Lall** : Is he prepared to undertake an inquiry into this matter ?

**Parliamentary Secretary** : I can assure the honourable member that the Government is very anxious to purge the police of corruption and every complaint that is brought to the notice of Government is looked into.

<sup>1</sup>Volume II, pages 799—80.



**Diwan Chaman Lall :** Is the honourable member aware that the entire system of police investigation has been condemned by the Chief Justice and whether it does not call for immediate action on the part of Government ?

**Parliamentary Secretary :** The matter is receiving the anxious consideration of Government.

**Diwan Chaman Lall :** May I ask what particular consideration it has received at the hands of Government during the last six months ?

**Premier :** All the cases which have been brought to the notice of Government are being inquired into.

**Diwan Chaman Lall :** May I ask whether it is not his duty not to wait merely for the cases brought to his notice, but to institute an inquiry into the allegations made by the Chief Justice ?

**Premier :** How does he assume that we are not making an inquiry ?

**Diwan Chaman Lall :** Will he tell me what action he has taken during the last six months in this behalf ?

**Premier :** The recent case which has been brought to the notice of Government is the Kiro case in Rawalpindi. As my honourable friend is aware that case is under investigation with a view to prosecute them in court. The whole question is being very anxiously considered by Government experts and the matter will after due consideration be decided one way or the other.

**Diwan Chaman Lall :** Has the Honourable Premier decided to institute an inquiry and take the High Court into his confidence in regard to this matter because it was not only the Kiro case but also other cases which were referred to by the Chief Justice ?

**Premier :** We shall be too glad to have the assistance of the High Court.

**Diwan Chaman Lall :** When is the matter likely to be decided ?

**Premier :** We are awaiting the result of investigation into the Kiro case.

**Diwan Chaman Lall :** Is it necessary for the Premier to wait for that in order to investigate the methods of police investigation ?

**Premier :** It is very necessary. I am afraid I cannot divulge what is happening, but it is very necessary that that case is decided before we take any very radical step.

**Diwan Chaman Lall :** May I ask whether the Kiro case has not already been decided by the judgment of the High Court ?

**Premier :** The inquiry into the strictures made by the High Court has only been recently completed.

**Diwan Chaman Lal :** May I take it that as soon as the investigation stands complete, the Honourable the Premier is contemplating the setting up of an inquiry into the methods of police investigation ?

**Premier :** Yes.

COMPLAINT MADE BY ONE CHANAN SINGH.

**\*2055. Sardar Hari Singh :** With reference to the answer to starred question No. 1242<sup>1</sup> put in the last session of the Assembly, will the Honourable Minister for Finance be pleased to state—

- (a) the contents of the complaint made by the said Chanan Singh ;
- (b) whether it is a fact that the said complaint was forwarded by the trial court to the District Magistrate, Hoshiarpur ; if so, whether the said District Magistrate made inquiries into the matter and with what result ;
- (c) whether the examining doctor was asked to state whether the injuries received by the under-trial in the jail could be self-inflicted ;
- (d) whether it is a fact that the Deputy Commissioner, Hoshiarpur, has recently written a letter to the Superintendent of Police, Hoshiarpur, asking him to admonish the policeman concerned in the beating of the said under-trial prisoner ; if so, the action taken consequent on the said letter ?

**The Honourable Mr. Manohar Lal :** (a) As already intimated in the reply to question No. \*1242<sup>1</sup> asked by the same honourable member Chanan Singh made no complaint to the district magistrate.

(b) , (c) and (d) No.

**Sardar Hari Singh :** May I know whether any complaint was made by Chanan Singh in the trial court ?

**Minister :** Chanan Singh, so far as I am aware, made no complaint to the district magistrate as was alleged at the time. The police had reported against the unruly behaviour of this under-trial prisoner and the complaint of the police was sent to the Superintendent of Jail, Hoshiarpur. Before the Superintendent of the Jail, Chanan Singh made a certain complaint.

**Sardar Hari Singh :** Was no complaint made in the trial court ?

**Minister :** So far as I know, none.

**Sardar Hari Singh :** Did he make enquiries in this matter ?

**Mr. Speaker :** I disallow the question.

**Sardar Hari Singh :** I only wanted to know whether a complaint was made in the trial court ?

**Minister :** I have gone further and stated that after the police had complained against the unruly behaviour of this person, he proceeded to make a complaint himself to the Superintendent of the sub-jail.

**Sardar Sohan Singh Josh :** What was the complaint made to the superintendent of the sub-jail ?

**Minister :** The complaint runs thus : "That on the 19th October 1937"—these are his very words, "when I returned from court I was talking to other under-trial prisoners. We were all asked by the police employees to keep quiet. We became quiet. But the policemen started giving me beating and then took me to the court of the additional district magistrate. They took me back and again put me in the lock-up and then kept on giving me little blows for nearly half an hour".

**Sardar Sohan Singh Josh :** Has the Superintendent of the sub-jail taken any action in regard to this matter ?

**Minister :** The matter was fully enquired into and there was found to be no substance in the complaint.

PROCLAMATION UNDER SECTION 7 OF LAND PRESERVATION (CHOS)  
ACT IN VILLAGE CHALET.

**\*2056. Sardar Hari Singh :** With reference to the answer to question No. \*1487<sup>1</sup>, asked in the last session of the Assembly, will the Honourable Minister for Revenue be pleased to state—

(a) the action taken by the Deputy Commissioner, Hoshiarpur, on the petition of the people of village Chalet in tahsil Una, district Hoshiarpur ;

(b) if no action has so far been taken, when it is expected to be taken ?

**The Honourable Dr. Sir Sundar Singh Majithia :** (a) There was a dispute between owners and tenants and claims, of encroachments having been made, were advanced. These were adjusted by the authorities on the spot.

(b) Does not arise.

REVISED SCHEDULES REGARDING BUILDING OF BUNGALOWS IN LAHORE.

**\*2057. Sardar Hari Singh :** Will the Honourable Minister for Public Works be pleased to state—

(a) whether he is aware of the agitation led by the Land-owners Association, Lahore, against refusal of sanction to building plans by the Administrator, Lahore Municipality, and introduction of arbitrarily revised schedules in respect of areas for building bungalows and houses on various roads ;

(b) whether the authorities are in receipt of any representation from the said Association ; if so, contents of the same ;

[S. Hari Singh.]

(c) the steps, if any, taken by the Government or Municipal Administration consequent on the agitation and representation referred to above ?

**The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana :** (a) and (b) Yes.

(c) The matter is under consideration.

**Sardar Hari Singh :** May I know as to what are the points that are under his consideration ?

**Minister :** The points raised in the question.

**Sardar Hari Singh :** May I know whether any representations have been received from the Association ?

**Minister :** I have answered it in reply to part (b).

**Rai Bahadur Binda Saran :** Has any committee been appointed to advise ?

**Minister :** Yes.

#### COMMUNAL QUESTIONS.

**Chaudhri Kartar Singh :** On a point of order, Sir. Is it not a fact that the Honourable Premier said during the Simla session last year that communal questions would not be answered in this House ? If so, may I draw his attention to questions Nos. \*2081 and \*2082 and ask him why these questions have just been answered ? Has he changed his policy ?

**Premier :** As a matter of fact what I said during the last budget session in Simla was that I hoped honourable members will refrain from putting such questions and if they abused that right it may be necessary for me to refuse to answer such questions and I hoped that a convention will be set up that these questions will not be put. I find that with the exception of very few members—I am glad to say—all others did take my advice and are not putting such questions. But there are a few members who put such questions. I can assure my honourable friends that I have instructed all heads of departments that in future such questions should not be answered on the floor of the House.

#### PAPER LAID ON THE TABLE.

##### SUPPLEMENTARY STATEMENT OF EXPENDITURE AUTHENTICATED BY GOVERNOR.

**Finance Minister :** I beg to lay on the table the supplementary statement of expenditure for the year 1937-38, authenticated by the Governor under section 81 of the Government of India Act, 1935.

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, 1937-38, which specifies :—

- (a) the supplementary grants made by the Punjab Legislative Assembly in its session held in March, 1938, and
- (b) the sums required to meet the expenditure charged on the revenues of the province.

## Supplementary statement.

Grant No.	Major head of account.	Supplementary grants made by the Punjab Legislative Assembly.	Sums required to meet expenditure charged on the revenues of the Provinces.	Total.
		Rs.	Rs.	Rs.
1	7—Land Revenue .. ..	26,270	34,830	61,100
2	8—Provincial Excise .. ..	43,530	..	43,530
3	9—Stamps .. ..	2,590	2,200	4,790
6	13—Other Taxes and Duties ..	3,570	..	3,570
7	17—Interest on works for which Capital Accounts are kept ..	..	1,16,300	1,16,300
8	Charges on Irrigation Establishment ..	23,910	..	23,910
9	68—Construction of Irrigation Works ..	4,81,200	..	4,81,200
	22—Interest on Debt and other obligations .. ..	..	5,62,400	5,62,400
10	25—General Administration .. ..	..	60,160	60,160
11	27—Administration of Justice .. ..	..	1,98,260	1,98,260
12	28—Jails and Convict Settlements ..	36,900	3,520	40,420
13	29—Police .. ..	..	2,000	2,000
15	37—Education (European and Anglo-Indian Education) .. ..	2,000	..	2,000
17	38—Medical .. ..	..	23,240	23,240
18	39—Public Health .. ..	92,180	8,780	1,00,960
20	41—Veterinary .. ..	37,840	..	37,840
21	42—Co-operation .. ..	1,11,610	..	1,11,610
24	Charges on Public Works Department, Buildings and Roads Establishment .. ..	13,800	..	13,800
25	XI—Electric Schemes—I—Hydro-Electric Schemes—Working Expenses other than Establishment .. ..	64,500	..	64,500
26	Charges on Public Works Department, Hydro-Electric Establishment .. ..	..	17,300	17,300
30	55—Superannuation Allowances and Pensions .. ..	1,72,500	..	1,72,500
31	83—Payments of commuted value of Pensions .. ..	4,06,700	53,200	4,59,900
32	56—Stationery and Printing .. ..	6,020	..	6,020
33	57—Miscellaneous .. ..	55,12,200	..	55,12,200
35	Loans to Municipalities, advances to cultivators, etc. .. ..	3,47,540	..	3,47,540
13	29—Police .. ..	10	..	10
23	50—Civil Works .. ..	10	..	10

DATED LAHORE,

The 5th March, 1938.

H. W. EMERSON,

Governor of the Punjab.

## SUPPLEMENTARY ESTIMATES.

**Finance Minister :** I beg to present the Supplementary Estimates for 1937-38.

## EXCESS GRANT FOR 1936-37.

**Finance Minister :** I beg to move—

“That an additional sum not exceeding Rs. 12,636 be granted to the Governor to meet the excess expenditure incurred during the year ended 31st of March, 1937, in respect of Refunds (Reserved).”

**Diwan Chaman Lall :** Where are the details ?

**Mr. Speaker :** The Honourable Minister has not stated that the demand is being put before this House on the recommendation of the Governor.

**Finance Minister :** I was going to say this when I was asked about the details. This demand is being placed before the House on the recommendation of the Governor.

**Sardar Hari Singh :** I wish to raise a point of order in respect of this item and I hope and pray that you will consider this point of order most carefully and I also request the lawyer members of this House, the Advocate-General, the Minister concerned, and others, to consider the matter dispassionately.

In the first place I would refer you to page 238 of *Campion* where it is definitely stated in regard to the excess expenditure that—

“An excess grant is first submitted to the Public Accounts Committee and after being passed by the Committee of Supply, if possible, in the year succeeding that in which the excess expenditure occurred, is sanctioned by the Appropriation Act.”

I also invite your attention to May, page 501. There it is stated—

“*Procedure on Excess Grants.*—Demands for excess grants having been first brought before the Committee of Public Accounts are presented to the Committee of Supply in the form of a simple resolution. Grants should be voted and money made available before the end of the current financial year, in order that the irregularity may be set right at the earliest possible moment.”

If we now turn to page 55 of *Durrel* who is an authority on Parliamentary Grants we find the following :—

“The explanations (why excess was incurred) must be fully given and the real causes shown. It is not sufficient to merely give one general explanation of the excess of expenditure and another of the falling of receipts in order to obviate the presentation of a long statement if such is necessary to explain the various excesses and surpluses fully. If merely a general explanation is given, or if one particular item corresponding in amount to the excess is picked out to explain the excess and other causes are not stated, it suggests that the department merely looks upon the House as giving formal sanction to the excess vote, and that consequently it is unnecessary to give more than a formal sanction for the deficit. The Public Accounts Committee dissents from such a view which precludes it from a full examination of the causes leading up to the excess vote. If the Committee after its investigation reports that there is no objection to the excess vote being granted, they are presented to the Committee of Supply in the form of a resolution and the position legalized at the earliest possible moment after such report.”

My first point is this that excess expenditure demands are put down through the Public Accounts Committee. It may be said that the Public Accounts Committee set up by this House is not competent to examine the accounts for the year 1936-37. I say, it is competent because

If the House is competent to discuss and vote and pass a certain item of expenditure which is known as excess expenditure; the Public Accounts Committee which is a creature of this House has full right and is competent to examine that particular item before it is brought before this House. From the bare figures given here, the House is not in a position to know whether this excess is justified or not. It must come through the Public Accounts Committee which is competent to examine it and see that there are no objectionable features about it.

The second point that I wish to raise is this. This is as important as the first one. It is stated that this excess expenditure demand is brought before the House according to the Commencement and Transitory Provisions Order 1936 paragraph (b) of sub-paragraph (3) of paragraph 5. I will read it out—

“The following provisions of this paragraph shall apply in relation to any expenditure incurred from the revenues of a Province in respect of a period before the commencement of part III of the new Act in excess of the expenditure authorized in respect of that period under the relevant provision of the old Act—

(a) The Government may at any time before the expiration of 6 months from the commencement of Part III of the new Act declare any such expenditure to have been duly authorized :.....—

This is for the first six months after the inauguration of provincial autonomy and if there is any extra expenditure voted after the first six months the procedure is as follows :—

“(b) In so far as no such declaration has been made the provisions of section 81 of the new Act (which relates to supplementary expenditure) shall apply in relation to any such expenditure as they applied in relation to expenditure in respect of financial years after the commencement of the said part III.”

Now what are the provisions of section 81 of the Government of India Act ? It reads—the heading is Supplementary Statements of Expenditure—

“If in respect of any financial year further expenditure from the revenues of the Province becomes necessary over and above the expenditure theretofore authorized for that year, the Governor shall cause to be laid before the Chamber or Chambers a supplementary statement showing the estimated amount of that expenditure, and the provisions of the preceding sections shall have effect in relation to that statement and that expenditure as they have effect in relation to the annual financial statement and the expenditure mentioned therein.”

Thus the excess expenditure is presented to this House under section 81 of the Government of India Act which relates to presentation of supplementary estimates. Supplementary demands are voted upon and discussed according to the procedure laid down for the annual budget estimates. What is the procedure laid down for the presentation, consideration and voting upon of the annual budget estimates ? It is the same as laid down for supplementary estimates under section 81. Now let us look at the procedure laid down in the *Interim Rules*. According to Standing Order 69 it is laid down—

“There shall be no discussion of the budget on the day on which it is presented to the Assembly.”

This is my second point of order that this excess expenditure should not be presented and discussed on the same date. It should be presented on one day and discussed on some other day.

[S. Hari Singh.]

Recapitulating my points of order, I beg to submit that in the first place this expenditure must come through the Public Accounts Committee. If the House is competent to discuss it and to vote upon it then the Public Accounts Committee which is a creature of the House is also competent to examine it. The second point is that because it is presented under section 81 the procedure laid down for the consideration of supplementary demands must be followed to the letter and spirit and that procedure is that budget cannot be presented and discussed on the same date according to the *interim* rules. These are the two points of order. I want to raise and I trust that lawyer members will give their opinion on it and then you will give your considered decision.

**Minister for Finance** (The Honourable Mr. Manohar Lal) : Sir, the opinion expressed by the honourable member on the basis of authorities cited by him on the first point that he has raised is perfectly correct and, I have no quarrel with that opinion whatsoever. Such is the practice in England, though neither section 81 of the Government of India Act, nor the transitory order nor our *interim* rules of procedure lay down any such course. In normal circumstances I take it that the demand for excess grants does pass through the stages with such qualifications as may be necessary because of the difference of procedure here, through the stages as have been mentioned in Campion and May and Durrell. That can usually be done quite easily. But we are here confronted to-day with a rather different situation. We are dealing *qua* this item with a matter that occurred in the year 1936-37, thereafter suddenly a new act came into operation and difficulties were introduced by this constitutional transition. As regards this matter the honourable member has very rightly referred to the Government of India Commencement and Transitory Provisions Order. He will see there that in this very paragraph which he has read from this order, that is paragraph 5, sub-paragraph (3), part (a), there is a big provision which became necessary because of the transitional stage. You will see that this paragraph is as follows :—

3 P.M.

"The Governor of the Province may, in his discretion, at any time before the expiration of six months from the commencement of Part III of the new Act declare any such expenditure to have been duly authorised ;"

**Diwan Chaman Lal** : For six months.

**Minister for Finance** : Yes. It shows that as regards excess grants falling within the scope of the Transitory Rules we have this very exceptional procedure. That regularisation by the Governor could not be possible if we were to consider the normal procedure such as laid down in Campion, May and Durrell. Now what happens if the Governor failed to make the declaration under paragraph 5 (3) (a) ? Then it is for this House under paragraph 5 (3) (b) to regularise that excess expenditure. In order to do that it is laid down that—

"(b) in so far as no such declaration has been made, the provisions of section eighty-one of the new Act (which relates to supplementary statements of expenditure) shall apply in relation to any such expenditure as they apply in relation to expenditure in respect of financial years after the commencement of the said Part III."



In other words, the Government is approaching the legislature to act under paragraph 5 (3) (b) as regards excess grants which pertain to the year before this Act came into operation. The provisions of section 81 of the Act would control the procedure. We have also our own *interim* rules in which definite procedure is laid down about these excess grants. The whole difficulty has arisen, as I have said, because of the fact that this excess grant occurs in a year prior to the coming into force of the Government of India Act and the present demand is being made because while the Governor was making his declaration about this very matter, his order to regularise this amount, he just failed to regularise the whole amount that we have now discovered was necessary. It is for this reason that it was not necessary to make full details which this House required available. In the little notice that was circulated, it is pointed out that the Governor has already regularised this excess expenditure to the extent of Rs. 19,459 for this very matter; if it had come to the notice of the Government earlier that this amount will not cover the whole of the excess expenditure during the year 1936-37 there would have been no difficulty whatsoever in adding the amount of Rs. 12,636 with regard to which this House is now being approached. That is the reason why any fuller details are not necessary. But I may say so at once that I feel the strength of the point of order raised on the other side. In a normal year the whole of that procedure would have been necessary. A difficulty has arisen because of this transitory provision, but Government has not the slightest desire to object even to the whole of the accounts of 1936-37 being viewed by the Public Accounts Committee elected by this House. The present Government is willing to place all those accounts before this House. I trust that that will meet with their wishes on this matter. As regards this particular item if it is desired not to proceed with it to-day but to proceed with it on a later date with fuller information supplied to honourable members, Government is prepared to accommodate honourable members. The only day on which it could come up would normally be the day when supplementary grants would come up, i.e., 31st March. It is entirely for the House to take up this item then. Government did not wish to take them by any manner of surprise. We have come up to-day and I have made the motion in the form that I did because the matter had not only become formal, it was a question merely of ascertainment of the amount—the category of the amount—being fully determined. I leave the matter entirely in your hands as to the date when it should be taken up. Should it be the desire of the House to go, formally or informally, through the accounts of the previous Government, i.e., 1936-37, and if it be found feasible to do so, they would be duly placed before the Public Accounts Committee on such day that we may find, by mutual consultation, convenient for the purpose.

**Diwan Chaman Lall :** May I, on behalf of the Opposition, accept the offer made by the Honourable Minister for Finance and may I request him to place this excess demand before the House on the 31st March, when he will put supplementary demands before the House? With regard to the particular question raised by my honourable friend Sardar Hari Singh regarding the Public Accounts Committee, I take it that the Honourable Minister for Finance is willing that the record should be placed before the Public Accounts Committee.

**Minister for Finance :** It will not be possible in any event between this date and 31st March to place the whole of the account of 1936-37 before the Public Accounts Committee. We shall have to find a later date for that purpose but with regard to this particular item if the Public Accounts Committee wishes to look into it there is no hesitation.

**Diwan Chaman Lall :** I think it is a very healthy convention set up by the Honourable Minister for Finance after the serious objection raised by my honourable friend Sardar Hari Singh regarding the procedure to be adopted. I congratulate my honourable friend that he should have agreed to the suggestions made by him and to the wishes of the Opposition with regard to this particular matter and I want to congratulate the House on the establishment of such a healthy convention.

**Minister for Finance :** I had placed it as a motion. May I now present this as a supplementary demand for an excess grant which the House will take into consideration on the 31st of March? The Public Accounts Committee will go into the matter as early as possible.

**Mr. Speaker :** The question is whether the demand should be examined by the Public Accounts Committee before it is presented to the House or whether it can be examined at a later stage.

**Minister for Finance :** You will see that there is nothing laid down in section 81 or in the Transitory Order or in the *interim* rules that would require that the Public Accounts Committee must make this recommendation—nothing at all. I am agreeing to this proposal as a matter of convention. We are not violating any existing law or rules of procedure. I was permitted to give notice of this demand to-day and the Public Accounts Committee, will, in due course, consider it and their views will be before the House. I believe more than one member of the Opposition are on the Public Accounts Committee and there will be no difficulty whatsoever. It is undoubtedly correct that under the normal condition as laid down in *Campion*, *May* and *Durrel* an excess grant does not come before the House of Commons unless it is considered by the Public Accounts Committee. In substance I am going to place this matter before the Public Accounts Committee at the earliest possible date.

**Diwan Chaman Lall :** But in future he will not have a different procedure.

**Minister for Finance :** That will not be necessary in future.

**Premier :** Why should we worry about 1936-37?

#### LEGISLATIVE ASSEMBLY (ALLOWANCES OF MEMBERS) RULES<sup>1</sup>.

**Minister for Finance :** I beg to move—

That the Punjab Legislative Assembly (Allowances of Members) Rules be taken into consideration.

*The motion was carried.*

<sup>1</sup>These rules were laid on the table on 7th March, 1938.

*Rules 1 and 2.*

**Mr. Speaker :** The question is—

That rules 1 and 2 be adopted.

*The motion was carried.*

*Rule 3.*

**Sardar Dasaundha Singh** (Deputy Speaker) : I beg to move—

That the words in lines 5 and 6, after the word 'member' in line 5 be omitted and the following be substituted instead :—

"On the same scale as a Government servant of the first grade on tour except that the rate of daily allowance will be at Rs. 12."

This amendment will restore the daily allowance so far as journey allowance is concerned. To determine the scale, reference shall have to be made to the Appendix to the travelling allowance rules and also to rules 265 and 266 of the travelling allowance rules.

**Mr. Speaker :** The question is—

That the words in lines 5 and 6, after the word 'member' in line 5 be omitted and the following be substituted instead :—

"On the same scale as a Government servant of the first grade on tour except that the rate of daily allowance will be at Rs. 12."

*The motion was carried.*

**Sardar Dasaundha Singh :** I beg to move—

That for Note 4, the following be substituted—

"Note 4.—The half daily allowance under this rule will not be admissible for the days for which residence allowance is drawn."

*The motion was carried.*

**Mr. Speaker :** The question is—

That rule 3 as amended be adopted.

*The motion was carried.*

*Rule 4.*

**Sardar Dasaundha Singh :** I beg to move—

That at the end of the rule for the words "for the day on which he actually attends such meetings," the following be substituted :—

"from the day of the commencement of the session or business to the day on which the session terminates or the business is completed, provided that, if he does not attend a meeting held on any day or when the Assembly is adjourned for, or when there is an interval of, more than three days, deduction shall be made of the allowances for such days of absence, adjournment or interval."

**Mr. Speaker :** Rule under consideration amendment moved is—

That at the end of the rule for the words "for the day on which he actually attends such meetings," the following be substituted :—

"from the day of the commencement of the session or business to the day on which the session terminates or the business is completed, provided that, if he does not attend a meeting held on any day or when the Assembly is adjourned for, or when there is an interval of, more than three days, deduction shall be made of the allowances for such days of absence, adjournment or interval."

**Mr. E. Few** (Anglo-Indian) : Sir, a very invidious distinction has crept into this amendment through inadvertance. You will see if on any day a local member fails to attend the session he loses his allowance. If you will look at rule 6 a mufassil member may absent himself for the whole week, but if he can satisfy the Secretary he shall receive his allowance for the entire period. I do not think that was the intention of the framers of the rule.

**Premier :** I do not follow the honourable member.

**Mr. E. Few :** The point is that in the case of a local member if he absents himself from the session for a single day he loses his allowance but on the other hand under paragraph 6 a mufassil member may absent himself for a whole week but, provided he can satisfy the Secretary that he was not well, he will be paid for the whole week.

**Premier :** If a member comes from another district, say Gurgaon, naturally it will be only just and equitable that he should get the allowance, while if a local member falls ill he will be ill in his own home, otherwise the local member will get the allowance for adjournment provided it is less than three days. We have removed the anomaly.

**Mr. E. Few :** There is advantage in being at home when ill.

**Mr. Speaker :** The question is—

That at the end of the rule for the words "for the day on which he actually attends such meetings," the following be substituted :—

"from the day of the commencement of the session or business to the day on which the session terminates or the business is completed, provided that, if he does not attend a meeting held on any day or when the Assembly is adjourned for, or when there is an interval of, more than three days, deduction shall be made of the allowances for such days of absence, adjournment or interval."

*The motion was carried.*

**Mr. Speaker :** The question is—

That rule 4 as amended be adopted.

*The motion was carried.*

#### *Rules 5 and 6.*

**Mr. Speaker :** The question is—

That rules 5 and 6 be adopted.

*The motion was carried.*

#### *Rule 7.*

**Sardar Dasaundha Singh** (Deputy Speaker) : Sir, I beg to move—

That for draft rule 7, the following be substituted :—

"7. When there is an adjournment or interval of seven days or less between the meeting which a member attends of the Assembly or of a committee of the Assembly, or between the termination of a session of the Assembly or the completion of business of one committee and the commencement of the meetings of another committee at the same place, both of which a member attends, a member may remain at the place of meeting for the whole period and draw the residence and conveyance allowance for that period. If for such adjournment or interval, a member returns to his usual place of residence or to a place not farther than his place of residence, he may draw a single first class fare for the portion performed by railway of the journey to and fro."

*The motion was carried.*

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*Rule 8.*

**Sardar Dasaundha Singh :** Sir, I beg to move—

That this rule be deleted.

*The motion was carried.*

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*Rules 9 and 10.*

**Mr. Speaker :** The question is—

That rules 9 and 10 be adopted.

*The motion was carried.*

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*New Rule.*

**Sardar Dasaundha Singh :** Sir, I beg to move—

That the following new rule be added :—

“For purpose of these rules, a session will be deemed to have been terminated or business completed on the day when the Assembly or Committee is adjourned to a day beyond seven days.”

*The motion was carried.*

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*Form of Bill.*

**Sardar Dasaundha Singh :** Sir, I beg to move—

That the following be added as a certificate in the form :—

“ I actually resided at the place of the meeting for the days for which residence allowance has been claimed.”

*The motion was carried.*

**Minister for Finance :** Sir, I beg to move—

“ That the Punjab Legislative Assembly (Allowances of Members) Rules be passed.”

*The motion was carried.*

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**SUITS VALUATION (PUNJAB AMENDMENT) BILL.**

**Minister for Finance :** Sir, I beg to introduce the Suits Valuation (Punjab Amendment) Bill.

I also move—

That the Suits Valuation (Punjab Amendment) Bill be taken into consideration at once.

*The motion was carried.*

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*Clause 2.*

**Mr. Speaker :** Question is—

That clause 2 stand part of the Bill.

*The motion was carried.*

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*Clause 3.*

**Mr. Speaker :** Question is—

That clause 3 stand part of the Bill.

*The motion was carried.*

*Preamble.***Mr. Speaker :** Question is—

That this be the preamble of the Bill.

*The motion was carried.**Clause 1.***Mr. Speaker :** Question is—

That clause 1 stand part of the Bill.

*The motion was carried.***Minister for Finance :** Sir, I beg to move—

That the Suits Valuation (Punjab Amendment) Bill be passed.

*The motion was carried.*

## THE PUNJAB PRIMARY EDUCATION BILL.

**Minister for Education** (The Honourable Mian Abdul Haye): Sir, I beg to introduce the Punjab Primary Education Bill.

I also beg to move—

That the Punjab Primary Education Bill be referred to a select committee consisting of—

Mrs. J. A. Shah Nawaz,  
 Rai Bahadur Mr. Mukand Lal Puri,  
 Diwan Chaman Lal,  
 Khan Bahadur Nawab Chaudhri Fazal Ali Khan,  
 Mr. S. P. Singha,  
 Jala Harnam Das,  
 Mian Abdul Rab,  
 Chaudhri Muhammad Yasin Khan,  
 Pir Akbar Ali,  
 Sardar Jogindar Singh Man,  
 Sardar Hari Singh,  
 Rai Hari Chand,  
 Khan Bahadur Nawab Muzaffar Khan,  
 Advocate-General,  
 Nominee of the Honourable Speaker, and  
 the Mover.

Sir, as I move this motion I am reminded of the year 1909. It was a celebrated son of India, a true patriot and a saint, I mean Gopal Krishna Gokhale, who first spoke of free compulsory primary education in this country. He spoke in the Imperial Legislative Assembly, which was at the time presided over by His Excellency the then Governor-General. The occasion was a motion, a resolution, a mere recommendation. The matter was talked out and the resolution was withdrawn. A couple of years later in that very House, Gopal Krishna Gokhale brought forward a Primary Compulsory Education Bill. Unfortunately for this country the Bill was not passed into law, and Gopal Krishna Gokhale failed. But I want at this juncture to pay my homage and tribute to that great leader of men in this country because for any success that we have achieved, any success that we may achieve hereafter, the credit in the first instance goes to Gopal

Krishna Gokhale. It was after about a decade that another Bill was sponsored and this time it was in the land of five rivers. It was before the previous Legislative Council and the sponsor thereof was not a representative of the people. The mover thereof was an official—a European, the Director of Public Instruction, I mean Mr. Richey. The Bill was passed into law in 1919. It only made provision for compulsory education of boys. It was an enabling measure, the powers that it created, the powers of initiation, the powers of enforcing compulsion were given to the various local bodies. This Act has been in force for over 18 years and it has had a fair trial. I may point out to the honourable members that in other countries, especially in England, when a measure of this nature is in the first instance brought before the House and passed into law early attempts are made to have that law amended and enlarged in view of the experience gained. In England as far back as 1870 the first legislation was undertaken and in the short period of the subsequent 50 years we find that there were as many as ten new Acts which means that every five years the Act was revised and amended. Here in this country unfortunately we are taking this step after a long period of 18 years. I have to say with extreme regret that the object that we had in our minds has not been achieved by the Act of 1919. I would rather say that no serious effort has ever been made to work that Act. As I have already pointed out earlier, under the Act of 1919 the power of initiation, the power of control, the power of enforcing compulsion rested with local bodies. Unfortunately for us our city fathers and members on local bodies have not been able to put their shoulder to the wheel. What they have done during the last 18 years is that in some parts of the country they have contented themselves by passing a resolution by the requisite majority of two-thirds and after their recommendation was considered by Government and approved, nominal compulsion was enforced. There have been very few prosecutions. The average member of a local body is not willing to take his voter to the law court and wherever prosecutions have been launched, the punishment awarded has been very meagre and, I should say, absolutely inadequate. Early last year when the new Government came into power, we devoted very earnest and careful consideration to this matter, and we had no hesitation in coming to the conclusion that the time has arrived when in the matter of initiation, in the matter of control and in the matter of enforcing compulsion the Punjab Government should assume the responsibility.

I will now very briefly indicate to the honourable members the great and the drastic changes that the Government is proposing by bringing forward this legislation. In the first instance, honourable members will kindly realise that whereas the Act of 1919 only provided for the compulsion of boys, we are prepared to go a step further and we are willing to provide for the compulsion of girls also. That is a very important matter. It requires very careful consideration naturally and bearing in mind the social conditions and customs of this country we shall have to proceed slowly and gradually. I hope this Bill will receive the blessings of all concerned in this legislature.

So far as the question of compulsion of girls is concerned, about a particular community I have my apprehensions that on account of their conservatism, and seclusion of women, it may lag behind in the matter

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of girls education. But the progress of the province cannot be arrested. I may be permitted to say to that great community that according to the dictates of their religion, according to the teaching of the Holy Prophet (on whom be peace and blessing) they are committed to the matter of compulsion even in the case of girls also. The Holy Prophet made it clear that it was obligatory upon every man and woman to seek knowledge. Let it not be said that the Holy Prophet merely enjoined knowledge of religious scripture, i.e., the Holy Quran, because in another place the Holy Prophet has said that in quest of knowledge one should even go to the confines of China. In another place Holy Prophet is reported to have said that the ink of a student is more sacred than the blood of a martyr. I hope that that great community will have this warning in time and would not lag behind.

Another change that we are making is that whereas previously the power to take the initiative in the matter of compulsion was given to the local bodies alone we have now decided, after great deliberation, that we should give similar and concurrent powers to Government, so that in such areas where a certain local body is prepared to perform its part of the duty Government will allow that local body to function; on the other hand if the exigencies of the matter demanded it, Government would be in a position to take the first step itself without any recommendation from a local body. Similarly in the matter of control, in the matter of compulsion, although the powers of local bodies are being retained similar powers are being vested in the Government. In the existing Act a provision was made that a local body could raise a new cess or impose a new taxation. According to the provisions of this Bill Government would in certain cases be able to compel local bodies to resort to taxation. The present position as regards compulsion is that there are a little over 3,000 areas under compulsion. Out of these 3,000 areas as many as 68 are urban areas and the rest are rural areas. But the enquiries that have been made and the reports that have been received show that the results are extremely discouraging. In fact the position is that in the matter of enrolment, in the matter of attendance, an area which is under compulsion is in no way better than the area which is not under compulsion. But we are making another provision by virtue of which in an area which is not under compulsion it shall be possible to enforce partial compulsion. It has now been provided that even in those areas which are not under compulsion, if a boy comes to school voluntarily and stays in a primary school voluntarily for a period of, say one year, then he shall not be allowed to go back until he completes his five years course in primary education. (*Hear, hear*). This provision has got another side also. It is fraught with danger, I apprehend that if people come to know of this provision, there may be a fall in the voluntary enrolment. Having made this provision we must proceed cautiously. If we find that there is any danger we shall not use this provision. Another reform that we are making is, we have added a clause called indemnity clause, which is for the benefit of our officers who will perform certain duties under difficult circumstances. We are indemnifying them against any prosecutions or against any litigation. It has also been provided that the school attendance authorities and the persons authorised to institute proceedings shall be "public servants" within the meaning of the Indian Penal Code. It is absolutely essential that we should make this



provision. The present procedure *re* prosecutions and convictions is both dilatory and cumbersome. If we make these officers public servants, then we shall have certain facilities. By virtue of this provision the petition of complaint shall not require a court-fee. It shall not be essential for the complainant to appear and make a verbal statement previous to the process being issued. This is to simplify and facilitate the prosecution and the procedure of the court. Again it has been provided in this Bill that a written complaint made in this connection in a court of justice shall be presumed to be true. The facts in that complaint shall be presumed to be true unless proved to the contrary. It would obviate the necessity of calling evidence for the prosecution in the first instance. It will be only in those cases where an accused person appears and challenges these facts that we may have to call evidence.

Then, Sir, the age of compulsion is extended from 11 to 12 years. The present age is 6 to 11 years. We propose to impose this compulsion on boys and girls between the ages of 6 and 12. Although it is not provided in the budget, I may announce that the Punjab Government has decided to extend the period of primary course from four to five years. (*Hear, hear*). It appears that before 1918 the period of primary education was five years. But a few months before the introduction of the Bill of 1919, the period was reduced by one year. We find ourselves even to-day in a rather anomalous position, i.e., that in the case of girls the primary course is five years and in the case of boys it is only four years. We propose to put it on the same footing and to enforce compulsion in the case of both.

In the case of boys they shall be compelled to go to a school if there is one within two miles of the place of their residence but in the case of girls, we will not go to that extent. Girls shall only be compelled if there is a school available at the place where compulsion is enforced.

Now, Sir, a good deal depends upon the method that we adopt in working the Act. It may be necessary for me, to have a special staff of my own.

Alongside this we are taking steps to reform our system of education. I want to utilize this opportunity of telling the honourable members of this House what we propose to do in this connection. Our idea of education, our idea of primary education, our idea of modern school is that we want to have bright well-ventilated, and less costly buildings. The idea of the Punjab Government is to have qualified teachers and if possible to have female teachers, teachers who can smile and who can assist. The scheme that we have before us is that we want to give instruction to our children both boys and girls which will not alienate them from their surroundings which will not drive them away from ancestral professions. With these things in view we propose institutions which may attract young children so that these schools may be of such a type that the child may begin to love the school. I know that children only love to play, but the scheme we are evolving will allow our children to play and to learn while they play. These systems are now being tried in various places. I may refer to the splendid institution at Moga and the institution at Sheikhpura and I may also refer to the excellent work that is being done at Ghakhar. I have studied these systems and I am trying to evolve a new system of education which will

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have the good points of all these three systems. In good old days when I used to go to school I know children did not go to school, they had to be carried to their schools as the persian saying goes—

دُفُل به مکتب نمے رود ولے بزدش

Under this new system I hope children will willingly go to their schools and while in the school, they will not consider that they are in a prison and while in the presence of their teachers they will not feel that they are in the presence of a person whom they should fear. With these few remarks I commend my Bill for the consideration of this House (*Cheers*).

**Mr. Speaker :** Motion moved is—

That the Punjab Primary Education Bill be referred to a select committee.

**Sardar Kapoor Singh** (Ludhiana East, Sikh, Rural) : I beg to move—

That the Punjab Primary Education Bill be circulated for the purpose of eliciting opinion thereon by 31st May, 1938.

Sir, let me assure my honourable friend the Minister for Education that when I have proposed this amendment I do not mean in any way to delay the passing of this Bill. He knows it well that every one of us is as much keen that compulsion should be introduced in the Punjab as early as possible as he himself is. Let me tell you why I ask for the circulation of the Bill. He may be knowing that during the last 15 years I have been trying to introduce compulsion and to a great extent we have succeeded. But I know the difficulties which we have been experiencing and I find that in this Bill the same difficulties exist as we have been experiencing. My honourable friend the Minister had conceived the idea of introducing compulsion I think **only nine months back** (*laughter*) and I know that now when his pet child has come out it is deformed and defective in many a way. I would not have objected to his nursing that pet child by the select committee but I know that he has not provided funds from the Government treasury. On the other hand he has asked a third party to provide funds for that pet child of his although it is deformed and defective in many ways. It would have been better and there would have been no objection if he had not moved for referring to select committee. According to clause 5 of the proposed Bill it is the district boards which are required to provide funds and if a district board fails in its duty then it is the Government that would ask or rather compel the district board to provide funds by assessing people. It is a sort of taxation Bill in one way or the other. So far as the district boards are concerned they have not even been consulted. My honourable friend knows it very well, I think, that the previous Bill failed only due to the fact that the district boards had no funds. He knows that there are certain districts in the Punjab where compulsion is far greater than in other districts. The reason is simply this. If he were to look at these reports he will find that in Multan division there are more than 800 compulsion areas and similarly in Rawalpindi and in the division of my honourable friend Chaudhri Sir Chhotu Ram. He will find that in the Jullundur division there are very few compulsion areas. In some of these districts lying in these divisions the Government is paying cent. per cent. grant to the district boards and the

boards have to incur no expenditure from their own funds, while in the Jullundur division and in the Lahore division the district boards are getting only 65 to 70 per cent. grants and have to pay for education from their own funds. That was the reason why they were not able to introduce compulsion, as the Government wanted. If the Government is really keen, if the Government wants that compulsion should be introduced effectively, why should not the Government bear itself the responsibility of assessing the people to a tax for the purpose? Why should it ask the district boards to tax the people? The Government want that the district boards should incur the displeasure of their voters while they themselves may remain free to say that it is not the Government that taxes them and that it is only the district boards that are responsible for it. It is for these reasons that I want that the Bill be circulated to get opinion from the district boards whether they want that such a Bill which compels them to tax people should be introduced or not, or whether certain other measures should be adopted. I am pressing for circulation of the Bill from another point of view too

4 P.M.

and that is with regard to compulsion in the matter of girls' education. Most of the members will be surprised if I say that compulsion in respect of education of girls is easier than boys' education. Experience would show that if in any area compulsion is introduced, then the attendance of girls will be greater than of the boys for the reason that the mothers would like to send all their daughters to school, who have no business at home to do and mothers do not exact any labour from them. On the other hand, boys are required for work in the fields, to look after the cattle and such like other things. Girls are not required to do such things by the parents. But there is the question of age. Age in the Act for compulsion has been set from six to twelve. There would be some members who may hold the opinion that some of the parents might not like to send their girls to schools at the age of twelve because it may be considered objectionable. For that reason too I want that the Bill be circulated for public opinion. My friend has laid great stress on the fact that he is very keen on compulsory education. I know that but I also know that the present Bill is not in any way a great improvement on the previous Bill. It might simply eliminate the wastage which is going on in these days in the compulsion area; it is not going to do more than that. Compulsion will be successful only when the Government itself will take the responsibility of introducing that compulsion and would not hold the district boards responsible. With these words I would ask that my amendment should be carried.

**Mr. Speaker :** Motion under consideration. Amendment moved--

That the Punjab Primary Education Bill be circulated for the purpose of eliciting opinion thereon by 31st May, 1938.

**Lala Duni Chand** (Ambala and Simla, General, Rural) : Sir, as the motion moved by my learned friend Sardar Kapoor Singh, is identical with mine, it is not necessary for me to move my amendment. If the Bill had furnished any real basis for giving effect to the principle of compulsion with regard to primary education, I would not have wanted the circulation of this Bill for eliciting public opinion thereon and I would have agreed to the immediate reference of this Bill to the select committee and

[L. Duni Chand.]

I would have further wished that this Bill should emerge out of the select committee improved in this very session and become law before the session is over. I regret to say that the Government has not taken any responsibility with regard to the making of this proposed legislation any success. Two kinds of duties on the part of the Government are involved in this legislation—the duty of being responsible for introducing compulsory primary education in the whole of the Punjab subject to such restrictions and limitations as they might be pleased to impose, and the duty of direct responsibility of providing funds for running primary schools on compulsory basis. I see that these two kinds of responsibilities that should entirely rest with the Government have been shifted on to the shoulders that are incapable of bearing the burden of these responsibilities. This responsibility has been shifted on to the local bodies, viz., municipalities, district boards, small town committees and notified areas. We know that in many of the local bodies there are parties,—there are cliques—that make it very difficult, if not impossible, to carry on any big scheme for the good of the people. We know that if one party proposes to do a certain thing in a local body, the mere fact that that party has proposed to do that thing, the other party would object to it and adopt a hostile attitude. Three most dangerous provisions have been embodied in the first part of the Bill in order to make the entire scheme nugatory. It is required that, in the first place there should be majority of two-thirds in regard to the proposal for introducing compulsory primary education. Then objections are to be invited and those objections are also to be decided by a majority of two-thirds. Then, if the resolution is passed, that has to be submitted by the local body concerned to the Government. It has not only to submit the scheme, but it has also to submit to the Government how that particular local body is going to finance the compulsory primary school. The responsibility is then laid upon the local bodies to provide funds, to impose taxation, etc. These obligations have been laid upon the local bodies. I know that they are quite incapable of discharging these heavy duties and heavy obligations. I know that in clause 12, part (b), certain exceptions have been made and certain restrictions have been laid down with regard to the exemption of certain classes of boys. Similar restrictions have been laid down and exceptions made in part (c) of clause 22. I have no objection to the laying down of these restrictions and making these exceptions. I shall go further than this and say that if you want to impose further limitations or restrictions you are welcome to do that, but after these exemptions are made, after these restrictions are laid, whatever is conceded, whatever remains that is really given to the people. I have submitted that the burden that has been shifted on to the local bodies will be too difficult and too heavy for them to bear. If the question of imposing any taxation on their own responsibility on the part of the local bodies arises, lot of difficulties and complications will arise. Many of the local bodies will be afraid of imposing any kind of taxation. The Government should have undertaken the direct responsibility of providing funds, the direct responsibility of introducing primary education as far as practicable. Let it be limited, let it be of any kind, but the responsibility should rest on the Government. If the Government is not going to take upon itself these two kinds of responsibilities, then I prophesy to-day that this Act of 1938 will remain a dead letter for the next twenty-five o-

thirty years as the Act of 1919 has been a dead letter according to the admissions of the Government.

The question of providing funds is a very important question. The duty of providing funds for all the departments primarily rests with the Government. The Government is to provide the necessary revenue. It is for them to find ways and means and it is for them to devise schemes. I should have expected that the Special Development Fund which Government hopes to increase in a year or so to the extent of 85 lakhs, if it is really to be created with the object of doing good to the people, that Development Fund could not be do greater service to the people of the Punjab than to be spent for the spread of compulsory primary education. Millions of rupees are being paid to the top heavy departments : some money could easily be secured out of those pockets into which the hard money of the people goes. Anyhow if the money could not be provided in this way I can tell them ways for providing the money. We accept the principle that the rich should be taxed for the sake of the poor. I shall be the first man, and I know my party will be with me, to support any kind of taxation that the Government might propose. Government can impose taxes on big landlords in the form of cesses. Government is already getting something for *Sarak, Madarsa, Shafakhana*s, as they say. There should be no objection if the Government imposes a fresh primary education cess on those residents of rural areas who are able to pay a little more than they are paying. I would also like that the mills and factories and big concerns situate in rural areas as well as those situate in urban areas should be taxed. I shall be the most willing party to the imposition of what we may call surcharge on income tax for the purpose of providing money for the poor people. I want to give primary education to the poorest of the poor. I do not want a single pie out of that. I am one of those people who have been paying big sums to the Government in the form of income-tax during the last 40 years or so. I shall be the first man to have myself taxed and I shall say the same thing boldly and courageously of all the capitalists, all the owners of mills and factories : I am also connected with some of the mills and factories. I would like that the big landlords of the Punjab should give proof of their earnestness. I do admit that this legislation is one of the touch stones on which we are going to test the earnestness of the Punjab Government and I shall add my humble voice to that earnestness if really there is any earnestness. Money can be provided in this way. I have suggested one way of securing money and if the Government propose any other scheme of getting money I shall try to agree with them and my party shall try to agree with them. We want to give you as much as you want.

So far as this question of compulsory primary education is concerned I know during the last 30 years or so our foreign rulers and their Indian prototypes have been beguiling the people of India with false promises which were never meant to be redeemed and which were never intended to be fulfilled. The Honourable Minister for Education has paid great tribute to the late Mr. Gopal Krishna Gokhale. I am one of those people who knew him well. I am one of those people who were to some extent associated with his activities. In the most passionate and in the most ardent way he pleaded the cause of the people of India. Undoubtedly he was the

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most eloquent man that India has produced. But his eloquence and his passionate pleadings did not produce any effect. Then Gokhale died in 1914 or 1915. Six years after his death the Punjab Primary Education Act was passed in 1919. I invite the attention of the House to the statement of objects and reasons. The Honourable Minister for Education has admitted that the Act for all practical purposes has remained a dead letter. It is said that by compulsion we mean voluntarily compulsion, persuasive compulsion, we have been deluded with these elegant phrases by our foreign rulers and their prototypes for a long time. We refused to be deluded any more, with such false promises. What is meant by persuasive compulsion? What is meant by voluntary compulsion? Are they not contradictory terms? (*Minister for Education*: I did not use that phrase). I say if this kind of compulsion has signally failed, why is the same kind of compulsion introduced in the proposed Bill? What greater compulsion is there? I submit that Government should first decide in how many villages in the Punjab the Government is going to open schools for boys and in how many villages Government is going to open schools for girls. If Government cannot at once extend the field of primary schools to all the villages I shall be content if they extend the scope of the primary education Bill even to one-third of the villages in the Punjab. I say give us one quarter of the loaf: do not give us the entire loaf, three-quarters or half. If you want to give us one quarter of a loaf, give us really. Do not make false promises. I submit before this Honourable House that I know the Unionist Party Government is trying to do something for the people. I am one of those who inspite of being a Congressman would pay handsome tribute to the Unionist Party Government if they are really determined to do anything really good for the people. Since this Government has come into power, I had only one occasion of meeting and talking to one of the Honourable Ministers. I met the Honourable Premier at Ambala and I told him that I was at one with him in doing good to the people if he could do any kind of real good to the people. But my trouble is that he merely says great things and enunciates great principles. I know that the Honourable Minister for Education has been laying very great principles and has been making very great declarations. Personally I have a great respect for him. We have known each other for a long time. I have been waiting for the time when the Honourable Minister for Education will be able to convert those principles into practice and when he will be able to give practical shape to his declarations that he has been making on the floor of the House and outside this House. I have got my own apprehensions.

My apprehensions are based on honest and true appreciation of facts. I think that my apprehensions are not due to the fact that I happen to be a Congress man and therefore I would like to indulge in all sorts of talks against the Unionist Government. I have been living with open eyes in my country for the last 40 years at least. I have taken some sort of active part in the public activities during the last 35 years. I have got only one criterion before me and my criterion is, what is the real state of things regarding several grievances of the people in the province? We talk of corruption, we talk of police and about so many grievances and you think that those talks are foolish. I find myself in a very pitiable condition. I go all over the Punjab, I go to my constituency and I know how terribly

people are suffering from so many grievances. When we come here we are told that it is all false, and all the allegations that we have made are false, because we have made enquiries. I have been living in this country with open eyes. I have been seeing things, I have been taking interest in the troubles of the people. I have shed tears over their trouble. There is one trouble with regard to the members of the Unionist Government. Nearly all of them are capable of noble sentiments, they are capable of propounding great principles, but I do know that all of them, so far as the real good is concerned—

**Mr. Speaker :** Which principle of the Bill is the honourable member now discussing ?

**Lala Duni Chand :** I am discussing the question whether the Punjab Government are really capable of understanding the grievances of the people and whether they are really capable of relieving the poor people and giving effect to their schemes. Whatever I say is relevant.

**Mr. Speaker :** May I draw the attention of the honourable member to rule 42 (1) ? It says :—

On the day on which any such motion is made, or on any subsequent day to which the discussion thereof is postponed, the principle of the Bill and its general provisions may be discussed.

What he can discuss at this stage is the principle of the Bill and its general provisions. The policy of the Government may be brought in incidentally, but it should not be discussed.

**Lala Duni Chand :** Sir, I may assure you that I am very afraid of being ruled out on any occasion. I take very great care that I do not run the risk of being ruled out. It will be my duty to see that every remark I make, I give my due consideration to it. I am a lawyer of certain standing and I know something about what one should say or should not say. I want this Bill to be circulated for public opinion for two reasons. I want the opinion of the public as to whether this responsibility for providing funds for introducing primary education in the Punjab, wholly or partly, is to be shifted on to the shoulders of the local bodies or whether the Government is to take that responsibility on themselves ?

**Mr. Speaker :** The honourable member has already spoken on that point.

**Lala Duni Chand :** So far as the compulsory nature of the Bill is concerned, if it is a real earnest I am at one with the principle of the Bill, and if the Honourable Minister for Education is going to delete only 3 clauses, clauses 3, 4 and 5, of part I, I shall have no quarrel with him and I shall be with the Unionist Party in referring this Bill to the select committee.

Sir, I may submit another thing also. It is said that the Punjab Government is very anxious to remove unemployment to some extent from the Punjab. I know that if this measure is really put into effect, they will be giving bread to thousands of needy men and women of this province. I know they will be providing bread for starving people and they will be giving from Rs. 20 to Rs. 35 a month per head.

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I appeal to the Government and particularly the Honourable Minister for Education, that they should give due consideration to my humble submissions. I do wish that before long I should see a network of primary schools both for boys and girls spread all over the Punjab. If by the time I die I can see a network of primary schools all over the Punjab, I shall die a happy man. (*Cheers.*) I want that the benefits of this Bill should go in the first place to the poor. I particularly want to make mention of our scheduled class people—I do not use the word 'Harijan', because there is an English word for it. If there is anything proposed to be done to the members of the scheduled class people, a good deal of good can be done to them. A provision can be made that so far as the children of scheduled classes are concerned, not only will they be given free compulsory education, they will also be given bread along with it. I know that so long as the children of the scheduled classes are not maintained by the Government, they will not be able to receive any kind of education worth the name. In this way the Punjab Government will be doing a lot of good to all the backward people. Rich people can afford to educate their children in one way or the other. Even if you exclude the children of men like me from the benefit of this Act I shall not mind, but do make this Bill of real benefit to the poor people.

**Mir Maqbool Mahmood** (Parliamentary Secretary): The walls of this Chamber have witnessed many a paradox and tragedy in the last 17 years, but I am afraid they have never witnessed a worse tragedy than what we have been witnessing to-day. We have just listened to an honourable member who called himself a co-worker and colleague of the late Mr. Gokhale, misinterpreting, misrepresenting and opposing a Bill for the primary education in the Punjab, the greatest step that has been taken in this Chamber.

**Mr. Speaker**: The honourable member is requested to withdraw the word 'misrepresenting'.

**Mir Maqbool Mahmood**: If it is unparliamentary, I withdraw, but I would say that the attempt of the honourable member is such that it cannot be adequately described in Parliamentary language.

**Lala Duni Chand**: I am quite prepared to receive such compliments. I have no objection whatever. My only wish is that I should also have similar occasions to pay these compliments back.

**Malik Barkat Ali**: Is the honourable member in order in saying that the attempts of such and such an honourable member is such that it cannot be adequately described in Parliamentary language?

**Mir Maqbool Mahmood**: That expression has been used in the Parliament.

**Mr. Speaker**: That is an admission of his knowledge of Parliamentary practice being insufficient.

**Mir Maqbool Mahmood**: This expression has been used in the House of Commons and admitted, and I beg to submit that a member who makes a statement as I have done of that nature gives proof at once either of his lack of knowledge or of his restraint in the light of Parliamentary usage.



My honourable friend opposite got up just now and interrupted me with the remarks that he wished that he could pay such compliments back. I would only tell him in return.

نه بود نصیب دشمن که شود ملک تیغ  
سورخوسان سلامت که تو خنجر آزادی

It should be a compliment to me if a revered man like him sometime says something which is unpalatable to me. I am a young man and can swallow it with respect.

With regard to the principles of the Bill, I feel confident that there will not be two opinions on the principles underlying the Bill. I can assure the honourable members opposite that so far as the Government and we are concerned we are committed to the introduction of compulsory primary education in the Punjab and we shall not be happy unless every human effort is directed to that end. I can assure my honourable friends opposite that this is no mere vain expression or an academic statement and I hope and trust that Government's efforts also in that direction in this matter will prove to be of benefit to the policy to which we are committed.

What is the objection that has been taken to the principle of the Bill? The first objection is that it limits the power of initiation given to local bodies. I submit that that is a deliberate act—if I may say so—of misreading of clause 4 of the Bill. Clause 4 states :

Either on receiving a proposal under section 3, or of its own motion, Government may direct.....

So that what the Bill seeks to do is that it gives a concurrent jurisdiction. It gives first on behalf of Government the right to introduce primary education to the local body. If that fails to do its duty, then Government comes in. Is that a principle on which the honourable members can cavil? I submit that any Minister who has respect for democratic institutions should in the first place utilise the local bodies for the purpose of speeding up primary education in the province, but where they fail the Government shall step in to speed the matter up. That is the principle, that is the ideal that the Bill provides. If the honourable member will refer to the speech of the member for Kangra, he will find that that is exactly the provision that he made, that in the first place the local bodies should be utilised for this purpose.

The second principle that has been objected to, I beg to tackle that also. My friend said that the Government is leaving the question of levying the tax to the local bodies and he said—I have jotted down the exact words—he said that “no local body will be able to supply all the expenses of compulsory education”. I submit that the section of the Bill provides nothing of the sort. It seeks to do nothing of the kind. Clause 5 of the Bill says that every local authority shall impose additional taxation, but if they fail then the Government comes in.

My friend has made certain specific suggestions as to how funds may be raised for compulsory education. I am entirely with him that if the Government came forward to ask for special funds or special taxation earmarked for compulsory education, we shall be there to support it. Ther

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is nothing in the Bill against that. I hope that the honourable members will give every support to the reference of the Bill to the select committee.

Next, Sir, it was suggested that there are certain items in the Bill which must be referred to district boards, which must be referred to public opinion before they can be taken up in the select committee. But I submit that there is nothing standing in the way of the select committee inviting public opinion. The select committee can invite public opinion. The select committee can invite evidence. The select committee can receive representations and suggestions from all quarters and I appeal to the Honourable Education Minister—and I hope he will welcome the suggestion—that before the select committee actually considers the provisions of this Bill it might by a notification or otherwise invite suggestions from all local bodies and from all friends interested in the improvement of free and compulsory primary education in the Punjab. (*Interruption.*) My sister on this side suggests that one difficulty is that there may not be enough teachers available. But I think this and other difficulties will be considered by the select committee. But the main point I was making is that on a measure of this nature to move a dilatory motion without any justifiable reason is something which baffles this side of the House and I appeal through you to my friends opposite that when a measure of this nature is brought forward they should be ready, as anxious as we are, to expedite action on such matters and not, by dilatory methods, delay the execution of a programme to which all patriotic Punjabis and Indians stand committed.

Then, Sir, my honourable friend opposite suddenly discovered a great affection for his friends, the scheduled caste members and when he spoke of special facilities being provided for them he reminded me of a story recited by Lord Birkenhead.

**Dr. Sir Gokul Chand Narang :** This is entirely irrelevant.

**Mir Maqbool Mahmood :** I am dealing with the points raised by my honourable friend and if there is anything in my speech which my honourable friend over there does not like—I have great respect for him—he should know that those who live in glass houses should not throw stones at others.

**Lala Duni Chand :** On a point of order. Will the Honourable Speaker please take into consideration the opinion that has just been given by a very eminent lawyer and an ex-Minister, that the speech that the honourable member is making is irrelevant?

**Mr. Speaker :** Is that a point of order?

**Lala Duni Chand :** Yes, Sir, whether the point raised by Dr. Sir Gokul Chand Narang should not be taken into consideration by you.

**Mir Maqbool Mahmood :** Unless my friend, Dr. Sir Gokul Chand Narang sits on that Chair, I shall not take the order of relevancy from him and God willing he shall not sit on that chair.

**Dr. Sir Gokul Chand Narang :** I have no such ambition. I have raised this point of order and instead of being relevant, he is beginning to abuse. He is becoming ruder and ruder every day. He may be indispensable to that party but certainly that does not give him the right to be

rude and almost abusive to others. The point that I raised was this. You were pleased to draw the attention of Lala Duni Chand to a remark which he was making when he was speaking as not directly bearing upon the motion before the House. The motion before the House is whether the Bill should be circulated for eliciting public opinion thereon. What have the scheduled castes or any other classes got to do with this motion? I requested you to draw the attention of the honourable member who was then in possession of the House, when I raised this point of order, to this apparently irrelevant matter. He was speaking about the scheduled castes and other castes and I said that question did not arise.

**Sardar Sohan Singh Josh :** He was going to spin a yarn.

**Dr. Sir Gokul Chand Narang :** Probably he wanted to recite some story which he had got up by heart. He gets some stories or some quotations by heart and repeats them here.

**Mir Maqbool Mahmood :** I have great respect for my friend.

**Dr. Sir Gokul Chand Narang :** You have none.

**Mir Maqbool Mahmood :** I never alleged—

**Mr. Speaker :** Please let the honourable member proceed with his speech. Unless he proceeds further I cannot say whether he is relevant or not.

**Mir Maqbool Mahmood :** I am proceeding with my speech. What I was going to say was this. Unfortunately it is not yet given to human intellect to be a prophet and know beforehand what somebody has in mind and as you have rightly stated I must make my statement before it is declared irrelevant or relevant. What I was trying to say is that a very important point was raised by my friend opposite that this Bill should not be referred to a select committee but should be circulated for eliciting public opinion thereon because enough provision has not been made for the scheduled castes in this Bill.

**Mr. Speaker :** Did he say so?

**Mir Maqbool Mahmood :** He said something to that effect.

**Mr. Speaker :** What he probably said was that he shall be very pleased if the scheduled classes, which were most backward, were benefited by this Bill.

**Mir Maqbool Mahmood :** I interpreted that statement to mean that that was one of the reasons why he objected to the Bill being referred to the select committee. With regard to that my submission is that once in the Eton school there were public speeches and the present Lord Curzon came forward and recited a particular speech and when that speech was recited there was another member who recited a similar speech. The second member's speech was considered to be the best for the occasion. But the judges declared that Lord Hailsham could not be given his praise because the remarks that he made 100 years ago had been anticipated by Virgil who exactly repeated the same words in one of his poems. Curiously the remarks of my honourable friend made today with great effect are a verbatim reproduction of the statement of policy made by the Honourable

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Premier and the Education Minister in the Simla session and I compliment him on that retrospective sympathy for the scheduled castes. With these words I beg to oppose the motion that has been made for the circulation of the Bill for public opinion.

**Malik Barkat Ali** (Eastern Towns, Muhammadan, Urban) : Sir, I can assure the Honourable Minister for Education that I would be the first to welcome a compulsory Primary Education Bill. But is this a Compulsory Primary Education Bill? My honourable friend will admit that in every civilised country the responsibility for compulsory primary education has always been recognised to be that of the state and if my learned friend had accepted this principle and had on the basis of that principle asked his Government to impose some kind of taxation I can assure him that this House or at any rate the members of this part of the House would not have opposed a measure of that kind. But the principle of his Bill, as I understand it, is this, that instead of taking upon themselves the responsibility of taxing the people in the interests of compulsory primary education, they are delegating the responsibility to various local bodies. It is not a Compulsory Education Bill in the sense in which compulsory education Bills are understood all over. My learned friend admitted in the course of his speech as well as in the course of the Statement of Objects and Reasons that this Bill is really an enabling Bill and this enabling character of the Bill is doubly emphasised. In the first instance, a local body has to pass a resolution for the introduction of compulsion by a majority of at least two-thirds. Further there is to be a period of 90 days within which objections to this resolution have to be advanced and after the objections have come, the local body is again to reaffirm its original resolution by a majority of two-thirds. I ask the Honourable Minister for Education why this condition of two-thirds majority. I am really against the principle that it should be left to a local body by their resolution, passed even by a simple majority, to decide whether primary education should be made compulsory or not. That is a matter which should emanate from the Government; there should be an order of Government to all local bodies and the question of introduction of primary education should not depend on a resolution passed by a local body. Supposing a local body does not pass that resolution, I see in this Bill that the Minister has taken power into his Government of introducing compulsory primary education. But I draw his attention, that he may consider it with a view to improve the Bill, to the following words in section 4 that where a local body has not moved and the Punjab Government on their own motion decide to introduce compulsory education in a particular area, and issue the necessary directions for the introduction of compulsion in a particular area, it will be open to them to "cancel or suspend the operation of any such direction". If you are really keen on introducing compulsion and if you have received a resolution from a local body that compulsion be introduced or if you have not received any such resolution but you on your own motion decide that compulsion shall be introduced in any particular area, then I fail to understand why you are taking power to yourself to cancel or suspend this direction. The next point to which I wish to draw attention of the Honourable Minister is this. The Honourable Minister is himself a member of the Bar

and has been a very prominent criminal lawyer of the province and he knows very well that so far as criminal jurisprudence is concerned, there is no such thing as a presumption of guilt against the person who is being prosecuted. The presumption is always of his innocence and it is for the prosecution to establish and bring the guilt home to a person who is hauled up. But in his scheme, as soon as a school attendance authority has reported, that report is to be deemed evidence, the school authority need not go into the witness box and if the school attendance authority out of malicious motives chooses to prosecute any poor zamindar, then unless the latter can disprove the charge, his guilt will be taken as established. Where is the guarantee that your school attendance authority is impeachable, is an agency free from all kind of guile and bias? Therefore, to introduce a section of this kind, a provision of this kind that a report of the school attendance authority shall be evidence itself, even though that school attendance authority has not been subjected to cross-examination, is contrary to all principle. Not only that; the Bill goes further and attaches a presumption of correctness to that report and lays down that whatever the school attendance authority has entered in the report, shall be presumed to be true, and the poor parent who is hauled up before a court of law, will have to prove his innocence. This is a very novel departure from accepted principles and I do certainly consider that this is a very dangerous provision.

I next wish to draw attention of the Honourable Minister to section 8 of his Bill. Section 8 says that no prosecution or legal proceeding shall lie against any person in respect of anything which is done in good faith or intended to be done under this Act. I must say that I have not been able to understand the necessity for this provision. If any officer does any act under the authority of this Bill, then that act can never be wrong and I fail to understand wherein comes the question of indemnity. Unless my learned friend wants to extend indemnity to persons who commit offences, who take it upon themselves to beat people, who take it upon themselves to do whatever they like under the cover of this Bill, certainly the people have to be protected against an abuse of power and there should be no question of indemnifying officials who actually abuse their powers. If they act under the statute, if they have done acts which they are required to do by the statute, then certainly no wrong has been done and no court of law will ever receive a proposition of this kind that even though a certain officer has acted under the provisions of a statute, he has done something wrong. He therefore does not require any indemnity. The question of indemnity arises only in those cases where an officer has done something in excess of his powers or has abused his authority and you consider that the situation and the duties which he is compelled to perform, are so very important, so very necessary for the life and safety of the State, that he must be protected; as when there is a great riot or there is a great commotion in the country and peace and tranquillity are in danger, persons firing in excess of their authority, are to be protected. I can understand a provision for indemnity in such important cases, but I fail to understand the occasion for extending indemnity to a body of officers who will be working under the provisions of this simple Act, and trying to perform those duties which this Bill imposes on them. I fail to understand where and how the

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question of indemnity arises under this Bill. Therefore, concluding my remarks, my respectful submission is this ; that the Honourable Minister for Education having himself admitted that it is an enabling measure and a similar measure having already proved dead, where is the guarantee that this second enabling measure will fare better. If he is really serious on the question of compulsion and if he really believes that the interests of the State and the interests of the people require compulsion, then let him like a straight fellow introduce compulsion, straight, instead of leaving the question of compulsion to be decided by a local board by a majority of two-thirds and then getting to himself, powers, even if compulsion has been introduced of cancelling or suspending the operation of compulsion. Let Government take the responsibility of taxing people. The principle of allowing local bodies to propose taxation in order that the proceeds of that taxation should be spent on compulsory primary education, I respectfully submit, is contrary to established principle and contrary to the practice of all those countries that have adopted compulsion.

**Sardar Hari Singh** (Kangra and Northern Hoshiarpur, Sikh, Rural) : When one of the coiners of strange paradoxes himself, who I regret is not present in his seat after delivering his speech, while referring to the speech of Lala Duni Chand had the temerity to say that Lala Duni Chand was guilty of a paradox, I wish to tell him that that expression of his was quite uncalled for and unjustified and I may tell him through his friends opposite that Lala Duni Chand was in national service and in actual harness and has been in the service of his country from the time when the honourable member was yet in his swaddling clothes and it was very improper on his part to make such a diatribe against our revered Lala Sahib without understanding a single syllable of his speech. What Lala Duni Chand meant and what we mean is does not that this Bill brought forward by the Government before this House does not go far enough, that it does not go as far as it should. The chief

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indictment of the Opposition against this Bill is that it fails to recognise the responsibility of the State, the first and foremost and elementary duty of the Government to remove illiteracy from the province. That is our chief attack on the Bill and that attack is quite justified. It has been recognised all over the world, especially in those countries where primary system of education prevails, that it is the first duty of the Government to educate the masses who give votes to their representatives and send them into the representative House to govern and carry on the affairs of the country. This Bill, although it makes an attempt to improve upon the old Act of 1919, which has been professed to be a dead letter, does not go as far as the situation requires. It is not embodying a drastic and radical reform—drastic and radical remedy—as is professed to be the object of the Honourable Mian Abdul Haye. I have listened with rapt attention to the very sentimental speech delivered by the Minister for Education. I have scanned through the pages of the Bill itself. I have carefully studied all its provisions. I have read the recent education reports on the subject particularly on the subject of compulsory education.

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

It has always been obligatory upon Government to educate the masses, but with the inauguration of provincial autonomy it is doubly obligatory upon the Government to educate the masses. Besides the fact that all your programme of rural development is bound to fail miserably unless the people are educated, I dare say that the very scheme of parliamentary government which is a tender plant in this province is bound to go down under the sheer weight of illiteracy and ignorance unless you educate the voters of the province. A political party may easily play a confidence trick on the voters unless the voters know the value of the vote and the proper use of the vote. So, from that point of view alone, from the point of view of making the constitution a real success, it is necessary that the voters must be educated before the next general election comes upon us.

As regards the provisions of the Bill there is a confession, clear confession, that the object of Primary Education Act of 1919 has not been achieved and the very fact that a new Bill has been brought forward is a confession of the fact. When we read the recent Education Report of the Punjab Government the reasons for the failure of the compulsory system of education becomes clear. Here are the reasons given for the failure of compulsory education in the province. The Report says—

The remarks of the divisional inspectors are generally depressing in so far as they tend to show that compulsion in the areas brought under the operation of the Compulsory Primary Education Act has not been effective in the matter of enrolment, attendance and literacy. Serious efforts have not been made in our vigorous propaganda carried on to retain the scholars once admitted till the completion of their primary course with the result that stagnation and leakage continue to predominate as in non-compulsory areas. Not only has the attitude of the local bodies been indifferent and lukewarm so much so that in one of the districts of the Ambala division twenty-six areas in which compulsion had been introduced had, till the year under report, gone without a single school, but the procedure for the enforcement of the penal clauses of the Act is also so dilatory and cumbersome that in cases where recourse to coercion is deemed unavoidable people do not seem to be afraid of the law.

Here two causes of the failure of compulsion are laid down. First is that local bodies, through whom the principle of compulsion was desired to be introduced and carried out, have failed in their duty on account of their indifference and lukewarmness. The second reason is that the penal clauses of the Act had not been carried out as they ought to have been.

Now, on examining the provisions of the Bill, which is before the House, we see that the same local bodies which are accused of lukewarmness and indifference are instruments of carrying out the policy of the Government in matters of compulsion. Where is the provision to remove the lukewarmness and indifference of the local bodies through whom you want to carry out the schemes of literacy in the province? Do you now feel sure that after the passage of this Bill the local bodies, which were before the passage of the Bill lukewarm and indifferent, will become active and will carry out their duties as they ought to do? Where is the provision for making them alert and active in the performance of those duties? I pause for an answer. No answer is forthcoming, so our chief indictment is that the instrument for carrying out the policy of the Government is the same old instrument—the local body will continue to be indifferent, to be lukewarm in the performance of its duties and, therefore, the prophesy of Lala Duni Chand that this Bill—the provisions of this Bill—are bound to face dismal failure, may be taken for granted.

[S. Hari Singh.]

Not only the lukewarmness and indifference of the local bodies is responsible for the failure of the principle of compulsion, for the failure of the scheme of removing illiteracy from the province, but also the scheme of education itself is responsible for the failure to attract the pupils to schools. For the last one decade we have been hearing, through the education reports, about the leakage and wastage in the primary classes. We have been hearing about the wastage of public funds on elementary schools, on single teacher schools, and on primary schools without achieving the results commensurate with the funds spent on education and very sound educationists with vast experience and knowledge have spoken on this problem, have written on this problem, various committees have examined this scheme and spoken on the subject, and all of them have come to the conclusion that Indian system of education is radically defective, the schools are unattractive, the teachers are not well trained and are not up to the mark; that the scheme of studies, the syllabuses, the courses of study are defective and radically defective. Unless the real evils—the real causes due to which education has not made headway among the masses—are cured and tackled, this Bill is not going to succeed. This Bill is not going to work miracles for the removal of illiteracy from the province which is the first and foremost duty of the Government itself. It is necessary that the Government should take upon its shoulders the entire responsibility for the work and not throw it back and shift it on to the local bodies which failed during the last so many years to do their duty. No doubt the present Bill is better in this respect than the old Act that it also reserves the initiative of applying compulsion into the hands of Government. But even in that case when the Government comes out with an order that such and such areas shall have compulsory education, the instrument for carrying out that order will be the local body, the district board, the municipality or the notified area committee.

Though we on this side of the House do not want to impose our own will upon the unwilling heads on the other side, we do not want to put any obstacle in the way of the Government carrying out its scheme and its policy; yet, it is our duty to expose the defects of the Bill and we have done our duty. We have warned the Government of the dangers and pitfalls and the defects of the Bill. If government still wants to carry out its wishes and says we can go so far and no more, then we do not want to thwart Government in its efforts. This Bill is not going to work the miracle of removing illiteracy from the province within a short period of time.

**Khan Bahadur Chaudhri Riasat Ali** (Hafizabad, Muhammadan, Rural) : Sir, to-day I am again convinced of the truth of the axiom which was quoted on the floor of the House yesterday by the Honourable Finance Minister that it is the duty of the Opposition to oppose everything and to propose nothing. They have been daily clamouring on the floor of the House in the shape of resolutions, in the shape of cut motions and raising debates almost daily, asking questions and supplementary questions that there should be mass education throughout the province and when an occasion is provided for that, they clamour: they get up and say this Bill is not a fit measure to achieve the object (*Sardar Hari Singh*: The honourable member is speaking without understanding my speech.) Whatever scheme



is put forward from these benches, however beneficial it may be to the population of the province it must be objected to for the simple reason that it is one of the productions of the Unionist Government. Whatever good there might be whether it proceeds from these benches or from the Opposition, or whether it comes from any other independent part of the House, we should pick it up judging each question on its own merits without caring for the quarter from which it proceeds. It has been suggested and emphasised time and again that there is a very great necessity of providing facilities for compulsory free education up to the primary standard. It has been argued by my friends opposite as well as by some of us as it is one of the qualifications for voters according to the recent amended rules, it is extremely essential that we should qualify our villagers, our people who are labouring in the fields, our people who are working day and night in the extremes of weather in rural areas in this respect and that we should provide facilities for mass education and remove illiteracy amongst them. The people who send their representatives should understand what sort of representatives they send to the Assembly because it is by the vote of those who represent them here that governments are made under the new Government of India Act. So there is a greater reason why we should support this Bill rather than put a cog under the wheel of its success. The two arguments which have been used by my honourable friend Sardar Kapoor Singh, who moved this amendment which is now before the House, when examined on their merits absolutely fall to the ground; and I see no reason why we should apply dilatory tactics for a Bill which is so useful and so advantageous and so beneficial to the interests of the rural people for whose benefit they are daily clamouring. The first argument was that this measure is to provide facilities for imposing new tax. Now so far as this is concerned he ignores the provisions of the Bill absolutely. He says and many other friends also said that the local bodies, district boards and municipal committees are unable to spend anything on primary education. My first objection to that is that it is the primary duty of these local bodies to spend any money which they can afford to remove illiteracy and therefore it is more incumbent upon them to spend their money for this purpose and not to spend their funds on other schemes. If they use their funds rightly, if they give up the spirit of partisanship, if they give up the habit of patting their favourites in the municipalities and district boards and if they give up the habit of scoring personal victories under the garb of party politics, I think they can easily spare money for this useful purpose. If they cannot do even this, there is no reason why they should be there. District boards derive income from rates and cesses. They derive their income from haisiyat tax, and I would submit that the suggestion which has been made for imposing new taxes on factory owners and industrialists, by my honourable friend, Lala Duni Chand, should be made use of by these local bodies themselves if there is a genuine need of imposing any new tax. My friend forgets the introductory provisions 3, 4 and 5 of the Bill. It is given there, that a special meeting should be convened for this purpose. That is No. 1. No. 2 says that the resolution should be carried by more than two-third majority of the House. No. 3 is that objections should be invited from the people who are likely to be affected, and No. 4 is that these objections will be considered in a meeting specially convened for the purpose and in that meeting also everything

[K. B. Ch. Riasat Ali.]

will be carried out by a two-third majority of votes. All these things are meant to give ample opportunity to these district boards and municipalities to look to their purse and see whether they can afford to apply this Act. When so much power of scrutiny is given I see no reason why they should be foolish enough, if they cannot afford to give primary education in rural areas to the poor people, to pass this sort of resolutions for the consideration of Government. Under section 4 Government of its own motion can apply Parts II and III of this Act to any given area in the Punjab. The wording there are very clear. It says—

Either on receiving a proposal under section 3 or of its own motion, Government may direct that Part II or Part III of this Act or both, shall come into force throughout the whole or any part of the Punjab, and may cancel or suspend the operation of any such direction.

Now option is given to the Government that if it sees that the affairs of a particular local body are very hopeless, or it is unable to bear on its shoulders the burden of any fresh taxation which may be necessary for this purpose, the Government should be given this much credit at least that it will not be foolish to issue any orders or any notification under the Act unless it is satisfied that a particular local body is financially speaking able to work this Act.

Then Sir, my honourable friend Lala Duni Chand forgets the provisions of sub-clause (2) of section 5. They are very clear. It is said—

Government may by notification direct that any additional taxation imposed under sub-section (1) shall be reduced or discontinued from such date as it may fix.

Now, it is open to Government to examine the question at any time and the Government by the same notification by which it authorises the imposition of tax, can cancel, discontinue or reduce the tax. Where is the harm?

**Lala Duni Chand :** May I obtain one information from the honourable member? Will he be pleased to state whether the general scheme of the Bill is not that these schools are to be run by local bodies and tax is to be raised by those local bodies?

**Khan Bahadur Chaudhri Riasat Ali :** I have already answered that point. I have said that it is the primary duty of local bodies to raise that sort of tax. What for do they exist? Sub-clause (1) of section 5 says—

.....or both Parts II and III of this Act is or are applied or proposed to be applied may, and shall, if Government so directs, impose additional taxation

The words "If Government so directs" are very cautiously used. They imply that the Government will examine certain data and the financial position of a particular local body before it orders or notifies that Parts II and III of this Act should be applied to that particular local body. So much for taxation.

The second objection raised by my honourable friend, Sardar Kapoor Singh, was with regard to ages from 6 to 12. He said that the age limit should be 11 years. These things are meant particularly for a later stage when the Bill will be taken into consideration and at that time suitable amendments to clauses may be moved.

**Begum Rashida Latif Baji :** On a point of order, Sir. Has the honourable member ever been to any local body school ?

**Deputy Speaker :** That is not a point of order.

**Khan Bahadur Chaudhri Riasat Ali :** If this Bill is referred to a select committee, it is open to the members of the select committee to discuss various clauses and consider them on their own merits or demerits and to add a word here and delete a word there. This is not the stage at which we should, in any way, impede the success of this Bill.

Again, it has been suggested that we should give opportunity to the public at large to give us opinion as to the foundation of our building one way or the other by our legislation in this respect. Now, Sir, my honourable friend said, that the Act of 1919 has been working for 19 years and that there has been criticism by officials and non-officials. If they cannot take a leaf out of that book and if one cannot attain that experience which is necessary to condemn or commend this measure, by the help of this criticism. I do not see that there is any other opportunity to grow wiser in this respect by postponing or circulating this Bill for 2 months.

My honourable friend, Malik Barkat Ali, also took objection to clauses 8 and 19 (2). He said that there was no need for having an indemnity clause. He criticised as well the legal aspect of the question, saying that section 19 (2) is against the provisions of the Indian Evidence Act. To this again, the same remark applies that if the House is satisfied on the score of his argument that we should not have this clause, we can do away with it very easily when we are discussing the merits or demerits of clauses and when we receive amendments on that subject. What I wanted to press is that this is a very wholesome measure. This is in response to what the Opposition and other friends have always been clamouring for on the floor of this House. Its success should not be impeded at this stage. After this, if my honourable friends still persist in their eloquence and condemn this Bill, I have nothing else but to say that they only rejoice in their rhetoric and do not care what befalls to the lot of this province whether good or bad as given in the couplet—

دریا کو اپنی موج کی طغیانوں سے کام  
کشتی کسی کی ڈار ہو یا درمیان رہے

**Mian Abdul Aziz** (Outer Lahore, Muhammadan, Urban) : Sir, there can be no difference of opinion about the usefulness of a Bill like this which has been introduced. I am afraid, my honourable friend who spoke last was entirely unjustified to say that the members on the Opposition benches merely wanted to oppose this scheme which has been placed before this House. The only objection which they have raised is about certain methods which have been applied; otherwise in this House everybody will agree that it is almost essential and necessary that a Bill of such a nature should come up and it should be made into law. It is very difficult at this stage to induce local bodies to have that influence to establish schools in their own different localities unless there is some Bill. The objection which has been taken is only to certain clauses. I am sure that the Honourable Minister for Education and the select committee will give due consideration to all those objections which have been raised. I would request them also that they should

[ Mian Abdul Aziz. ]

circulate this Bill and get opinions of various local bodies from these points of view which are very necessary and important. It has been pointed out by certain members that there is such and such defect in such and such clause and I would draw the attention of the Honourable Minister and the select committee as well to such clauses. I am afraid the last speaker was entirely wrong when he made a remark that even if a good Bill is brought in by the Unionist Party it should be opposed irrespective of its merits. I would on the contrary say that he always opposes even reasonable objections which are taken by the Opposition. (A voice: No.) He has certainly done so and his speech was to the effect from the beginning to the end that he wanted to place the blame on the Opposition simply for the reason that they always oppose a scheme whether good or bad, simply for the sake of opposition. That is not so. I must correct him. He must have heard the speeches from various sections of the House. Nobody is opposed to the spirit of this Bill. As a matter of fact they are only opposed to certain clauses and certain methods. I would therefore submit that there is no necessity for me to say anything further or at any length. There is no doubt that the principle underlying the Bill is a very good one and I hope that it will become an Act with certain modifications which have been suggested by the Opposition benches or by those who have taken certain objections. The real objection is, why do you leave the burden of raising the tax in the hands of the district boards or municipalities? Why does not Government take up the burden on itself? If the municipalities do not come forward, then the Government could give them, say a lakh of rupees a month for the scheme. That I think would be the proper thing for Government to do. I submit that it is the duty of Government to open proper primary schools. We know what goes on in the district boards. We know what goes on in several of the municipalities. They have no good buildings and they have no good teachers for want of funds. So I would submit that it is for the Government to take up the scheme in their own hands and carry it out from the provincial revenue. I certainly support the Bill and I welcome this measure. I do not oppose it, but we request the ministerial benches that they should take it to be the duty of Government to raise all the money required for the scheme instead of making the district boards and municipalities levy further taxation on the poor people.

**Mrs. J. A. Shah Nawaz** (Parliamentary Secretary): Sir, sufficient light has been thrown on the merits of the Bill and the Honourable Minister has given the full history of the question which we are discussing now. All that I want to say is with regard to some of the objections that have been raised by my honourable colleagues this afternoon. Personally I think that most of the objections that have been mentioned are due to the fact that some of the principles which underlie certain clauses of the Bill have not been properly understood and I would very much like to take this opportunity of explaining our object in framing these clauses. Take, for instance, the first objection that has been raised by the honourable mover of the motion that the Bill should be circulated for opinion. He said: why did we not as a provincial Government levy some sort of a tax on the whole province for this special purpose? Why are we leaving it in the hands of the local bodies to arrange for a tax when it is in our power to levy a tax

and have this important measure introduced throughout the province? My reply is this: We are convinced that it is not in the best interests of the province to levy a province-wide tax for introducing compulsion all over the province. We feel that it would be better to introduce compulsion in restricted areas. Therefore it has been left to the local bodies to convene a special meeting and if two-thirds of the persons present agree to the proposal compulsion should be introduced. I quite agree with some of my colleagues on the opposite benches that experience has shown that left to the municipal committees compulsion might never be introduced as has been the case with regard to the Act of 1919. But for that a provision has been made in this Act that if they fail to perform their duties, the Punjab Government will see to it that compulsion should be introduced in certain areas. They will take the matter into their own hands and compel the municipal committee to introduce compulsion and levy a special tax for that purpose. Under clause 4 the duty of introducing compulsion has been made concurrent. It has been placed not only in the hands of the local bodies but also in that of the local Government—jurisdiction has been made concurrent. That is really the important change that has been brought about by the introduction of this Bill.

It has been suggested that the Bill should be circulated for eliciting public opinion. If the Bill is referred to a select committee, as has been proposed by the Honourable Minister, will not that select committee try to elicit public opinion as much as possible? It will be the duty of that select committee to get into touch with the representative organisations, local as well as provincial, and to try to get the opinion of most of the influential persons in the province with regard to the provisions of the Bill. Therefore my submission is that when a Bill is to be referred to a select committee, the question of eliciting public opinion does not arise, as the select committee is bound to take that point into consideration and get the necessary information in order to know whether the Bill satisfies public opinion.

The second objection that was raised by the mover of the motion was that compulsion was going to be introduced in the case of girls as well, and that for such a provision public opinion must be ascertained. I believe that in the rural areas as well as in the urban areas there is such a great demand for the education of girls that there will be no objection on the part of the mothers to send their girls to school from the ages of not only 6 to 12 but even further if required. With regard to this I would humbly submit that innumerable resolutions have been passed by the All-India Women's Conference in their annual sessions and by the different branches of the Women's Conference in the province, in Eastern, Central and Western Punjab and by almost all the women's denominational organisations with regard to the Punjab Government taking up the question of compulsion *qua* the girls' education.

It was also stated that something has to be done for the scheduled classes. This is a Bill which really makes provision for everybody, every class of persons will be included when compulsion is introduced, and I think perhaps the scheduled castes will be one of those classes who are going to benefit by it more than anybody else. I quite agree with some of my colleagues on the opposite benches who said that a radical change in the system

[ Mrs. J. A. Shah Nawaz. ]

of education is required and as the Honourable Minister pointed out in his remarks in introducing the Bill, one of our main duties is going to be to try and frame a system of education which will combine play with instruction. In fact the teaching in both the boys and girls schools will be a combination of play, work and study as the Wardha scheme points out—starting them with the work which they will have to do later on in life while imparting instruction to them. We have all these points in view and when the time comes we hope that a new system of education will be evolved which will be acceptable not only to the Punjab but which will ultimately become an example for many of the provinces to follow.

I have one word to say to the hon'ble mover of the amendment. I was very much surprised to see the amendment which he has brought forward, because all of my colleagues, both men and women, either on the opposite benches or those sitting on this side, are extra anxious that compulsion of this kind should not be delayed for a single minute and that this Bill should be introduced as soon as possible. The circulation of the Bill for eliciting public opinion would only mean a delay of one year or even more, therefore, I would request him to be so kind as to withdraw his amendment. The question of eliciting public opinion may be left to the select committee.

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

**Dr. Sir Gokul Chand Narang** (West Lahore Division, General, Rural) : Sir, the reason that has prompted me to get up and say a few words is that knowing as I do something about the local bodies of this province, I consider it my duty to point out that the Bill as framed would be almost utterly useless. *(Hear, hear.)* The object that the Honourable Minister has in view is a noble one and I appreciate his anxiety for promoting primary education as much as possible. If his object is really propagation of primary education on any wide scale in this province—and I have no reason to doubt his sincerity in this matter—I consider it my duty to point out that it would have been much better if he had waited for some time till the Government was in a position to do something real and substantial in this direction. The Bill, as it stands, in spite of the attempts that have been made by some of the speakers to explain, really means that the whole thing is left to the local bodies. Mir Maqbool Mahmood was pleased to read out one clause of the Bill which says that at the request of a local body or on its own motion the Government may apply part II or part III to any particular area, by which he attempted to meet the objection raised by some honourable member on this side and urged that it was not entirely left to the sweet will of the local bodies to introduce compulsion but it was, so to say, concurrent jurisdiction which was vested in the local bodies and also in the Government. With great respect to my friend, Mir Maqbool Mahmood, and to the lady Parliamentary Secretary, who also appears to have advanced arguments of the same description, I do not think they have really met the point raised by my honourable friend on this side. It is not for the Government to impose compulsion. It is left to the option of the local bodies to impose compulsion. They must pass a resolution by a certain majority and when that resolution has been passed and communicated to the Government, then it might be declared that compulsion would be applied to that area and after that has been done the Government steps in and may apply part II or part III or both to that

area for which the resolution for compulsion has been passed. That simply enables the Government to do certain things in order to facilitate the attendance of scholars at the schools, etc. But the initiative of introducing compulsion is entirely with the local bodies and not with the Government.

**Minister for Education :** No, Sir. You can take it from me that the initiative is with the local body as well as with the Punjab Government. Please read clause 4, " either on receiving a proposal under section 3, or of its own motion, Government may direct "

**Dr. Sir Gokul Chand Narang :** I shall read clause 4. I shall be very glad if I am wrong. I was referring to this clause and I again assert that the Honourable Minister is not correct in the interpretation which he is placing upon his own clause. He might have intended it, but certainly this clause does not give the Government power to impose or initiate the policy. It simply means that when a local body has passed a resolution, then part II or part III may be introduced by the Government either at the request of a local body or on its own motion. What are parts II and III ? They are simply subsidiary to part I.

**Minister for Education :** Part I comes into force at once.

**Dr. Sir Gokul Chand Narang :** Quite right. But that is only the introduction or the creation of compulsion in a particular area and who creates that compulsion ? I wonder why the Honourable Minister cannot see this. Let him read clause 3—

Any local authority may, by a resolution passed at a meeting specially convened for the purpose and supported by the votes of not less than two-thirds of the members present, resolve that primary education shall be compulsory within the whole or a specified part of the local area under its jurisdiction.

\* \* \* \* \*

When a resolution has been passed under sub-section (1), the local authority shall publish it locally, and any person likely to be affected thereby may, within thirty days from the publication of the resolution, submit an objection in writing to the local authority; and the latter shall at a meeting convened for that purpose take any objections so received into consideration.

If no objection is sent within the said period of thirty days or if the objections received having been considered are deemed insufficient by a majority of two-thirds of the members present at such meeting, the local authority may submit its proposals to Government, with the objections, if any, which have been received.

The local authority shall at the same time submit to Government a statement showing the school accommodation, equipment, and the amount or part of the expenditure thereon which it is prepared to supply.

Then clause 4 says—

Either on receiving a proposal under section 3 or of its own motion, Government may direct that part II or part III of this Act, or both, shall come into force throughout the whole or any part of the Punjab, and may cancel or suspend the operation of any such direction.

That is, up to the end of clause 3 the whole initiative is with the local bodies and when that has been done and it has been decided that compulsion has to be introduced in a particular area, then the Government may of its own accord either enforce part II or part III or at the request of the local body concerned. But who is to introduce the compulsion ? Who is to declare that in a particular area or any part of the area primary education would be compulsory ?

**Minister for Education :** Both.

**Dr. Sir Gokul Chand Narang :** Certainly not. If that was my friend's object, he ought to have made it clear and even now I request him to make it clear, because the introduction of compulsion in any particular area according to the clauses as they are framed is entirely at the option of the local bodies and therefore, I say the measure will not be of much use to this province, because of two reasons. In the first place, the local bodies, as is notoriously well-known in this province, have no funds, they are impoverished, whether for this or for that reason I am not going to enter into the reasons, but I know from my own personal knowledge that the financial condition of most of the local bodies in this province is pitiable. They cannot make both ends meet. They are neglecting some of the most important duties which are imposed upon them by the various laws under which they work and which regulate their actions. To expect them to find means for introducing compulsory and free education within their jurisdiction is really expecting blood out of stones, if I may adopt one of your dicta. (*An honourable member :* Milk). He said, "milk", but probably the more common way of putting it is "blood out of stone" or something like that. If you cannot expect blood, you cannot expect milk either from the stone and certainly if reliance is to be placed upon local bodies for introducing free compulsory education, it is really hoping against hope. Then again there is a provision that if they cannot afford funds they can impose taxation. Or if they do not impose taxation, they shall do so if so required by the Government. This is the provision. In the first place I would submit that anybody who is at all familiar with the personnel of these local bodies and with their past history and traditions would agree with me that it is impossible to expect that the local bodies would voluntarily impose taxation within the limits of their jurisdiction. They will never do so, because anybody who is bold enough to propose such a measure would be deterred by the idea that at the next elections he would not be returned by his voters, because taxation is one of the most unpopular things on the face of this earth and you cannot expect that these local bodies will have so much moral courage and such a strong sense of duty that they will easily disregard public opinion of their own voters and would boldly advocate a scheme of taxation for the purpose of making primary education compulsory and free. Therefore so far as voluntary compulsion is concerned it is absolutely out of the question. Then the question is whether the Government will think it proper and advisable to compel the local bodies to impose taxation. Now you know that for a long time a proposal had been before the Lahore Municipal Committee to impose a house tax. For years and years that proposal has been before the Lahore Municipal Committee. At one time, if I am not mistaken, a special officer was appointed to have a census of houses and in fact an assessment was made of house tax in Lahore, but none of the municipal commissioners, I should not say none, but not many municipal commissioners had the courage of adopting such measure within the Lahore Municipal Committee with the result that no house-tax was imposed. Some of them did really wish to add to the income of the committee but they did not have the courage to impose this tax and you know that when the Administrator of the Lahore Municipality, after the committee passed out of



the hands of the elected and nominated members of that body and was placed under an administrator, came out with a proposal for introducing a house tax in Lahore, there was an outcry and uproar in the whole of the town and I do not know at what stage that proposal is, whether it has been shelved or the administrator still possesses the courage of going on with it. I am not just now discussing the merits or demerits of the proposal of imposing a house tax at all, I am only giving an instance of how difficult it is for the local bodies themselves to impose taxation and for the Government to compel any local body to impose a tax. You know another instance of Multan Water Tax. There the municipal committee after a costly water works was provided was asked by the Government to impose a water tax, but there was such a great agitation and my honourable friend Munshi Hari Lal would know, that the Government had to beat an ignominious retreat and had to withdraw the water tax which had been imposed in Multan with the result that no water tax was imposed there, unless something has now been done without my knowledge. So, it is patent that local bodies would not voluntarily impose any tax. They have not got the funds with which they can provide free and compulsory education and the Government will not incur the odium of compelling any local body to impose any taxation and the local bodies will not tax themselves, for they themselves are included among the assesses and I cannot really imagine that the various district boards or several hundreds of local bodies in this province would be prepared to impose taxation on their own people including themselves. If really the Honourable Minister wishes that free and compulsory primary education should be introduced in the province he should adopt a different course.

I am now speaking on a motion whether the Bill should be circulated for eliciting public opinion or not and the learned Parliamentary Secretary who just preceded me said that it was open to the select committee to elicit public opinion. Why should we touch our nose in a round about manner?

**Diwan Chaman Lal :** Do not touch it at all, it is unhygienic. *(Laughter).*

**Dr. Sir Gokul Chand Narang :** If the select committee is to consult the public and elicit opinion why not consult the public in the proper and legitimate manner which is prescribed by the rules. I do not know that any select committee up to this time has gone to the length of taking the trouble of approaching the public of its own accord and eliciting opinion. I may be wrong, but I would like to know whether there has been one instance, where the select committee appointed to consider any Bill has taken the trouble of eliciting public opinion in an adequate and satisfactory manner. It has the power only of examining experts and this is the extent to which it has jurisdiction. It may only take evidence of experts.

**Mrs. J. A. Shah Nawaz :** It has the power of taking evidence of experts.

**Dr. Sir Gokul Chand Narang :** That is not done, "my dear lady" *(laughter)* in practice.

**Mrs. J. A. Shah Nawaz :** I said if need be. What is there to prevent them if they so desire.

**Dr. Sir Gokul Chand Narang :** If the principle is admitted that steps should be taken to elicit public opinion, then why leave it to the poor select committee, why should it not be done through official channels as is usually done? I am not wedded to this proposal or that proposal. All that I want is that at least the local bodies should be consulted, as I have no doubt that if all the municipal committees and small town committees and boards are consulted, they would with one voice say that they are not prepared to take this burden upon themselves. It reminds me of a verse in a very holy book that skies were asked to bear the burden of devotion, the mountains were asked to bear the burden of devotion, but none would bear and it was only man who took it upon himself to bear the burden and the book says that man was a fool and a tyrant.

**Sardar Hari Singh :** Was he a Unionist? (*Laughter*).

**Dr. Sir Gokul Chand Narang :** The district boards and other local bodies are not going to put themselves in the category of zalims and tyrants by taking upon themselves this burden. Why not take the bull by the horns and, if you really want to introduce free and compulsory education in the province, provide it in a straightforward manner and take the burden on yourselves. If you cannot do that, then wait. You know that a committee was appointed to go into the question of free and compulsory elementary education in this province and I remember Sardar Ujjal Singh was one of the members of the committee. I do not remember the names of others. They took a long time going into the question and they submitted a report. I asked for it but unfortunately it was not available in the Library of the Assembly to-day. They probably came to the conclusion that it was a very very important question and the cost was too heavy for the introduction of free and compulsory education in the province. But that was many many years ago. Now we have a ministry which is different and they have been very lucky. The resources at their command and circumstances have altered since the days that committee sat. In those days the province was suffering from financial stringency, but now

6 P.M. the province is not suffering from stringency of funds and if anything has to be done it should be done in the proper manner and the Government should take upon itself the duty of introducing compulsory and free primary education and I wish every success to the Honourable Minister if he proceeds in the right manner.

**Subedar Major Raja Farman Ali Khan** (Gujjarkhan, Muslim, Rural) (*Urdu*): Sir, the Bill which is now being presented to the House has been prepared with great care and industry. But when I read it for the first time I could not make out whether it was an educational measure or a Police Act. We already find corruption working its insidious way in all the departments of administration. With the passage of this Bill even the Education Department will not escape the ranges of this evil. People shall have to undergo imprisonments and pay fines and consequently corruption will make its ugly appearance. While framing this measure, two points have been kept in view, namely provision has been made for compulsory primary education of boys and girls. I would like to submit, that the people of Rawalpindi division which is inhabited by Rajputs, Awans and other military classes, do not like compulsion in the matter of educating their daughters. They have nothing

but contempt for the present movement for the so-called emancipation of women in towns.

**Mrs. J. A. Shah Nawaz :** May I ask the honourable member one question ? Is he speaking as a man or has he ascertained the opinion of his women-folk as well ?

**Subedar-Major Raja Farman Ali Khan :** Ignorant people think that to give education to their daughters is against the teachings of the Holy Quran. In most of the houses in my constituency, i.e., the *ilaga* of Rawalpindi, girls are not given the education of liberty because the Holy Quran prohibits us from doing so. There is a strict order for observing *pardah* in the Holy Quran. Leaving this matter aside, the hilly *ilaga* of Rawalpindi and its neighbourhood is very impassable. It is very difficult to descend from a mountain for two miles even. The passage is very dangerous in general and that passage is very dreadful in particular which goes through the *khuds*. If the children have to traverse such hilly passages in order to go to schools, their lives would not be safe. I cannot understand, when there is no advantage in getting education, where lies the necessity of giving compulsory education. I know a graduate of my *ilaga* who has not succeeded in getting employment anywhere in spite of his repeated attempts. When the educated youngmen are being encouraged in this way the military retired people will not support giving education to the children. The occupation of almost all the inhabitants of our *ilaga* is cultivation and on account of the *ilaga* being hilly they are so very poor that if their children are fined even four annas their parents will not be able to afford to pay even this insignificant sum of money. If you will be pleased to grant me more time, I would be able to describe their poverty more vividly. They do not require education. What they actually require is bread. The zamindars of Campbellpore and Shahpur have acutely suffered from the cruelties of the Nawabs of that *ilaga*. The inhabitants of Rawalpindi and Jhelum are so poor that they cannot make both ends meet. May I ask the Government whether any provision has been made for the livelihood of the children, in this Primary Education Bill ?

In our *ilaga* the men work in the fields while their wives remain at home looking after their small children and cattle. They have to cook food for the family and to keep the house tidy. In addition to this they have to make dung-cakes in order to use them as fuel. Their children graze their sheep all the day long. It will be a great loss for their parents, if the children are compulsorily sent to school.

Besides, the Honourable Minister in charge of the district boards would levy a tax and thus restriction would be put on those poor children to get compulsory education. This provision made by the Government, I am dead sure, will make the people of my *ilaga* poorer than before. I may assure the House that this sort of compulsion is sure to raise an agitation in our *ilaga*. I should, therefore, submit that the education which is being given at present to the children is quite enough. (*Laughter*). If the Honourable Minister in charge visits our *ilaga* personally, he will come to know how difficult it is to travel in that *ilaga* and how small children are taken away by wolves in the deep *khuds*. I would like to appeal to those people who are desirous of introducing this Bill in the province that they

[Subedar Major Raja Farman Ali Khan.]

have chalked out this plan of compulsory primary education remaining within the four walls of the city. They should have personally first of all visited the *ilaga* on the Frontier side, studied the present circumstances in order to know whether the children of that *ilaga* would be able to get compulsory education under those circumstances, and taken the views of the inhabitants of that *ilaga* and then they should have moved in this matter. If they could not have done so they should have at least consulted the deputy commissioners of our districts in regard to the conditions of that *ilaga*. Now it would be very unwise on the part of the Government to introduce this Bill. I happened to ask the educated boys of my *ilaga*, what do four and four make? They reply "seven." Not only this, they cannot write a single letter in Urdu. Is this the education which is being given to our children? My submission is, give less education but it should not be defective at all. Secondary education should be introduced, English should be taught and high schools should be opened. Thirdly, unemployment is affecting the present condition of the province so much that it has become necessary for a patwari even to be at least a matric. Under these circumstances, I may point out that it would not be advantageous to introduce the Primary Education Bill at this stage. It would be quite useless for the villagers but the rich people may get any benefit out of it. If the Government is bent upon introducing this Bill, I may submit that in case the district boards find it suitable and proper that compulsory education should be enforced in such and such districts, they may be permitted to do so, otherwise there is no need of doing so. I mean that the district boards should be permitted to use their discretion in this matter.

**Premier** (The Honourable Major Sir Sikander Hyat-Khan): Sir, I have no intention to take part in this debate. I only want to make clear one misrepresentation which I believe my friend Raja Farman Ali made inadvertently. During the course of his speech he said, I do not know whether he meant it or not, he said that some people in his part of the world were opposed to the education of girls because the Quran prohibited it. I want to make it clear that there is no such prohibition in the Quran. On the contrary there is a *hadis* that our Prophet enjoined that it is the duty of every male and female to seek education. The *hadis* says—

طلب العلم فريضة على كل مسلم و مسلمة

Therefore I want to remove that misapprehension, if it was a misapprehension on his part. There is no such injunction. As a matter of fact our Prophet went further and said if you have to seek knowledge in China that should not deter you to go and seek knowledge in China. I want to make this clear. With regard to other difficulties he pointed out, one of the objects of this Bill is to make compulsory primary education as effective as possible. It is not effective at the present moment. Everybody will admit that those areas in which this compulsion has been enforced do not get hundred per cent. or even 80 or 70 per cent. boys of the school goingage. We will try to make it as effective as possible but at the same time we will keep in view the difficulties which my honourable friend has pointed out and shall so fix school hours that their ordinary occupation should not in any way be affected. I have nothing more to say.

**Mian Muhammad Iftikhar-ud-Din** (Kasur, Muhammadan, Rural) : I just want to make a few remarks. We want to withdraw the amendment and make our position clear.

**Minister for Education** : There is no amendment standing in his name.

**Mr. Speaker** : What has the honourable member to say ?

**Mian Muhammad Iftikhar-ud-Din** : Mr. Speaker, my anxiety to say a word or two may be misunderstood. I had no intention to speak but I have noticed that the standpoint of the Opposition on this extremely important matter is totally misunderstood and is likely to be misrepresented outside. The truth is that we feel on this side of the House that the Government does not realise the nature of the need and the demand on the part of the public in this matter. As far as the Bill goes, and it does not go very far, it may be all right. The fact is, and I am sure my friends there also are well aware, that public opinion has a rise and fall so to speak. At this moment, when the public demand on this question is extremely strong, I fear that through this half-baked and unsatisfactory measure that demand will be side tracked or sabotaged. This is the whole point. We want to point out that the public demand is much greater than what the present Bill gives them.

**Premier** : What is the public demand ?

**Mian Muhammad Iftikhar-ud-Din** : The public demand is that very drastic and strong measures should be adopted to educate the people of the province at this stage. (*A voice*: Universal or not ?) Yes, universal. The measures which the Government have adopted are not likely to give us any satisfactory results. In spite of the good intentions at its back a measure may do more harm than good at times. It will be far better to bring, even if it takes a couple of months more, a measure which will satisfy the public demand. If a Bill is brought forward which satisfies a moderate section of the public, I fear it will not lead us very very far and the public enthusiasm will subside. This is what we want to impress upon the Ministry.

Secondly, we quite realise the financial difficulties of the Ministry. But if anything is to be done in this province or anywhere else in India at this stage, when the financial resources are very limited, it can only be done if public co-operation is sought and if education is made self-supporting. I, therefore, want to bring to the notice of the honourable members opposite that it will be altogether impossible to succeed in an effort to spread literacy in the province, unless the object of educating the people is harnessed to social and political needs and movements of the day. Otherwise it will not yield any great results. This is what has been fully realised by the Wardha Committee. It has been working under the full knowledge that unless this object is harnessed to the social and political needs of the public it will not succeed. That can only be done if in addition to mere teaching of reading and writing to the children, a further item is also included, an item which is far more important, and that is education on national lines in which the social and political aspirations of the public are satisfied, and there I am sure, that the Ministry constituted as it is, in this province at the moment will not be able to satisfy our needs, because, I fear, that their point of view is totally different from the general, social and political aspirations of India

[Mian Muhammad Iftakhar-ud-Din.]

to-day. With these few words and explanations we are going to withdraw our amendment.

**Sardar Kapoor Singh :** I beg leave to withdraw the amendment.

*The amendment was by leave withdrawn.*

**Minister for Education** (The Honourable Mian Abdul Haye) : Sir, I would like to make a very few observations. I regret that I have not been able to understand those honourable members who say that district boards and municipalities are worthless organisations. (*Voices : Nobody said so*). So far as the working of the Act of 1919 is concerned, I made it clear that it has not been very satisfactory. This I conceded at the very outset. But what is the alternative before us ? I am not prepared to condemn these local bodies for all time to come. I want to keep the door open for them. If they are not able to do anything this year, they may be in a position to do something next year. We are not satisfied with the working of the present Act. We assume some sort of responsibility and at the same time we are giving concurrent powers to those local bodies so that if and when they are in a position to perform their duties we should allow them to do so.

I regret to say that my honourable friend Dr. Sir Gokul Chand Narang was not able to understand such a simple thing as the present Bill. If my honourable friend will permit me, I may point out that so far as the application of compulsion is concerned, it is clause 4 that governs it. Clause 3 only speaks of recommendations to the Government by local bodies. The procedure is this that under clause 3, it is open to local bodies to put up recommendations. Compulsion cannot be enforced by local bodies. They have only to make recommendations and if they are accepted, then the action would be taken under clause 4. But clause 4 says—

Either on receiving a proposal under section 3, or of its own motion, Government may direct.....

So the power of initiation is with us and we have assumed that power. I do not want to condemn these local bodies for all time to come.

So far as the question of funds is concerned, I may point out to the honourable members that even to-day the position with regard to the expenditure on vernacular education, which includes primary education, is this that in the districts as much as 74 lakhs 98 thousand is being met from provincial funds and district boards are only able to contribute 24 lakhs towards this expenditure, i.e., we even to-day pay 75 per cent. of the expenditure, on vernacular education.

**Dr. Sir Gokul Chand Narang :** On a point of order, Sir. I do not want to interrupt my honourable friend in any way nor am I impatient not to hear him. I just want to know whether the honourable member is entitled to make a second speech and on what motion he is speaking now ?

**Minister for Education :** When the amendment has been withdrawn, my motion is before the House. I am winding up my speech.

Now, Sir, another point was raised by my honourable friend, Malik Barkat Ali. He has been in Government service and he knows what the indemnity clause means. Well, after he has forsaken Government service I hope he would not object to this clause.

**Malik Barkat Ali :** Does my honourable friend consider that this clause is necessary ?

**Minister for Education :** It is absolutely essential. Then he raised another point. He took his stand upon a very big principle of criminal jurisprudence and said, ' Look here, you are raising a presumption against an accused person which is unheard of.' May I remind him of the provisions of the Gambling Act ? A man is arrested and he is brought before the court. A presumption is raised against him that the place where he was found was a public gambling house and a presumption is raised against him that he was engaged in gambling and is called upon to rebut that. Let us examine the presumption that we propose to raise. When a parent is brought before a court, two questions would arise. Firstly, whether the child A who has failed to go to a school is the child of B who is now being prosecuted and secondly whether the age of the child is between 6 and 12 years. The honourable members will I am sure agree with me that in both these cases the parent shall have no difficulty in placing true facts before the magistrate.

**Mr. Speaker :** I hope Dr. Sir Gokul Chand Narang agrees now that the mover of a substantive motion has a right of reply.

**Dr. Sir Gokul Chand Narang :** Yes, Sir.

**Mr. Speaker :** The question is—

That the Punjab Primary Education Bill be referred to a select committee.

*The motion was carried.*

**Mr. Speaker :** The question is—

That the select committee shall consist of the following :—

Mrs. J. A. Shah Nawaz,  
Rai Bahadur Mr. Mukand Lal Puri,  
Diwan Chaman Lall,  
Khan Bahadur Nawab Chaudhri Fazal Ali Khan,  
Mr. S. P. Singha,  
Lala Harnam Das,  
Mian Abdul Rab,  
Chaudhri Muhammad Yasin Khan,  
Pir Akbar Ali,  
Sardar Hari Singh,  
Rai Hari Chand,  
Khan Bahadur Nawab Muzaffar Khan,  
Sardar Jogindar Singh Man,  
Advocate-General,  
Sardar Dasaundha Singh (Nominee), and  
the Mover.

*The motion was carried.*

**Mr. Speaker :** The next question is with regard to the quorum. What should be the quorum of the select committee ? (Voices : Five) (Diwan Bahadur Raja Narendra Nath : Seven). Raja Sahib suggests 7. (Voices : No objection). Question is—

That the quorum of the select committee be 7.

*The motion was carried.*

*The Assembly then adjourned till 2 P.M. on Monday, 14th March, 1938.*

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# PUNJAB LEGISLATIVE ASSEMBLY.

2ND SESSION OF THE 1ST PUNJAB LEGISLATIVE ASSEMBLY.

Monday, 14th March, 1938.

*The Assembly met at the Council Chamber at 2 P.M. of the clock. Mr. Speaker in the chair.*

## STARRED QUESTIONS AND ANSWERS.

ROADS BETWEEN KAMALIA AND TOBA TEK SINGH AND BETWEEN  
KAMALIA AND CHICHAWATNI.

**\*2038. Khan Sahib Khan Muhammad Saadat Ali Khan :** Will the Honourable Minister of Public Works be pleased to state whether and when it is intended to metal the roads between Kamalia and Toba Tek Singh extending over 19 miles and another between Kamalia and Chichawatni extending over 14 miles which are in dilapidated condition and which have been handed over to the control of the Public Works Department by the District Board concerned ?

**The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana :** A road development programme is still under preparation. The Punjab Government is, therefore, not in a position to furnish the required information at this stage.

**\*2039—2057.—***Vide Debates of 10th March, 1938.*

## SIMLA EXODUS.

**\*2058. Sardar Hari Singh :** Will the Honourable Premier be pleased to state—

(a) whether the decisions taken by certain other provincial governments and by the Central Government recently in the matter of summer migration to the hills, have been brought to his notice ;

(b) whether the Punjab Government have reconsidered the question of their annual exodus to Simla Hills ; if so, with what result ?

**Sardar Sahib Sardar Ujjal Singh (Parliamentary Secretary) :** (a) I have seen certain statements in the Press.

(b) The attention of the honourable member is invited to the reply given to starred question No. 16<sup>1</sup> on the 17th June 1937 to which Government have nothing to add.

**Sardar Hari Singh :** With reference to the reply to question \*16 to which reference has been made and which is before me at the moment, may I ask him to state whether this question is going to be discussed by the Retrenchment Committee which is now sitting?

**Parliamentary Secretary :** I believe that the Retrenchment Committee will consider that question also.

**Sardar Hari Singh :** May I ask him to state whether the Government proposes to hold any other session of the Assembly at Simla?

**Parliamentary Secretary :** It is not possible to reply to that question at this moment.

**Sardar Hari Singh :** May I ask whether it is a fact that the Premier was favourably inclined towards abandoning the Simla exodus but others stood in his way?

**Mr. Speaker :** What does he mean by 'others'?

**Sardar Hari Singh :** Some members of the Cabinet.

**Mr. Speaker :** The honourable member is not in order in asking what happened in the Cabinet.

**Sardar Hari Singh :** May I ask whether it is a fact that the British officials in the Secretariat are the main obstacle in the way of abandoning the exodus to Simla?

**Parliamentary Secretary :** No.

**Sardar Hari Singh :** May I ask whether in examining the question and considering it and arriving at a decision in this matter of exodus to Simla in the immediate future the officials of the Secretariat were consulted?

**Parliamentary Secretary :** It is a question for the Cabinet to discuss and it is open to the Cabinet to consult any officer concerned.

**Sardar Hari Singh :** Have the possibilities of a less expensive and cheaper hill station to which Government could go been examined?

**Parliamentary Secretary :** Government have not considered the proposal of shifting its summer head-quarters to any hill station other than Simla so far.

**Mr. Speaker :** The next question.

#### PURCHASE OF COAL-TAR BY DISTRICT BOARD, LUDHIANA, WITHOUT INVITING TENDERS.

\*2059. **Sardar Lal Singh :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that in District Board, Ludhiana, all orders for materials of the value of Rs. 20 and above must be placed by inviting tenders;
- (b) whether it is a fact that coal-tar of the total value of about Rs. 19,000 has been purchased in the last 3 or 4 years from one firm without inviting tenders;
- (c) if so, why was this done and who is responsible for the contravention of the established rules?

**The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana :** (a) Yes.

(b) Yes.

(c) The object of calling for tenders is to invite competition between the suppliers who are generally middlemen, but as the coal-tar in this case was purchased direct from the manufacturers, it was not considered necessary to invite tenders. The rates for the supply of tar were approved by a resolution of the board.

**Sardar Kapoor Singh :** Will the Honourable Minister please state whether any circular letter from the Communication Board has issued to the effect that this coal-tar should be purchased through the Indian Stores Department, Delhi ?

**Minister :** They are at liberty to buy the stores as they like. They are elected bodies.

**Sardar Kapoor Singh :** May I know whether there is any circular letter issued by the Indian Stores Department asking the district boards to buy coal-tar through the Indian Chemical Works of Calcutta ?

**Minister :** Better ask the Calcutta firm.

**Sardar Kapoor Singh :** I would like to know whether there is any circular letter from the Government or not ?

**Minister :** None that I am aware of at this time.

#### TENDERS FOR COAL-TAR REQUIRED FOR LUDHIANA DISTRICT BOARD.

**\*2060. Sardar Lal Singh :** Will the Honourable Minister for Public Works be pleased to state—

(a) whether it is a fact that there are several suppliers of coal-tar on the approved list of the Public Works Department, Punjab,

(b) if so, why did the District Board authorities, Ludhiana, not invite tenders from all suppliers ?

**The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana :** (a) Yes.

(b) The honourable member presumably has in mind the purchase of coal-tar referred to in part (b) of his starred question No. 2059 (above). If so, his attention is invited to the reply given to that question.

#### RELIEF TO SUFFERERS OF LANDS AND CROPS DAMAGED BY FLOODS IN VILLAGES IN AJNALA TAHSIL.

**\*2061. Khan Sahib Chaudhri Fazal Din :** Will the Honourable Minister of Revenue be pleased to state whether he is aware of the fact that the villages Dhyani Singhwala, Nimat Abad, Bhurr Wal, Saido Ghazi, Shaikh Bhatti, Dalla, Shahaliwala, Gul Garrh, Avan Bassao, Sher Pur, Fatta, Bahlol, Burj Bad, Sahu Wal, Ghoga, and Nain, etc., in tahsil Ajnala, district Amritsar, situated on the river Ravi, have suffered heavily on account

[K.S. Ch. Fazal Din.]

of the recent floods in the river and most of the lands have been swept away and the crops have come under water ; if so, the relief intended to be afforded to the sufferers ?

**The Honourable Dr. Sir Sundar Singh Majithia :** The honourable member's question is vague. The recent floods in the river Ravi were of a normal nature and the damage caused was not such as required any special relief.

**Khan Sahib Chaudhri Fazal Din:** May I know whether any kharaba has been granted for the present crops ?

**Minister :** I think the reply is quite clear that the floods were of normal nature and no relief is required.

MAINTENANCE FOR THE YOUNG WIDOW AND SON OF RAHIM BUX,  
PATWARI.

**\*2062. Khan Sahib Chaudhri Fazal Din :** Will the Honourable Minister of Revenue be pleased to state whether the Government has so far considered the question of making some provision for the maintenance of the young widow and a minor son of the deceased Rahim Bux, late revenue patwari of village Sham Nagar in Amritsar district, who was sometime back killed by a zamindar for refusing to make unauthorized mutation entries ; if so, with what result ?

**The Honourable Dr. Sir Sundar Singh Majithia :** The report from the local authorities has not yet reached Government. When it is received the matter will receive due consideration.

REPAIR OF PRINCIPAL STREETS OF MONTGOMERY.

**\*2063. Mahant Girdhari Das :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that Municipal Committee, Montgomery, authorized Public Health Department in April, 1935, to spend fifty thousand rupees out of funds already placed at the disposal of that department to repair six principal streets of that town which were in a bad condition that year ;
- (b) whether it is a fact that up to the end of January, 1938, Public Health Department was unable to accord technical sanction to the proposed work, which has not been started as yet ;
- (c) whether the Public Health Department has received numerous reminders from the Municipal Committee, Montgomery, to start the work ?

**The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana :** (a) In May 1935 the Municipal Committee of Montgomery passed a resolution requesting the Public Health Engineering Department to consolidate certain roads out of the savings of their drainage scheme. This amount could not be ascertained with accuracy till the drainage scheme was completed. Ultimately after considerable correspondence between the

Municipal Committee and the Public Health Department estimates were prepared and the Municipal Committee was asked to deposit Rs. 21,000 more being the amount required in addition to the amount available from the savings of the drainage scheme. This amount was deposited by the Municipal Committee on the 19th April, 1937.

(b) and (c) Yes. The Chief Engineer, Punjab, Public Works Department, Buildings and Roads Branch, has since technically sanctioned the plans and estimate.

GRANT-IN-AID FOR THE SILVER JUBILEE MATERNITY  
HOSPITAL, MONTGOMERY.

**\*2064. Mahant Girdhari Dass :** Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that District Red Cross Society, Montgomery, has recently applied for grant-in-aid for the proposed Silver Jubilee Maternity Hospital, Montgomery, towards payment of the salary of the House Surgeon for the hospital ;
- (b) whether it is a fact that all M. L. A.'s of that district have addressed a representation on the subject to Honourable Ministers for Education and Finance ;
- (c) whether it is a fact that the Commissioner, Multan division, Deputy Commissioner, Montgomery, and Inspector-General, Civil Hospitals, Punjab, have recommended the application for grant-in-aid ;
- (d) if the answer to the above be in the affirmative, the approximate period within which the Government may be expected to take decision about the matter ?

**The Honourable Mian Abdul Haye :** (a) and (b) Yes.

(c) The application for the grant-in-aid which has been recommended by the Deputy Commissioner, Montgomery, is still under the consideration of the Commissioner, Multan division.

(d) Does not arise.

WATERLOGGING OF THE LANDS NEAR SULEIMANKE HEAD-  
WORKS.

**\*2065. Mahant Girdhari Dass :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that an application from the zamindars owning lands near Suleimanke head-works was submitted to him some months back requesting him that owing to the rise of subsoil water their lands were getting kallar-stricken and were in danger of being waterlogged ;
- (b) that in their application they requested the Honourable Minister to introduce tube-well scheme for irrigation of the lands ;
- (c) if the answers to the above be in the affirmative, what is going to be the fate of their application ?

**The Honourable Dr. Sir Sundar Singh Majithia :** (a) Yes.

(b) Yes.

(c) The matter is under consideration.

#### REPAIR OF PRINCIPAL STREETS OF MONTGOMERY.

**\*2066. Tikka Jagjit Singh Bedi :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that Municipal Committee, Montgomery, authorized Public Health Department in April, 1935, to spend fifty thousand rupees out of funds already placed at the disposal of that department to repair six principal streets of that town, which were in a bad and insanitary condition in that year;
- (b) whether it is a fact that up to the end of January, 1938, Public Health Department was unable to accord technical sanction to the proposed work, which has not been started as yet;
- (c) whether the Public Health Department has received numerous reminders from the Municipal Committee, Montgomery, to start the work and it has ignored them?

**The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana :** The honourable member is referred to the reply given to starred question No. 2063<sup>1</sup>.

#### GRANT-IN-AID FOR THE SILVER JUBILEE MATERNITY HOSPITAL AT MONTGOMERY.

**\*2067. Tikka Jagjit Singh Bedi :** Will the Honourable Minister of Education be pleased to state—

- (a) whether it is a fact that District Red Cross Society, Montgomery, has recently applied for a grant-in-aid for proposed Silver Jubilee Maternity Hospital, Montgomery, towards payment of salary of the House Surgeon for that hospital;
- (b) whether it is a fact that all M. L. A.'s. of that district have addressed a representation on the subject to Honourable Ministers of Education and Finance;
- (c) whether it is a fact that the Commissioner, Multan division, Deputy Commissioner, Montgomery and Inspector-General of Civil Hospitals, Punjab, have recommended that application for grant-in-aid;
- (d) if the answer to the above be in the affirmative, the approximate period within which the Government may be expected to take final decision about the matter?

**The Honourable Mian Abdul Haye :** The honourable member's attention is invited to the answer given to starred question No. 2064<sup>1</sup>.

<sup>1</sup>Pages 716-17 ante.

<sup>2</sup>Page 717 ante.

WITHDRAWAL OF CERTAIN PRIVILEGES FROM COMRADE  
VASUDEVA SINGH, STATE PRISONER.

**\*2068. Sardar Harjab Singh :** Will the Honourable Premier be pleased to state—

(a) whether he is aware that after an interview on the 18th January, 1938, with her brother Comrade Vasudeva Singh, a state prisoner, lodged in the Lahore Central Jail, Bibi Tej Kaur issued a statement to the press wherein she complains that even ordinary facilities of correspondence have been withdrawn from the said prisoner ;

(b) if the answer to (a) be in the affirmative, under what rules these privileges have been withdrawn ?

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

(b) No privileges have been withdrawn.

JUDGMENT DELIVERED BY DISTRICT AND SESSIONS JUDGE,  
RAWALPINDI, IN AN EXCISE CASE AGAINST JAMADAR  
FEROZE KHAN.

**\*2069. Sardar Harjab Singh :** Will the Honourable Finance Minister be pleased to state—

(a) whether his attention has been invited to the judgment by Mr. Ormerod, District and Sessions Judge, Rawalpindi, delivered in an excise case brought against one Jamadar Feroze Khan under section 60/61 of the Punjab Excise Manual, wherein he has acquitted the accused and has passed strong strictures against the Excise Inspector, Rawalpindi, and Lt. Alam Khan, Honorary Magistrate ;

(b) whether the Government has taken or intends to take any departmental action against the said excise inspector, if so, what ; if not, why not ?

**The Honourable Mr. Manohar Lal :** (a) Yes.

(b) The matter is under inquiry.

ATALPUL ON JOGAL KHAD, DISTRICT KANGRA.

**\*2070. Sardar Harjab Singh :** Will the Honourable Minister for Public Works be pleased to state—

(a) whether he is aware of the fact that the *Atalpul* (bridge) on the Jogal Khad in the Kangra district was washed away during the last rainy season and the District Engineer has now recommended a different place for its location ;

(b) if the answer to (a) above be in the affirmative, reasons for this recommendation ;

(c) the reasons for the short life of the bridge that has given way as compared with those of the Public Works Department, and the railway bridges in the vicinity ?

**The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana:** (a) Yes, but the old bridge was washed away in the rainy season of 1936 and not 1937.

(b) The site now recommended by the District Engineer, Kangra, and approved by the Deputy Commissioner of the district offers more security of life of the proposed bridge and would involve less cost.

(c) The bridge was washed away by an unprecedented flood which overtopped the bridge. The Public Works Department and Railway bridges are generally designed for much larger discharges and consequently cost a great deal more than the works executed by district boards.

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ATTACHMENT OF CERTAIN VILLAGES OF UNA TAHSIL WITH  
HOSHIARPUR TAHSIL FOR PURPOSES OF INSTITUTION OF  
CIVIL CASES.

**\*2071. Sardar Harjab Singh:** Will the Honourable Finance Minister be pleased to state—

- (a) whether some villages of the Una tahsil are attached to Hoshiarpur tahsil for the purposes of the institution of civil cases in spite of the fact that there is a civil court at Una;
- (b) if the answer to the above be in the affirmative, their respective distance from Hoshiarpur and from Una and whether the Government intends to take any action in the matter; if so, what?

**The Honourable Mr. Manohar Lal:** I regret that the answer to this question is not ready.

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REMISSIONS TO VILLAGES IN LUDHIANA DISTRICT FOR DAMAGE  
DONE BY HAILSTORM.

**\*2072. Chaudhri Muhammad Hasan:** Will the Honourable Minister for Revenue be pleased to state—

- (a) how many villages have been affected by the recent hailstorm in the Ludhiana district, in each of its three tahsils;
- (b) whether the Commissioner or the Collector and the Revenue Assistant visited those villages in order to ascertain the extent of damage done to each village;
- (c) whether Government have received any recommendations for the remission of land revenue on account of damage done to the crops in the said district by hailstorm in the month of February, 1938;
- (d) whether the Collector has been able to ascertain the damage done to the crops and the remissions that they are entitled to;
- (e) the amount Government intend to remit to the zamindars of the Ludhiana district due to damage done to their crops by hailstorm?



**The Honourable Dr. Sir Sundar Singh Majithia : (a)—**

## Villages.

Ludhiana tahsil .. .. .	78
Jagraon tahsil .. .. .	17
Samrala tahsil .. .. .	7

(b) The revenue assistant and the tahsildar have inspected the affected area.

(c) Not yet.

(d) and (e) It appears from the preliminary survey that the damage is not extensive. Careful field to field inspection is being carried out and relief will be given where necessary.

**Chaudhri Muhammad Hassan :** Is it a fact that the collector was in the Jagraon tahsil when those villages were visited and yet he did not visit the villages ?

**Revenue Minister :** I said in reply to part (b) that the Revenue Assistant and the Tahsildar have inspected the affected area.

**Chaudhri Muhammad Hassan :** I want to know whether the Collector was present there at the time and he did not visit those villages.

**Minister :** Is it necessary that the collector should visit each and every village ?

**Chaudhri Muhammad Hassan :** Is he aware of the extent of the damage ?

**Minister :** Yes, because they were inspected by the revenue assistant and tahsildar.

**Chaudhri Muhammad Hassan :** Before they were inspected by the tahsildar and the revenue assistant ?

AIR-CONDITIONING ARRANGEMENTS FOR NEW LEGISLATIVE ASSEMBLY CHAMBER.

**\*2073. Sardar Hari Singh :** Will the Honourable Minister of Public Works be pleased to state—

(a) whether air-conditioning arrangements are proposed to be made in the new Legislative Assembly Chamber, under construction ;

(b) whether his attention has been drawn to the proceedings of the recent annual meeting of the Punjab Medical Association as reported in the press, wherein one of the speakers, referring to Professor Fraenkel of Royal Society of Medicine made some suggestions regarding the new Punjab Legislative Assembly Chamber, under construction at Charing Cross, in respect of its air-conditioning arrangements ;

(c) if answer to parts (a) and (b) be in the affirmative, whether Government have examined the suggestion referred to in (b) ; if so, with what result ?

**The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana :** (a) Yes.

(b) No.

(c) Does not arise.

**Sardar Hari Singh :** May I know whether in replying to part (b) of this question, he has consulted any experts?

**Minister :** I cannot trace the reference given by him. If he had given me the date and the name of the paper, I might have been able to trace it.

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**FEES CHARGED FROM UNDER-TRIAL PRISONERS BY THE CIVIL SURGEON, HOSHIARPUR.**

**\*2074. Sardar Harjab Singh :** Will the Honourable Minister of Education be pleased to state—

(a) the number of under-trial prisoners whose release was recommended by the present Civil Surgeon, Hoshiarpur, from sub-jail, Hoshiarpur, on medical grounds from the date of his posting to Hoshiarpur up to 28th February, 1938, with the medical grounds in each case;

(b) the number of under-trial prisoners whose release was similarly recommended by his predecessors at Hoshiarpur during the corresponding period of the previous year with the medical grounds in each case;

(c) the number of cases in which fee was charged for examination by the Civil Surgeons concerned;

(d) whether receipts for the fees charged were issued in all such cases and entries made in the fee register; if not, why not?

**The Honourable Mian Abdul Haye :** (a) One; he had disordered action of the heart and was weak.

(b) One; he was suffering from disordered action of the heart.

(c) Neither the present Civil Surgeon, Hoshiarpur, nor his predecessor charged any fee in the abovementioned cases.

(d) Does not arise.

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**FEES CHARGED BY THE CIVIL SURGEON, HOSHIARPUR, FOR MEDICAL AND MEDICO-LEGAL EXAMINATIONS.**

**\*2075. Sardar Harjab Singh :** Will the Honourable Minister of Education be pleased to state whether there are any orders issued by the Government that a Civil Surgeon must issue a receipt for the fee charged for each private medical or medico-legal examination done by him and make an entry to that effect in the fee register; if so, whether it is a fact that the number of such cases examined by the present Civil Surgeon, Hoshiarpur, from the date of his posting up to date does not tally with the receipts issued by him and entered in the fee register maintained for the purpose; if so, the action proposed to be taken against the said Civil Surgeon for disregarding the orders of the Government?

**The Honourable Mian Abdul Haye :** Yes ; there are orders of Government under which all medical officers examining private medico-legal cases are required to give receipts for fees received and to enter them in a prescribed register. The present Civil Surgeon, Hoshiarpur, examined 22 such cases since his posting to Hoshiarpur. In all cases he issued receipts and entered them in the register with the exception of one case where the patient came in the evening. The patient was examined, and directed to come next morning, but he did not turn up.

SEPARATE CONSTITUENCY FOR SIKHS IN FAZILKA MUNICIPAL COMMITTEE.

**\*2076. Captain Sodhi Harnam Singh :** Will the Honourable Minister for Public Works be pleased to state whether he has received any representation from the Singh Sabha, Fazilka, requesting for a separate constituency to be created in Fazilka municipality for the Sikhs whose voting strength in the said municipal committee is 382 as against 231, 233, 272, 283, 282 and 302, being the numbers of the voters for wards Nos. 2, 3, 4, 5, 7 and 8 respectively in the municipal committee ; if so, the action taken or proposed to be taken on the representation ?

**The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana :** Yes. The representation in question is at present under the consideration of the local authorities.

NOMINATION OF SIKHS FOR FAZILKA MUNICIPAL COMMITTEE.

**\*2077. Captain Sodhi Harnam Singh :** Will the Honourable Minister for Public Works be pleased to state whether it is a fact that three seats on the Fazilka Municipal Committee are to be filled up by nominations in the near future ; if so, whether it is intended to consider the claims of the Sikhs who have not been given any elected seat so far on the said municipal committee for one of these three seats ?

**The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana :** There will be three nominated members on the Fazilka Municipal Committee and the claims of all concerned will be duly considered by the Commissioner at the proper time.

LISTS OF CANDIDATES IN DEPUTY COMMISSIONER'S OFFICE, FEROZEPUR.

**\*2078. Captain Sodhi Harnam Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the number of candidates in the Deputy Commissioner's office, Ferozepore, community-wise ;
- (b) the date when the list of candidates was prepared ;
- (c) whether any such list existed before and if so, the reasons why a new list was prepared ;
- (d) whether the candidates on the old list were given notices as demanded by the rules before substituting the new list for the old ?

**The Honourable Dr. Sir Sundar Singh Majithia :** 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 members may bring to my notice in a more informal way.

EMPLOYMENT OF JAMIL AHMAD AS DESTRUCTION CLERK IN DEPUTY  
COMMISSIONER'S OFFICE, FEROZEPORE.

**\*2079. Captain Sodhi Harnam Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that one Jamil Ahmad was employed as a destruction clerk in Deputy Commissioner's office, Ferozepore ;
- (b) whether it is a fact that he was a very junior candidate ;
- (c) whether it is a fact that there were over a hundred candidates on the old list of that office senior to him ;
- (d) if the answers to the above parts be in the affirmative, why the candidates on the list were ignored and this Jamil Ahmad was employed ?

**The Honourable Dr. Sir Sundar Singh Majithia :** (a) No.

- (b) }  
(c) } Do not arise.  
(d) }

DELAY IN PAYMENT OF SALARIES TO TEMPORARY STAFF IN DEPUTY  
COMMISSIONER'S OFFICE, FEROZEPORE.

**\*2080. Captain Sodhi Harnam Singh :** Will the Honourable Minister for Revenue be pleased to state whether it is a fact that the payments of salaries for the month of December, 1937, was made to the temporary establishment of the Deputy Commissioner's office, Ferozepore, on the 27th of January, 1938; if so, reason for the delay ?

**The Honourable Dr. Sir Sundar Singh Majithia :** The information of the honourable member is not correct.

LEASING OUT OF DAK BUNGALOW AT FEROZEPORE.

**\*2081. Captain Sodhi Harnam Singh :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that Ferozepore dak bungalow was leased out this year to M. Yasin Khan for Rs. 600 per annum ;
- (b) whether it is also a fact that some offers were over Rs. 1,100 as lease money for this year ;
- (c) if the answer to the above be in the affirmative, the reasons why preference has been given to M. Yasin Khan ?

**The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana :** (a) Yes.

(b) There was only one offer of Rs. 1,150 from the previous lessee ;

(c) Preference was given to M. Yasin Khan in the public interest, in view of his established reputation for prompt and efficient service as against the previous lessee against whose management and behaviour there were several complaints. The latter was using the Dak Bungalow as his own residential quarters and cared little for the service and convenience of the travellers and had thus proved himself thoroughly useless and incompetent.

#### COMPLAINT AGAINST HONORARY MAGISTRATES AT MOGA.

**\*2082. Captain Sodhi Harnam Singh :** Will the Honourable Premier be pleased to state—

(a) whether he has recently received any complaint against the honorary magistrates of Moga bench; if so, the nature of the complaint, the name of the complainant and the action taken thereon ;

(b) whether it is a fact that the Sub-Divisional Officer, Moga, was recently asked to hold an inquiry against the conduct of certain magistrates of the same bench ; if so, what were the findings and the action that the Government intends to take as a result of that inquiry ?

**Sardar Sahib Sardar Ujjal Singh** (Parliamentary Secretary) : (a) No.

(b) A few weeks ago the Sub-Divisional Officer, Moga, held an inquiry into a complaint against the Moga Bench preferred to the High Court in October last by one Atma Ram Sud. His report was forwarded to the Honourable Judges of the High Court.

#### PUNITIVE POLICE POST CHARGES AT VILLAGE ALLA, DISTRICT GUJRAT.

**\*2083. Captain Sodhi Harnam Singh :** Will the Honourable Premier be pleased to state—

(a) whether it is a fact that the Superintendent of Police, Gujrat, recommended that only the Muslims be made to pay the charges of the punitive police, posted in the village near Alla ;

(b) whether it is also a fact that the Deputy Inspector-General of Police, Western Range, also held the same view ;

(c) whether it is a fact that the Deputy Commissioner, Gujrat, did not agree with that view and proposed that all the Hindus, Sikhs and Muslims of that *ilaya* be made to pay these charges ;

(d) whether it is a fact that the Government accepted the proposal made by the Deputy Commissioner, Gujrat ;

[Capt. Sodhi Harnam Singh.]

(e) the reasons or grounds on which Government has come to hold the Sikhs and Hindus equally responsible for the situation in the village mentioned above which necessitated the location of punitive police post there;

(f) whether the Government has any intention to reconsider its decision in the matter?

**Sardar Sahib Sardar Ujjal Singh** (Parliamentary Secretary): (a), (b), (c) and (d) Government cannot undertake to disclose the opinions of particular officials.

(e) This has been answered in my reply to part (e) of question \*945<sup>1</sup> put by the honourable member for the Hoshiarpur West (General) Rural Constituency.

(f) No.

PARTIES TO KHAN BAHADUR KHURSHED MUHAMMAD, DEPUTY  
COMMISSIONER, GUJRAT.

**\*2084. Captain Sodhi Harnam Singh:** Will the Honourable Premier be pleased to state—

(a) the number of public parties, dinners and lunches at which Khan Bahadur Khurshed Muhammad, Deputy Commissioner, Gujrat, was entertained on the eve of his transfer from that district and persons or group of persons who arranged these functions;

(b) whether the Deputy Commissioner in question was allowed to be entertained in this manner; if so, the circumstances under which this permission was given and if not, why he accepted to be entertained at these parties?

**The Honourable Major Sir Sikander Hyat-Khan:** One party was given at Phalia and one at Gujrat. Sanction was given to both of them as private parties. Under orders which have since issued one of them might more properly be treated as public.

COMMUNAL PROPORTION AMONG THE OFFICIAL RECEIVERS IN THE PUNJAB.

**\*2085. Captain Sodhi Harnam Singh:** Will the Honourable Minister of Finance be pleased to state the number of official receivers in the Punjab and their number community-wise?

**The Honourable Mr. Manohar Lal:** Excluding the Official Receiver for insolvency cases in the High Court, there are at present 26 official receivers in the province, as follows:—

Muslims	..	..	..	11
Hindus	..	..	..	12
Sikhs	..	..	..	3

In the districts of Simla, Muzaffargarh and Dera Ghazi Khan there are at present no official receivers.

**\*2086.** Vide the debates of 1st April 1938.

## LANDS LEASED OUT BY GOVERNMENT.

**\*2087. Captain Sodhi Harnam Singh:** Will the Honourable Minister for Revenue be pleased to state—

- (a) whether the lease of 120 squares of land given to Raja Fazal Dad Khan near Gamber in tahsil Montgomery has expired, if so, how this land is being utilized by the Government at present; if leased out, to whom, and on what conditions?
- (b) the number of other chaks of the Government in the province leased out without cash rent, the number and names of their lessees, the date of the expiry of each such lease and the places where such leased out chaks are situated?

**The Honourable Dr. Sir Sundar Singh Majithia:** (a) Yes, the matter is under consideration.

(b) Nil.

## REMOVAL OF DISQUALIFICATION OF DR. SATYAPAL.

**Lala Duni Chand:** I rise on a point of information regarding a very important point. On the 10th instant I and a few other honourable members sent in questions regarding the removal of disqualification of Dr. Satyapal. In that connection I saw the Honourable Premier and he was pleased to tell me that he was prepared to answer the question that very day. Notwithstanding that fact the question has not been put on the agenda to-day. It is a very important question and I request you to help me if possible so that the question may be answered to-day.

**Mr. Speaker:** A reference was made to Government but up till now no reply has been received.

**Lala Duni Chand:** In view of the fact that I have brought to your notice the readiness of the Honourable Premier to answer it even on that very day, will it be possible for you to do something in the matter?

**Mr. Speaker:** The information, I possess, has been placed before the House.

## MOTIONS FOR ADJOURNMENT.

## KIDNAPPING OF CHILDREN.

**Sardar Hari Singh** (Kangra and Northern Hoshiarpur, Sikh, Rural): Sir, I rise to move for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the great scare caused in the city of Lahore consequent on the recent cases of repeated kidnapping of children and the failure of the police to get at the culprits and prevent recurrence of the abominable crime.

**Mir Maqbool Mahmood** (Parliamentary Secretary): I object to the admission of this motion under the standing orders and my objections are—first that the adjournment motion raises a vague question and secondly that the point raised in it can be discussed more conveniently when we are discussing grants under the budget.

**Diwan Chaman Lall :** I only heard my honourable friend say that it is a vague question. May I ask in what way it is vague when the allegation in the motion is that kidnapping has taken place? Where is the vagueness if the matter is definite in regard to certain allegations made by the honourable mover in the body of the motion to the effect that kidnapping has taken place and a scare has been created? I fail to understand my honourable friend's logic when he talks about vagueness. Probably he would have been more definite about it if his own child had been kidnapped.

**Mir Maqbool Mahmood :** I think a personal explanation is due. The personal explanation is this that I am second to none in the anxiety with regard to kidnapping of children that may have happened in this province and that we should take adequate steps to prevent that.

**Mr. Speaker :** But that is not a personal explanation.

**Mir Maqbool Mahmood :** The personal explanation is this that the adjournment motion as tabled does not specify any definite incident or any definite instances of kidnapping and in view of all these things it would not be proper to discuss the matter on the basis of an adjournment motion.

**Diwan Chaman Lall :** What an extraordinary proposition! Because a particular instance is not mentioned, therefore, it is not a definite matter. The fact is that kidnapping has taken place and the honourable member seems to be entirely ignorant that kidnaping has taken place. Otherwise what does he mean by this?

**Mr. Speaker :** So far as I can see, the motion is not vague or otherwise objectionable. It clearly says that kidnapping of children is taking place in Lahore and that the police have failed to trace culprits. In other words, responsibility of the Police Department is involved. It is urged, however, that it can be discussed when the police grant is discussed. But that grant may or may not be discussed. However, if the honourable member is not able to discuss the matter when the police grant is discussed and desires to discuss it on a motion for adjournment, I will not rule out his motion.

**Diwan Chaman Lall :** Your suggestion will certainly be acceptable to my honourable friend, but he may be permitted during the discussion of the General Administration Grant if he so chooses, to mention this particular matter. Then the purpose will be served.

**Sardar Hari Singh :** Your suggestion is acceptable to me.

#### FAILURE OF POLICE TO KEEP ORDER AT A MEETING AT FATEHWAL.

**Mian Muhammad Iftikhar-ud-Din :** I beg leave to move a motion for adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the failure of the police to keep order at a public meeting at Fatehwal, district Amritsar, on Sunday, the 13th March, 1938, and to protect the lives of the people assembled at the meeting, although due previous notice had been given to the police and the district authorities of the impending trouble.

**Premier :** I take objection on the score that if the adjournment motion is admitted it will serve no useful purpose, because we have not got any information and the little information I have received so far is so disquieting that if that information is corroborated by the special enquiry which I



have asked to be held at once by a senior officer, I am afraid that I shall want time to discuss the gravity of that thing with my honourable friends opposite before it comes to the House, because I personally think that the situation so far as the information which I have received at the moment indicates is very grave and if this kind of thing is not stopped then we might as well wipe our hands off any forms of democratic public life in this country and in this province. I would, therefore, request my honourable friends not to put the matter at once before the House and to wait and let me get information, for, it is desirable in the interest of the province that we should first have a consultation between ourselves before bringing this question before the House, because as I have said, the issues are very grave and the nature of the occurrence is so serious that I even shudder to think of it here.

**Mian Muhammad Iftikhar-ud-Din :** Sir, I beg to differ from the Honourable Premier on this question and I think that an immediate discussion on and attention to this problem is extremely necessary. I having been to the meeting myself know that it is necessary to discuss it soon before this House and I feel that sufficient importance should be given to this question, so that we may know the attitude of various sections of this House on this negligence of the police. If the Honourable Premier is prepared to give time, say within four or five days, I have no objection to postponing the discussion, and withdrawing this motion for the present ; otherwise I am afraid I must press it.

**Premier :** I have not the slightest hesitation or objection and I do not in any way try to baulk his motion. If he wants to bring it forward I shall be only too glad that this House should discuss it, but I have said that the issues involved are so grave and the nature of the occurrence from the information I have received hitherto is so serious that my honourable friend will be well advised not to bring this motion before the House immediately. Later on when I have received information, he will be welcome to do so and I shall have no objection. It is quite possible that if the information which I have received, is corroborated, then I might myself bring the question before the House to apprise the honourable members of the serious situation and it may be necessary for me to give special time to the House to discuss that question because I attach very great importance to this occurrence.

**Diwan Chaman Lall :** It seems to be the consensus of opinion that this matter may be postponed until Government have got the fullest information on the subject. If you would permit the postponement of this matter, I take it that the Premier will have no objection to the discussion of this matter after he has received the fullest information on the subject.

**Premier :** I have no objection whatsoever to its discussion at some later date. I beg to submit that I have received information which is so grave that it has been deemed necessary for me to get it further verified and supplemented by a special officer although the officer who has furnished me with the information is the highest authority in the district.

**Mr. Speaker :** Then the Honourable Premier has received the information, but he does not consider it authentic enough to be placed before the House.

**Premier :** I do not say that it is not authentic. It is authentic and is from the highest officer of the district. But as I mentioned before, the incidents mentioned in that report, are so grave that I want fuller and more complete information and details with regard to that and also verification with regard to certain points.

**Mr. Speaker :** If I understand the Honourable Premier rightly, he has the information but he wants fuller and further information and unless he gets that information he does not consider himself in a position to discuss the whole question and consequently he wants time. That will not affect, I think, the element of urgency and therefore the motion can be moved on some other day.

**Premier :** It might be possible that I may get the information to-day or to-morrow. It would be safer if you postpone the discussion till Thursday or Friday. I think that Friday the 18th would be more suitable.

**Mr. Speaker :** The motion, if leave is given by the House, will be discussed from 11 A.M. to 1 P.M., on Friday, the 18th instant.

**Mian Muhammad Iftikhar-ud-Din :** I can bring it again on Friday.

**Mr. Speaker :** If the House gives leave, the motion will be taken up on the 18th instant. Please move the adjournment motion.

**Mian Muhammad Iftikhar-ud-Din :** I will move it at that time.

**Mr. Speaker :** Then the honourable member may move for leave on the 16th and if leave is given, the adjournment motion will be moved on 18th.

**Premier :** I am not quite clear whether my honourable friend is going to ask for leave to move the motion and we are going to postpone the discussion on the motion or whether he is going to put off the motion for leave till the 16th.

**Mr. Speaker :** He will ask for leave afresh.

**Premier :** So the issue will be decided at the moment when he will ask for leave afresh.

#### REMOVAL OF DISQUALIFICATION OF DR. SATYAPAL:

**Lala Duni Chand :** The Premier has been good enough to tell me just now that he is prepared to answer the question regarding the removal of disqualification incurred by Dr. Satyapal. It will be kind of you to allow him to make the statement.

**Premier :** Can I make a statement of one line and satisfy the honourable member?

**Mr. Speaker :** Certainly.

**Premier :** I have been approached by my honourable friend Lala Duni Chand asking me whether the Government will be prepared to remove the disqualification incurred by Dr. Satyapal so that he may be able to contest the bye-election at Sialkot.

**Sardar Sohan Singh Josh :** A question to the same effect was raised by me.

**Premier :** I am afraid that I cannot satisfy his curiosity at the moment as the matter is under my consideration.

**Diwan Chaman Lall :** There is the precedent of Lala Lajpat Rai. (A voice : And Dr. Kitchlew as well).

**Premier :** Precedents will not worry me one way or the other.

**Lala Duni Chand :** Will you inform us when you are likely to come to a conclusion ?

**Premier :** The honourable member should rest assured that it will be decided before the date for nomination is fixed.

**Mr. Speaker :** A statement made by a minister cannot be debated.

## DEMANDS FOR GRANTS.

### GENERAL ADMINISTRATION.

**Minister for Finance :** I beg to move—

That a sum not exceeding Rs. 89,86,600 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1939, in respect of General Administration.

**Mr. Speaker :** Motion moved—

That a sum not exceeding Rs. 89,86,600 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1939, in respect of General Administration.

**Chaudhri Muhammad Hassan (Ludhiana, Muhammadan, Rural) :** Sir, I beg to move—

That the demand be reduced by Rs. 100.

I move this cut motion to point out that the general administration of the province is not satisfactory.

**Mir Maqbool Mahmood :** But what is the fate of the cut motions before this No. 43 moved by Chaudhri Muhammad Hassan ?

**Mr. Speaker :** What is the honourable member's objection ?

**Mir Maqbool Mahmood :** I wanted to ascertain whether other members who have given notices of cut motions are not moving their motions or whether they have not been called.

**Mr. Speaker :** What is the honourable member's own opinion ? (Laughter).

**Mir Maqbool Mahmood :** There are some cut motions by member on this side of the House and some by others.

**Chaudhri Muhammad Hassan :** There is no manner of doubt that the Punjab Government, since the assumption of office, have failed to carry on the general administration of the province in a satisfactory manner. There are different agencies of the Government which have been employed in order to look to the welfare of the zamindars in general whose representatives they claim to be on the floor of this House. I have heard several times the honourable ministers saying—particularly the Honourable Premier—"we had done everything in our power to improve the financial condition of the zamindars and that .....

**NT Premier :** I am sorry to interrupt my honourable friend. May I ask which particular amendment he has moved ?

**Chaudhri Muhammad Hassan :** It is No. 43. I entirely agree with my honourable friend Lala Duni Chand when he says that our Premier is a gentleman of sweet temperament but he is not in the habit of fulfilling the promises that he makes from time to time either to the members of this House or to the general public when he goes on tour in the province. There are two chief agencies in the province. One agency is the police whose duty it is to prevent crime and the other agency is the magistracy.

**Premier :** May I ask the honourable member to repeat what he said about me as I was not attentive ?

**Chaudhri Muhammad Hassan :** I said that you are not in the habit of fulfilling your promises ?

**Premier :** Is that a parliamentary expression ?

**Mr. Speaker :** The honourable member should withdraw his remarks.

**Chaudhri Muhammad Hassan :** I withdraw it. It shows that the Premier has been going about in the province, from village to village and he has made certain promises with the zamindars that he will try his best to improve their financial condition, will look to their welfare, will remove and eradicate corruption, will spread education and afford medical relief, but I regret to say that these things have not been done by the government so far. What is the reason. The reason is clear ; that the Honourable Ministers, the Parliamentary Secretaries and the members of the Unionist party do not get sufficient time in order to do these things. They are very busy with their party programmes. They go from place to place and from village to village telling the people that they will do this and will do that, while their only concern is to strengthen their party. They have got no time to look to and eradicate corruption or to improve the financial condition of the zamindars. The chief agencies, as I have said before, are the police and the magistracy for the administration of justice in the province. It is deplorable that the Ministers, eminent lawyers as they are, big zamindars, as they are and claim as they do, that they command the respect and confidence of the public, have failed in their duty of attending to these things which are necessary for the good administration of the province. Sir, at this stage I would ask my honourable friends opposite whether they have received any complaints of corruption against the magistrates or against the police. If they have not received then their claim that the electorate have reposed their confidence in them is not correct, because we on this side of the House have received more than 500 complaints each asking us to bring it to the notice of the Ministers and the Punjab Government that there are certain grievances which have not been redressed for the last 11 months. Moreover we find that the agents of the Government, I mean the deputy commissioner, the revenue assistants, tahsildars, secretaries and other people who are government servants have now taken upon themselves the responsibility of going from village to village, holding meetings and preaching that it is best for them to oppose the Congress and to support the members of the Unionist party. It is a matter of pleasure to say that in spite of the best efforts by the members of the Unionist party in the last Assembly elections some people on this side have succeeded in

defeating their rival candidates. That shows that the general public in the province are not satisfied with their programme which when they came to this House they laid before the public (A voice : Question) I will answer the question at the proper time if you have the patience to hear me. As I have said before the Honourable Finance Minister has presented a budget in which no provision has been made to eradicate corruption and no means have been suggested during the last 11 months as to how and in what particular manner to eradicate root and branch this evil of corruption which goes to the very root of the general administration. I regret that in order to substantiate my charge against the Government I without fear of contradiction say that the administration in my district is rotten, the executive head of my district is immoral, inefficient and is corrupt I said so in the last session also.

**Syed Afzaal Ali Hasnie :** On a point of order. Is that expression with regard to officers of Government parliamentary ?

**Chaudhri Muhammad Hassan :** In order to substantiate my charge that the general administration is not satisfactory in the province, I was giving the instance of my district. I was quite relevant when I mentioned that the executive head of my district was not carrying on the administration properly as he was inefficient, as he was corrupt and as he was immoral.

**Mr. Speaker :** May I invite the honourable members' attention to Standing Order 29 wherein it is stated :—

A member while speaking shall not utter treasonable, seditious or defamatory words.

My lawyer friends in this House, I do not think, will deny that the words 'corrupt' and 'immoral' are defamatory. So, I hope the honourable member will withdraw them and proceed with his speech.

**Chaudhri Muhammad Hassan :** I would like to convince you that the words are not defamatory. I did not use them with any malice. I only used them so that the head of the district may improve.

**Mr. Speaker :** I would again request the honourable member to withdraw those words.

**Chaudhri Muhammad Hassan :** Though I am not convinced yet I am withdrawing those words in obedience to your orders.

I was submitting that the administration of my district is most unsatisfactory and I want to substantiate it. I have asked several questions on the subject for which evasive replies have been given by the Honourable Revenue Minister. Certain relations of officers serving in my district have been employed over the head of those who were already on the list for several years. When those people approached the divisional administrative head they were not allowed to submit any evidence to substantiate their grievances. That is, the way in which the administration, so far as the executive head of the district is concerned, is carried on.

Further on, it is only this year that I asked several questions from the Honourable Minister of Public Works in which I complained that subscriptions were being raised for the construction of a swimming tank for the welfare of big people and not for the welfare of poor villagers. Further on, I

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put certain questions to the Honourable Minister for Education pointing out that no medical relief was given to villagers of Beit ilaqa and that there was no primary or middle school for education of children of that place. Furthermore, I asked several questions of the Honourable Minister for Development pointing out that so far as cottage industry was concerned, it was not properly attended to by his department. Furthermore, I told the Honourable Minister for Development that so far as the Department of Agriculture was concerned and so far as Beit-Ilaqa in my district was concerned, this department has done nothing. They have afforded no relief to the residents of that ilaqa. If this is the sort of administration which is going on everywhere in the province, then it is a matter of which the present Ministry should not be proud and the parliamentary secretaries should refrain from saying, "We are representatives of the public, we are a popular Government, we are very anxious to improve the financial condition of the public and we are here to afford every relief to these zamindars as compared with the people of money-lending classes."

Now, Sir, so far as the Police Department is concerned, it is the duty of the police to detect crime and prevent crime. But there is a great deal of corruption in the Police Department. I am sure, that my honourable friends over there will come forward and say that no complaint has been received from the officers of that department. Of course, no officer in the Police Department will complain about corruption of a brother officer of the same department. I pause for a reply and I should get a reply, but none so far. Should I understand from this that there is no corruption in the Police Department? Should I understand that there is no corruption in the Agriculture Department? Should I understand that there is no corruption so far as extra assistant commissioners and revenue assistants are concerned? I cannot believe that. I am not at one with them because I receive complaints every day from every tahsil and every quarter of my district. There are complaints against the corruption of the administrative head as well as of the Police Department. But no steps have so far been taken to remove corruption and I think it is no use bringing these facts to the notice of this Government. This Government cannot and dare not make any reform or any improvement so far as these matters are concerned, because they are guided not by the dictates of their own conscience, but by somebody else behind them. It is an autonomous Government simply in name, it is a popular Government only in name. These gentlemen have got their high salaries; while in the United Provinces they get only Rs. 500. We brought in resolutions and Bills to reduce their salaries but they were all defeated. They should have come forward and brought to the notice of the House, of their own accord, that they were willing with pleasure to reduce their salaries and that they wanted to reduce those high salaries in the shape of remission of land revenue or in the shape of medical relief to poor peasants or in the shape of education grants so far as district boards and municipalities are concerned. For the last 11 months they have done nothing except showing their lip sympathy for zamindars.

I was submitting before you that so far as the Police Department is concerned, there can be no two opinions that there is a lot of corruption and there can be no two opinions that no measures have been adopted so far.

Nothing has been done so far in order to win the public confidence. The confidence of the public is impaired because these ministers and other officers of the Government go to villages and advise the villagers to oppose the Congress, but they never question the villagers about their grievances against officials. Who is responsible for that ? It is my contention that the Punjab Government is responsible for that. The Punjab Government, by their mal-administration have led the public to believe that if any complaints against their own officers are made, the complainants are bound to pay for the consequences and would come to grief. The public are afraid of the Punjab Government and their agents who are administering different districts. This shows lack of confidence in the Government.

Now, as regards communalism. I have heard from the lip of the Honourable Premier and other Ministers that so far as communalism is concerned, they will root it out. They have done nothing. I put a question as to how many Sikhs, Muslims and Hindus were employed in such and such departments and I found that they had no courage to come forward and say that in such and such a department such and such is the percentage. We find that no justice is done to any department. They have got no power and determination to come forward and say, 'we want to root out communalism and we should see that each community in the province should get its due share.' It is really a matter of great regret. Those gentlemen who pose themselves to be big landlords and belong to money-lending class and agricultural class and who are very anxious for agricultural class, particularly my Honourable friend the Minister for Development so far as his departments are concerned have been able to make no improvement. No step has been taken in which he can say that he has particularly provided for the welfare, and for the improvement of the zamindar class. It is a matter of fact that for the purpose of propaganda these classes are being separated to support the members of the Unionist Party. It is for their personal motive. I should say that these gentlemen want to divide the people into money-lending, agricultural classes and non-agricultural classes.

**Mr. Speaker :** I would request the honourable member not to attribute motives to his colleagues. (A voice : Please speak to the motion).

**Chaudhri Muhammad Hassan :** I am speaking to the motion. I am thankful to the honourable member for reminding me of that. I was submitting that those gentlemen who have been saying from time to time that they are the friends of zamindars have been unable to do anything for them. Even if they had a determination to do anything for their good it is not creditable to them. Whatever it might be, I feel, and the members on this side of the House feel, that the Punjab Government is not carrying on the general administration in this province satisfactorily, because people do not feel secure so far as their lives and property are concerned, I have seen the police charging innocent people with *lathis*. I have seen the police harassing women. I have seen sometimes zaildars and others conspiring with the police and creating disturbance in peaceful meetings held under the banner of Congress. It is regretted that the Punjab Government is responsible for creating such troubles and then telling us that such and such dacoity has been committed and such and such murder has been committed and that they are not going to release such and such prisoners because they

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have been charged with attempted murder or that they have been charged with dacoity. I know of an instance of the bad administration of this Government. On the 5th February, 1938, in my district, a political conference was held at Gujjarwal where certain people, including 12 members of this House and 2 members of the Central Assembly, were present. The members and the president of that conference and others including my honourable friend Lala Duni Chand requested the executive head of my district to ask the people to leave the meeting because they were not invited. But the request met with a refusal. A disturbance was created and the police charged the people who were holding that meeting—and not the disturbers—under various sections of the law. Tomorrow, I am sure, the Honourable Premier will get up and say that he is not going to consider the case of those men because they are not political prisoners but they are ordinary prisoners charged with dacoity, etc.

It is really a matter to be regretted by all irrespective of whether they belong to this party or that, that the general administration which is so essential for the welfare of the people of the province should be carried on so unsatisfactorily. The general administration of the province should be the very best and the popular wish should be attended to at once. We have been told that if five persons apply or put in an application before some Minister or the Punjab Government or the Cabinet or His Excellency the Governor or the Deputy Commissioner that such and such an official is corrupt, it is only then that they would inquire into the conduct of that official. That is most unfair. It is the duty of the Government to find out of their own accord if any officer is corrupt. It is not proper that Government should first expect five respectable persons to make a complaint. The policy of Government should be that they should of their own accord look to the welfare of the people and they should find out if a particular official is corrupt. It is their bounden duty for which they are paid from the public treasury to charge that officer, make an inquiry and punish him if the charge of corruption is proved. They have not done that so far. In this matter the Punjab Government have failed miserably. They have not done what a popular Government should do. They have not done anything to improve the administration of the province. They cannot justly congratulate themselves by saying that they have provided 8 lakhs for rural uplift or 1 lakh for medical relief for the poor of the province. When the time comes for discussing the out motions, we will show how the budget is prepared. What is the principle underlying the budget? This budget was prepared not with a view to help the poor. It is the rich man's budget, it is a money-lender's budget, it is not a zamindar's budget. I know medical relief is going to be afforded in rural areas and I know that uplift work is also going to be done in rural areas, but unless the Punjab Government changes its policy, it cannot achieve anything. The Ministers go out into the districts and hold meetings. They give lectures, very learned lectures. But have they ever heard any complaints against any official of Government? They have not. They believe that their prestige will suffer if they do. That is false prestige. True prestige of the Ministers is this, that they should go to the villages, ask the villagers if they have any grievance against officials. If any case of corruption is brought to a Minister's notice then it is



his duty to ask his Parliamentary Secretary to address the meeting on his behalf, leave for the village, whose residents report that an official is corrupt, charge him, take evidence and if he finds the charge proved, punish him. If you do not do this, you cannot claim to be a popular Government. It is no use just showing your lip sympathy to the zamindars. I was just submitting that high salaries are a grievance, not a grievance of the members of this House but a grievance of the public. Has any Minister gone to a village and asked : Do you like that we should draw Rs. 3,500 or Rs. 750 or Rs. 500 from the public treasury? Are people satisfied? Can any Minister conscientiously say that he put the question to the villagers and that the villagers replied that they were satisfied? Had they agreed to accept the small salaries and given up something for the welfare of the public, I am sure the people of the province would have been very grateful to them, and they would have become a very popular government in the real sense of the word. We know that they are a majority in the Assembly, and they can outvote the Opposition whenever they like, but they cannot claim that they have established a good and popular Government in the province. It is true that when the Unionist Government came into power in this province, they made several promises and the people thought that these gentlemen would do something for them. Let them go to their constituencies and ask : Are you satisfied with our salaries? Are you satisfied with what we have done for you during the last eleven months. I am sure that from every part of the province the answer will be an emphatic 'no' and nothing else. That is the only way to judge the popularity of the present Ministry. The only test is, what have they done to improve the general administration of the province and what have they done for the welfare of the people of the Punjab—things about which they professed so much and talked so much on the floor of this House?

I have heard several Ministers comparing their doings with those of the Congress provinces. But what is the result? It is not always in their favour. In fact it is against them. In the Congress provinces, you will find that people are satisfied with their Ministers in all they do. It is not like the Punjab where a handful of people are satisfied with the doings of the Punjab Government.

So far as the Medical Department is concerned, I am sure that the hospitals at Simla—the Ripon Hospital and the Walker Hospital—spend ten times as much as the Punjab Government spend on rural dispensaries, hospitals at tahsil headquarters and hospitals at the district headquarters. Is this your administration? Is this what you do for the Punjab? Is this the deed your lip sympathy is translated into? I know my honourable friend the Deputy Speaker will bear me out when I say that this Government has entirely failed in all the promises that it had made before it came to power. I know that he will question it and I am prepared to reply to it. So far as the district board is concerned, I find that in my part of the province

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a resolution was brought forward that a non-official chairman should be appointed but the official chairman would not like to have a non-official chairman, lest he might have to vacate the chair, lest the people might understand what rights they have got in the

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local bodies. This is the kind of administration. I remember that a resolution was brought before the District Board of Ludhiana to discuss the inability or the failure of the Police Department to make proper arrangements at a particular time. It was disallowed on the ground that the district board had no concern with the Police Department. It must be within the memory of several members of the Unionist Party that in that very district board resolutions were passed appreciating the services of the Superintendent of Police and the Deputy Commissioner. The district board asked the executive head of the district as to why and in what particular manner the resolution passed in April, 1937, was relevant and the resolution brought forward in February, 1938, was not relevant. The answer was "because I have disallowed." That is the administration. Unless you take the public into confidence, unless you impress upon the public that the measures that you adopt, that the things that you do are for the welfare of the public, it is almost impossible that you can know the mind of the public or the grievances of the public. To give you another instance, I find that at the time of the collection of arrears of land revenue and taqavi, warrants are issued indiscriminately without realising what the financial position of the zamindar is at that particular juncture, to repay them. The Government for reasons best known to itself has not applied its mind to remission of land revenue in favour of those who are unable to pay financially. Therefore I say that the administration of the province is not satisfactory and I have proved this by various instances. Although I can give several other instances I will not take more time of the House as there are several members who wish to speak. Let us see what reply we will get from the Government. I therefore move my amendment and hope it will be accepted by the House, which will prove that the administration of the province is not satisfactory. (*Cheers.*)

**Mr. Speaker :** Demand under consideration, motion moved is—

That the demand be reduced by Rs. 100.

**Syed Amjad Ali Shah :** As there are many members who want to speak I venture to suggest that you may kindly fix a time limit for speeches.

**Mr. Speaker :** The House may fix the duration of speeches.

**Mr. E. Few :** One hour for each member. (*Laughter.*)

**Sardar Kapoor Singh** (Ludhiana East, Sikh, Rural) : I agree with my honourable friend Chaudhri Muhammad Hassan, in his remarks about Ludhiana and about corruption and bribery. It is just possible that I might differ from him in regard to certain matters. We know that today we are dealing really with one-tenth of the whole income and expenditure of our budget, out of which nearly 3 lakhs are being given for the Treasury benches, the six ministers and their secretaries. We have now seen that they have administered the province for a whole year and that there has been no change in the Government service attitude and there has been no change in the corruption and bribery which was going on previously. In fact bribery is more rampant throughout the province now than before under the white bureaucracy. Every department of the district of Ludhiana from one end to the other is corrupt, with only one difference, namely that

there are certain persons who get direct gratification while there are others who get a share of those gratifications which are received by their subordinates. But this Government is keeping silent and is sleeping over the whole matter all these times, although this Government has been professing all along and declaring at the top of its voice that it is the people's Government, that is the government of people's representatives, that this Government is doing everything for the peasant and the poor. Let us see while going through all these facts whether they have done anything during the last year or not. So many complaints have been brought to their notice about corruption and bribery and so far none of them has been attended to. They have all been thrown into the waste paper basket and no action has been taken on any of them. On the other hand the officer against whom a complaint has been made has been shielded for one reason or another. (*Hear, hear.*) If he merely puts forward an excuse that this complaint has been brought forward simply for the reason that there are some Congress people against him, instead of that man being punished, he has been shielded by this bureaucracy. This present Government is not so keen as it professes to be on doing good to the public. They are more keen to maintain their position; they are more keen to retain their position and to be returned again at the time of next election. That is their chief object and it is clearly shown by their activities outside. That being their anxiety, this has emboldened the Government servants to receive illegal gratifications and to be more corrupt. They know it that as long as they go on singing praises, as long as they go on following the behests or the orders of the Unionist party, they are safe. It matters not whether they do any good to the peasant or not, whether they discharge their duties well or not. That is the reason why the subordinates in the service have become corrupt and are not discharging their duties properly. I will give you concrete examples how these officers have been emboldened on account of these reasons. Some of my friends on the opposite benches, if I disclose those secrets might be knowing that certain officials of Ludhiana one way or the other first gave notice to their subordinates that their services shall be dispensed with or extensions shall not be given because they have gone against the Government and have favoured the Congress one way or the other.

I would like to know from the Honourable Minister for Revenue whether it is a fact or not that one sub-registrar of Ludhiana got a notice from the Deputy Commissioner to show cause why he should be given extension—

**Minister for Revenue :** My honourable friend does not know that registrars are not under me.

**Sardar Kapoor Singh :** I know that, but all the same I know that the man approached you with the request that you should intercede on his behalf, because the Deputy Commissioner had given him notice, and say that on the contrary he had supported you. He was given notice only for the reason that he was supposed to side with the Congress party. I should like to know from my honourable friend the Minister for Revenue whether it is a fact or not that two lambaris were dismissed simply for this reason that they had presided over Congress meetings and when I asked a question about that, the Honourable Minister was pleased to say that he could not tell what were the grounds of dismissal and that I could go and see the order

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of the district magistrate. Let me inform the Honourable Minister that the chief ground in that order about their dismissal was that both of them one after the other had presided over a Congress meeting and that they had Congress leanings. In spite of this fact, no action has been taken by the Honourable Minister in regard to this matter. Most of the people of that village from which these lambardars came have been served with notices to show cause why they should not be prosecuted under section 161 for not obeying the order of the revenue assistant, as they did not present themselves on the occasion of mutation proceedings. You know that these tahsildars and other officials have been carrying out the behests of the Ministry. The result has been that they have got bold and they receive gratifications fearlessly. That is not where the things end. You will find that this Ministry has been very careful to see that the Congress activities should be suppressed. They have been more anxious about this than that the administration of the districts should be improved as a whole. If I may say so, my friend the Honourable Minister for Revenue served one of the tahsildars with a notice because he sided with a Congress candidate in one of the recent elections. He was approached by certain of his friends who told him that it is a sort of tyranny. The Honourable Minister then admitted that it was on account of wrong information that he had taken such a step.

**Minister for Revenue :** I deny that.

**Sardar Kapoor Singh :** You may deny that.

**Mr. Speaker :** May I know whom the honourable member is addressing? Is the word 'you' meant for the chair?

**Sardar Kapoor Singh :** I was referring to the Honourable Minister for Revenue. The Honourable Minister says an emphatic 'no', but his conscience knows whether his 'no' is right or not and whether what he says is true or not.

**Minister for Revenue :** Perhaps he is the keeper of my conscience.

**Lala Bhim Sen Sachar :** Perhaps you will like him to be.

**Sardar Kapoor Singh :** There are other matters which I do not want to disclose, lest I should be considered to bring personal matters. But what has been the result of this party propaganda carried on by the ministry? What has been the result of the ministry asking their subordinates that they should help them in crushing the Opposition party? The only result has been that corruption and bribery has increased instead of decreasing. Then as to the attitude and activities of this ministry during the last year. They have in a way instead of improving the tone of the services been responsible for a degeneration and deterioration of efficiency and morale of the services.

I will now turn to the district boards, for I am mostly concerned with district boards. Let us see whether the district boards have gained by the change of this ministry. You will find that out of 28 districts at present there are 25 districts where the boards are being ruled with an iron rod and are under the thumb of the deputy commissioners and this Government which calls itself the representative of the people and a popular government is unwilling to give some latitude to the district board and allow them

to have their non-official chairman. Instead of liberalising and amending the Act they are fettering further the rights of the boards. You will find that in other provinces like the North-West Frontier, the United Provinces and the Central Provinces, they have eliminated the nominated elements and in all these provinces there are non-official chairmen, but this Government will not allow the Opposition even to discuss a resolution when an attempt is made to have a resolution moved for non-official chairmen. (*Hear, hear*). This is the mentality of this Government which calls itself a popular Government. It does not like that district boards should get non-official chairmen.

I am sorry that my honourable friend the Minister for Education is not here for I wanted to say in his presence as to what was the attitude of the previous Government and what is the attitude of the present Government. During the last fifteen years as vice-president of the district board and as member of the district board and municipal committee, I have—

**Minister for Revenue :** There is the Minister for Education.

**Sardar Kapoor Singh :** I have always found that the deputy commissioners are not only chairmen of district boards but they are absolute despots—not benevolent despots—but despots with iron rod and it is as such that they rule over the district boards. My friend the Minister for Education might be knowing what happened ten years ago when I had to table a resolution that there should be a non-official chairman. It should be remembered that he was one of those, when that resolution was tabled by me, who were called by the Deputy Commissioner to give advice on the problem of defeating that resolution. You will be astonished to know that all the officials of the district collected together in the civil surgeon's bungalow and they asked for the advice of my Honourable friend the Minister for Education. I admit that he might have given them a sound advice. But what was the consequence? The consequence was that I had ultimately to suffer for daring to move that non-official resolution. As a result of that action taken by me, my cousin and father were served with a notice to show cause why they should not be removed from zaildari and similar notices were served upon my various other relatives to show cause why they should not be removed from the post of various sorts that they were then holding in the village. It was only because I moved the resolution that there should be a non-official chairman of the district board. It did not end there. All the tahsildars of the district, all the readers of the tahsildar, and other officials were present there in one way or the other to see that this resolution should not be passed, to see that I should in no way be elected as vice-chairman of the district board.

**Minister for Public Works :** When was it?

**Sardar Kapoor Singh :** This was only ten years back. I am coming to this year as well. Please wait.

**Sardar Sampuran Singh :** Your turn is coming.

**Mr. Speaker :** No remarks please.

**Sardar Kapoor Singh :** This happened not only ten years back but it happens after every three years as well. I find that the Honourable Minister for Public Works is keen to know whether the same attitude is

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being adopted in these days or not. But I will say that worse is still happening. In September last a similar resolution as to non-official chairman was again tabled in the Ludhiana District Board by the Congress party. The Honourable Premier is not here otherwise I would have told him what the resolution was. As a result of that resolution the Deputy Commissioner and the Superintendent of Police were called over to Simla on the 28th of September or so. I speak subject to correction but that is my information. I think it is correct because the Honourable Minister for Revenue is laughing. They were called over there to explain as to why the Congress had gained the ground in the Ludhiana district and why their authority was so weak in that district and whether for that reason they did not deserve to be turned out from that place. That happened on the 28th September when both these officials were called over there at the same time. Let me tell you the other thing. It does not end there. Why was the sub-registrar served with a notice? He was served with a notice simply for the reason that he preferred to withdraw in favour of the Congress candidate for membership of the district board and that Congress candidate was elected unopposed as a member of the District Board of Ludhiana. That was the reason why he was served with a notice to show cause as to why further extension to him as a sub-registrar should be allowed.

**Minister for Public Works :** What notice?

**Mr. Speaker :** No questions, unless asked through the Chair, should be answered.

**Sardar Kapoor Singh :** Let me answer through you, Sir.

**Mr. Speaker :** But the question has not been asked through the Chair.

**Sardar Kapoor Singh :** Notice was served by the Deputy Commissioner simply for this reason and I am sure it must be within the knowledge of the Honourable Minister for Public Works. So far as I know, that person approached him when I was at Simla. The same attitude and mentality is prevailing among the Ludhiana officials at present. Next comes the question of the election of vice-president and that of the tabling of a resolution for a non-official chairman. The same thing happened that happened ten years ago, that happened seven years ago and which happened three years ago. My own cousin, who wanted to vote for me, was pressed to vote against me. He was not only pressed to vote but was threatened with removal. The same thing happened this year which happened ten years ago. There is no change.

**Minister for Public Works :** All supporters of defeated candidates tell these tales.

**Sardar Kapoor Singh :** I am not a defeated candidate. I am vice-president of the district board.

**Mr. Speaker :** I cannot permit a dialogue between two honourable members.

**Sardar Kapoor Singh :** But, Sir, I have got the Jat spirit in me and I must reply. Let me tell him that I am not a defeated candidate.

**Minister for Public Works :** No, his supporter.

**Sardar Kapoor Singh :** He too is not a defeated candidate. He too is a member. I can assure the House that the position is worse than it was during the previous days. The present Government is unmindful of the wishes of the elected members of the district boards (*Hear, hear*). I think it was Mr. Deputy Speaker who was pleased to remark, when the draft rules were under consideration, that the administration of the district board is not the primary concern of the local Government. From this, you can judge that when the district officer, when the deputy commissioner is really the ruler of the district board, when the deputy commissioner is in reality everything in the district board, then how can the Government say that that is not the primary concern of the local Government? Not only that but can the boards take any action in any other department independently? Take for instance the Education Department. What can the district boards do in that department? They can do nothing. Education Code is clear. According to that Education Code no transfer or appointment can be made by the district board unless approval of the inspector is taken. Take the case of the Veterinary Department. There is a circular that the district boards cannot buy any medicine or anything else direct from anybody. They must send their indents to the firms specially appointed by the Government for the purpose of supplying those medicines and other articles. This will show whether the district boards are independent enough to conduct their business or not. Take the case of the Medical Department. Nearly all articles and medicines are purchased through the civil surgeons who may, as is really the case, take commission on those purchases. They buy the medicines themselves but if there is any flaw or defect in the stores purchased, then it is the district board that has to bear the consequences. Not only that a letter is issued that the powers once delegated cannot be taken back without the sanction of the Government. That was never done before. My friends must know that the district boards were delegating powers and at the same time withdrawing them too but with the present so-called popular Ministry the district boards have been compelled and ordered that they cannot withdraw those powers which are once delegated either to the inspectors or to civil surgeons or to the executive engineer, whoever is the head of the department. That is the present attitude of the Government. (*A voice: You are misrepresenting us*). My friend says I am misrepresenting. This is not a fact. I have got a copy of the letter with me and I can show it to him if he has not got a copy himself. This is a fact that in these matters the district boards have been hedged round on all sides by the orders of this popular Ministry. Leaving this aside I will take now education. Has the Education Department in any way improved during the last year or during the last 10 years? A few days back the Honourable Minister for Education was boasting that his department had spent 3 crores and odd on the education of the province. At that time he was unmindful of the facts and figures and was depending on the reports of his subordinates. He never cared to go through the facts and figures to find out whether during the last year or during the last 10 years the percentage of literacy had improved in any way. He must know that in 1925-26 the percentage of school going pupils of the total population was 6.04 but at the present time after so many years that percentage has gone down and it is now 5.64. The other day he was harping upon the pet scheme of the Compulsory Education Bill; but let me remind you that that is not sufficient in any way; that

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would not even educate the population which is increasing these days, because he must know that the present population is increasing by 5 lakhs annually. This scheme which is put forth hesitatingly and this measure which has been put forward will not in any way improve literacy. On the other hand it might simply tax the people with no sure result that literacy would improve in any way. The other day he was boasting that his Department had been spending 11 lakhs and odd on public health. I think he is not quite sure about the facts and figures. What he is spending for the whole Public Health Department is just the same as the salary paid to nearly 100 persons of the General Administration Department, that is, six Ministers, 33 Secretaries, Public Services Commission Officers, the Financial Commissioners, and Commissioners and 29 deputy commissioners. He must know that these 81 persons get as much as the total amount which is being provided for the Public Health Department. These 81 persons get 16 lakhs for their pay from the pockets of the poor people, the poor peasants whose representatives they call themselves. Still my Honourable friend the Education Minister had the audacity to come forward with those boasting remarks that his Government is spending so much money on such and such department. If he was really keen about the health of the poor people, if he was really keen to give medical aid to them he must have come forward with certain reduction in his own pay; he should have come forward with a certain reduction in the pay and allowances of certain other officials. My friend might say that reduction of pay is not in their power, because they are non-voted items: they are a charge upon the revenues of the province. Still there are many items and if he were to go through them, he could have effected some saving. But nothing has been done. Take the case of the Financial Commissioner's item. There has been a saving in that Department of Rs. 20,000 on account of leave salary. What they have done is that instead of showing a saving and instead of giving over that amount to any beneficent department what they have done is that they have increased one or two secretaries and increased the pay of the Personal Assistant of the Premier and have increased the pay of certain clerks. That is what has been done. If my Honourable friend was really keen over these things he should have thought over these matters and would have effected many savings in these departments. Not only that. This House will be astonished to know how this Government has been wasting public money, how it has been gambling with public money, money which is earned by the toiling labourers and the peasants whose representatives they always claim themselves to be. That is how that money is being wasted by the Treasury benches. The total expenditure on the pay of 500 officers, leaving aside their hill allowances and other allowances is 39 lakhs. You know that the poor peasant lives in the bitter cold as well as in the extreme heat while these people live in furnished houses and use landau cars, enjoying the breezy air of Simla. They should see what savings could have been effected. On the one side 500 persons get 39 lakhs and odd while on the other hand the whole provision for the Public Health Department is only 16 lakhs and 17 lakhs is provided only for my Honourable friend the Minister for Development. Both these departments are getting 33 lakhs while these 500 persons get 39 lakhs (A voice: What



about other provinces ?) I am not concerned with other provinces. I am concerned with my own province.

**Mr. Speaker :** I have already asked honourable members to take no notice of questions, which are not asked through the Chair.

**Sardar Kapoor Singh :** Other provinces are proceeding much further than this province. He does not know that the United Provinces have spent one crore on the beneficent departments. Their budget about the beneficent departments is far greater than the budget of this province.

They say that they have got no funds, but on the other hand this Ministry has been getting so much for their salaries and allowances, but at the same time they are giving nothing to the poor people for public health, for medical relief and for other purposes. When they are out in the villages, they cry out that they are doing everything for the agriculturist and that the Unionist Government is doing such and such things for the peasants and such and such things for the labourers, but they never say that they are getting so much money as their pay. During the last budget discussion they said that they had not been able to discharge their duties because they had taken office just then but next year they would show what they would be able to do. They were telling that all these things could not be done in a day. Although all this time they were declaring that new heaven shall be created upon this earth, they have totally failed and I must say that they have not only totally failed last year, but they have not provided anything for the poor people in the next year too.

**Khan Bahadur Chaudhri Riasat Ali** (Hafizabad, Muhammadan, Rural) : Sir, I would begin with the remark that my honourable friends forget that just as constitutions are not made overnight in the same way developments or improvements cannot be had by means of Alladin's lamp or a magic wand. These things always have their natural growth and everything which has natural growth must require various environments which are necessary for its development. My honourable friends say that the Government have done nothing for zamindars. They forget that within the first one or two months of the assumption of office by this Government, they announced a remission in land revenue of not less than 26 lakhs on account of an adverse visitation of nature. They also forget that during the Simla session, the first and the most important thing which this Government did was the appointment of the Land Revenue Committee. They were clamouring always that there were no remissions, there were no suspensions and that the rates of taxation prevailing in rural areas were high. In a way, they were anxious that something must be done to ameliorate the position and condition of the zamindars. The Government could not do anything without ascertaining the financial position and financial conditions prevailing over the whole province. It was one of the difficult questions because it concerned a major portion of our revenue. Everybody here remembers that about 4½ crores is our land revenue and about 7 crores is our *abiana*. If we are to abolish all these rates without ascertaining or without creating other sources of income, is it possible for any Government whatsoever to carry on its administration in any good province for a single day ? Unless new sources of revenue are tackled and unless Government has some money to meet various expenses in all respects, it is impossible for any Government

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however firm and established it may be, to carry on its administration for a single day. It was argued that land revenue should be charged on the basis of income-tax and certain remissions should be granted to a particular set of people who pay land revenue. Quite right. But as has been quoted on the floor of the House many times the number of those people who pay land revenue of more than Rs. 500 is nearly 1,500 and if the Government is left to disown the only source of getting land revenue from those people who pay land revenue more than a given amount, it is absolutely difficult to meet the expenditure. Therefore, as the question whether the principle of assessing income-tax can be safely applied to the assessment of land revenue was very urgent, it was extremely essential that a committee of experts, who have long experience behind their backs, should be appointed to ascertain conditions and it has been appointed. It is doing its work and it will be finished, I hear, by the end of the next month. So, it was impossible, as I said, unless the committee of experts give us a relevant report on the matter, to tackle such a dangerous item of our expenditure or income without knowing the conditions.

Next thing which is daily urged in this House and which was even urged to-day by some honourable members, is that the expenditure incurred by this Government is, comparatively speaking, more than in any other province. I would say that the total expenditure on a particular item in this province is far less than in any other province in this country. As regards, General Administration in the Punjab, a subject which we are discussing, the percentage is 10·5, while in Bombay, of which my honourable friends opposite are so fond, it is 18·3. In Madras it is 17·9 and in Bengal 12·5. Then take the case of Administration of Justice. In our province the percentage is 5·3, Bombay 5·6, Madras 6·1 and Bengal 8·5. I have quoted two heads only to show that the expenditure of this Government is not in any way unjustifiable.

Now, I shall come to the expenditure incurred by this Government on beneficent departments. It has been often said that we are not spending on these departments more than any other province in this country. If my honourable friends still shut their eyes to actual realities of the case, I would again try to satisfy them by quoting figures on this topic. Our percentage of expenditure in the last year was 28·4, United Provinces 24·8, Bengal 22·4 and Bombay 22·2. Now, if these figures cannot satisfy my honourable friends, I do not know what else can satisfy them, while they are sitting in judgment on the activities of this Government in the way of doing something for the people who are labourers in the fields or who are cultivators in villages.

The next thing to which I would draw the attention of honourable members is the appointment of the Sources of Revenue Committee and the Retrenchment Committee. It is very difficult to collect data from all departments and to compare them with the data supplied by other provinces under a given head. As I said in the very beginning, unless a committee has full data with regard to a particular matter involving taxation, decisions cannot be arrived at, and if they are arrived at in a haphazard way or in a hasty way, they will not be worth the name of being termed or called so, as they will not be the results of a right procedure.

So far as the question of the Committee on Resources and Retrenchment is concerned, if the honourable members were only to examine the terms of reference of that committee, they will be satisfied about the intentions and the *bona fides* of Government. The terms of reference are to the effect that we should tackle new sources of revenue without placing any extra burden on any shoulders which are unable to bear it. The terms of reference of the Retrenchment Committee are that we should see that if there is any expenditure on duplication of functions in any department that expenditure should be curtailed without impairing the efficiency. These two things are very important and we are to examine the question within the terms of reference of these two committees. It is of course very unfortunate that these committees should sit for months. But they have not been sitting idle. They have been collecting information and data. Questionnaires have been issued with regard to the working of both the committees but unless the Retrenchment Committee is satisfied with all the expenditure it is absolutely impossible to submit a report to this House.

As regards the Unemployment Committee which was appointed by this Government, the terms of reference are known to everybody. They were widely published and I would take this opportunity to say that the people did not respond to the attempts of this committee to the extent to which they should have done, because in very few cases answers to the questionnaire issued to various anjumans, social and political bodies, heads of local bodies and various individuals were received. They did not co-operate to the extent that they should have done in this matter. The committee has recorded evidence I understand, and they are going to finish their labours after taking into consideration everything. What else could this Government do for the people who are going about unemployed or to remove unemployment as it stands? If after the appointment of these committees, after the hard work put in day and night by those who are on these committees, if after all this the people choose to say that the members of the committees have been simply drawing fat salaries and have been doing nothing, then I cannot help it.

A charge was brought forward by a speaker on the other side, that the ministers have made no attempt to look into the grievances of the people, and that if ever they happen to go out on tour it is for their own party propaganda. Again, I would like, with your permission, to repeat the words which I have used more than once on the floor of this House, that this Ministry or this Government or this party does not stand in need of any propaganda whatsoever. It has been stated by the other side that the deputy commissioners, commissioners and the tahsildars are very busy asking people to defeat the Congress candidates wherever they stand in elections. It is too sweeping a remark to be made. It is unjust to those officials to say that they are busy in such a nefarious propaganda. That sort of thing cannot be tolerated by any minister, least of all our own ministers who are so much alive to their sense of duty. In this connection, I would make a reference to the district board elections of my district which were held only two months ago. Nine Congress candidates stood against other candidates. All nine were defeated and two of them even lost their security.

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Is that the fault of the Congress candidates or is it the fault of this Government? The fact is that the rural people have rightly understood the mentality of the Congress and know that they are not their well-wishers to the extent and the limit to which the members of the Unionist Party are. I refute the contention that the Unionists have no hold whatsoever on the rural people at least in the central part of the province. I challenge my honourable friends opposite to make any allegations against any of the officials who interfered in the elections of the district board run by the Congress which I have just mentioned. The public failed to see any merit in the Congress candidates and did not recognise any good in them and thought that they could be better represented by other than Congress candidates, so they did not vote for the Congress representatives. It is, therefore, not fair to impute motives and say that it is the official agency which is working against the Congress or that it is the Unionist Ministry which is at the back of it. Elections are run on their own merit and I can assure the honourable members that there is no wire-pulling by the Ministry. On the other hand there have been cases where people had complained that such and such a zaildar had been a candidate on the ticket of the Congress, but officials always refused to listen and said that they had nothing to do in the matter. Sometimes the Congress people go to the villages and offer their ticket to some influential man there promising to get him returned unopposed but wiser counsels have prevailed and that man has refused to accept their ticket, and has preferred to be elected on his own merit and on the services rendered by him to his community and not on the basis of the ticket offered to him which never brings strength to his ranks.

The next thing which my friends opposite have said is as regards the eradication of corruption. It cannot be denied that every department has felt the change of Government, though I might admit that the Police Department might have felt it least of all. But there is an improvement in all cases. While on this subject, I would remind my honourable friends, through you, that it is not only the Government which can help in the eradication of corruption but it is up to the people to help in the matter, it is for public opinion against corruption to help to eradicate corruption. I would quote an example. It is a case in which I myself was a lawyer. It happened in 1936. I appeared before the deputy commissioner, or the district magistrate or the collector, whatever you would like to call him, on behalf of my client. When I came out of his room I told my client that his application had been entertained and that he had to appear on the 26th of January. This was on the 13th of January. My client was not satisfied with what I said. He stole into the verandah, paid two rupees to the jamadar and asked him to take him to the Sahib. He was taken into the Sahib's room who asked him: Who are you? He answered, "I am so and so." The district magistrate then said: I have told your lawyer that you have to appear on the 26th. He then ordered his orderly to kick the fellow out as he was wasting his time. He was pushed out by the orderly and as he came out his turban was falling, and he said in Punjabi: *Hun pak hoya, tarikh te pai gai hai*. What about the mentality of these people? They do not realise that a Government official has done anything unless they have succeeded one way or another to put something in his hands or they have made an attempt to offer illegal gratification.

I do not say that officials are not corrupt. I do not say that corruption has been totally eradicated. But what I want to say is that as your proverb

تالی دونوں ہاتھوں سے بچتی ہے Says unless we improve our public opinion, unless our rural community rises to the occasion, by social boycott of those people who pay illegal gratification to these officers, including the *dalals*, unless you shun them and unless you refuse to call them to social functions, unless you refuse to enter into social relations such as marriages, etc., with these people there is no hope of removing corruption to the extent to which and at the time at which you demand it. Everybody hears of anti-corruption committees in various provinces. It is our duty to appoint such committees and strengthen the hands of those committees and to bring pressure to bear upon those people who are in the habit of accepting bribery. It cannot be said that deliberately any Minister or any agent of an established Government would refuse to listen to the genuine complaints of any man who has been made the target of extortion of money. Then, again, it has been said, why should there be this rule that unless five members put in the request no enquiry would be held? I will tell you. I know of many cases—I need not mention them because to some extent they are *sub-judice*—where twenty people in this province to our shame could be brought to bring in false charges of bribery at the instigation of some underlings who might have a grudge against them. Now what does this rule of five, if I may so call it, say? It is only for the satisfaction of the Government that a *prima facie* case has been made against the highly placed or low placed official against whom the charge is made, so that they may proceed to hold an enquiry into his conduct, if necessary. But this does not debar the Government, if they are satisfied otherwise, on their own initiative or after the receipt of reports from some source or other that their officer is honest and above board to refuse to hold an enquiry. It is only to satisfy themselves that there is some truth in the allegations that they have laid down this rule, so that the whole thing may not end in a f rce, so that a complaint is not made on account of personal malice or false propaganda against certain officials. It is certainly the duty of the Government to define its servants and to see that they are not molested without any reason. Therefore, if the Government has made this rule, it is not unreasonable.

Another thing which has been suggested on the floor of this House and which is very painful is the allegation that the present Government has done nothing to ameliorate the condition of the peasant. My friends forget that a scheme has been started this year and will go on for a period of five years, whereby a sum of Rs. 20,000 is to be given to each tahsil in a given district for use in work which will be both intensive and extensive, to improve the condition of the zamindar. It is at the discretion of the officer at the headquarters, that is the deputy commissioner in consultation with the district board, the *debat sudhar committee*, a non-official body and in consultation with other officials and non-officials, to decide which particular tahsil wants that particular help. Now everything is localised and it is in the hands of the people residing in the district to choose that tahsil and to get advanatge out of this fund. What else could the Government do?

Now I would again request honourable members to refer to the speeches made at the time of the general discussion of the budget. They should

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remember that the present Government is speeding up the work of the Haveli Project for the simple reason that those people who are thirsting for sweet water might get it at once without any further delay and those deserts and arid places should be transformed into oases. Everyone desires that these deserts should be brought under plough and cultivated by the recent methods of cultivation and that the financial position of the zamindars be bettered. Then, as to the activities of the Hydro-electric Department, it is being pushed up and it is hoped that this scheme will be helpful to agricultural prosperity, by providing means of drawing water out of the wells and by helping in their cottage industries.

Another thing is the question of indebtedness. Our Government has done a lot in this respect. Similar legislation in other provinces, in a majority of the provinces, is still in the melting pot. You have got more than two Acts on the subject and they are meant to improve the financial condition of the zamindar. It is a matter of congratulation that the working of those Acts has been put in the hands of the Honourable Minister for Development, Chaudhri Sir Chhotu Ram, than whom there is no man more keen to ameliorate the condition of the poor zamindar and it is a matter of great satisfaction that now that the machinery of working this legislation is in the hands of one who has sponsored that legislation, he will combine all his efforts and will do and is doing more than anybody else in the matter of helping the poor zamindar residing in rural areas. It has been announced only a few days ago that in your province during this year you will have 19 more debt conciliation boards. We have already got five. If there is a board in every district to go legally into the question of indebtedness, the condition of the people who are heavily in debt—who are according to Calvert 'once in debt always in debt'—will be examined and if a compromise under chapter IV of the first Act—Relief of Indebtedness Act—is reached, it will be a good thing for both the parties. Of course it is our duty to help the sahu-kars also. Not only should we help the debtor class but we should also help the creditor class. When the creditor class is getting nothing from these poor people because they cannot afford to pay, even if they get, say 4, 8 or 12 annas it will be doing a good thing to the creditor class because they may not get anything at all because of the poverty of the cultivator. How can you then say that the condition of the rural people is not being looked into?

So far as the Department of Agriculture is concerned, you see the manner of help which the Government gives in cattle breeding, you see the improved methods of agriculture exhibited in the whole of the province, you see the improved seed farms and the net work of farms everywhere in the headquarters of districts. I have seen with my own eyes, people going to villages—agricultural assistants and in some cases deputy directors of agriculture during these 11 months which was not the case before—to give demonstrations, how, for example, *gur* to be made and how *kachha* kilns are to be built. If they go and impart education to the ignorant villagers who are living in these areas, how can you say that nothing has been done? You remember that on account of financial stringency all the agricultural assistants and mukaddams had been reduced during the regime of the last Government, but as soon as there has been an improvement in the financial

position, you see that provision for more agricultural assistants and muk-kadams has been made to give demonstrations and to guide people in the methods of agriculture in each district. Is that not an improvement? Again take the panchayat system. How much are people spending and have been spending on litigation. It has been estimated that the average cost of a murder case that both the prosecution and the accused have to bear including the fees of lawyers and diet money of witnesses and travelling allowances of the parties, not to mention the illegal gratification paid by the people, is about Rs. 5,000. The figure of murders in the province stands at 379 this year and an equal figure last year, that is one murder every day. If you multiply 379 by 5,000 you will see how much provincial wealth is being lost in this useless litigation which is carried on on account of party wrangling and party squabbles. If your Government has again introduced the system of panchayats so that all your minor and major litigation and quarrels should be decided by your own people who will be elected by yourself and by your own kith and kin, is not that an improvement? They are providing no less than 56 assistant panchayat officers and 7 panchayat officers. There are already about 22 with the result that you will have one panchayat officer and 2 assistant panchayat officers in each and every district and yet you say that nothing has been done to ameliorate the condition of the zamindars. You will see in the budget a provision for the betterment of roads leading to rural areas. Why is that? Only because your Government wants that the countryside should be opened up and its resources developed so that there should be more chances and facilities for bringing the produce of the countryside produced with the sweat of the brow of the poor cultivator to the markets. If there is a net work of roads and money is being spent and provided in the budget by the present Ministry, can you say that they have not done anything? Then so far as the departments of Medicine, Public Health and Education are concerned, I would again draw your attention to the provision made in one year by this Government. You will see that more than 3 quarters of a lakh are provided in your budget to be spent more than the preceding year for the better equipment of rural and other dispensaries. Four of your hospitals are to be provincialized during this year. Then a scientific unit to fight against plague, cholera and other epidemic diseases is being established at an estimated cost of about 5 lakhs. Ten more veterinary hospitals are being opened up in the rural areas. Why? Because your Government wants that cattle which is the only wealth of your people should have more chance of living and should fetch better prices and should be of a breed which is superior to other breeds in the neighbouring provinces. Then I need not mention about education that Rs. 89,000 more are now provided than they were last year to give education in vernacular middle classes. This is all meant for rural areas and you have seen that girls schools are to be raised to a higher standard and in places where there are no girls schools, schools have to be provided.

**Diwan Chaman Lall :** This is only equal to the pay of a Minister and a quarter.

**Khan Bahadur Chaudhri Riasat Ali :** All these things go to establish that your Ministers are not sleeping and do not, as my honourable

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friend opposite remarked in the Simla session, know only ' how to sit with dignity like Confucius and do nothing '. That is not the case, but they have taken a due warning and they are doing a lot for the betterment of the people. I challenge anybody to deny that during the last 11 months your Government has done more than any other provincial Government in this country.

Another remark has been made that the Ministers are going about in their landaus and drawing high house rents and going to Simla. There was a lot of discussion on this subject when the Ministers Salary Bill was under discussion and we could not have got it through, unless we justified our demand and we showed to all of you that there was a genuine need for this high rate of pay, as you were pleased to call it. and that it is impossible for these people to maintain their dignity and to make both ends meet taking into consideration all sorts of social and political and other expenses that they should get at least this much pay which they are now getting. I need not take you again to that debate, but I would only remark that your friends in other provinces of which you are so much enamoured, they also get their allowances and they get their cars from Government and for which Government is paying running expenses and they are also going to hill stations. My honourable friends sitting over there did not raise their voice when the Bill for the travelling allowance of members was passed. They never raised a voice of protest against it and they never said that they did not want to draw this allowance because it is a drain on the revenues of the province. It is useless to argue that these allowances and salaries are too much. If these Ministers go to the ilaqa you ask supplementary questions and ask how much mileage the Honourable Minister for Development has drawn and what is his travelling allowance bill and if they do not go to the ilaqa, you say that they do not do their duty and sit like Confucius in their seats.

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

You forget what these people do. When they go about they are welcomed by all those rural people. They hold meetings. I have had the opportunity or I should say I have had the honour to go along with the Honourable Minister for Development, who is criticised daily and has always been chosen as the target of criticism of my honourable friends sitting over there, in those districts which do not come in my constituency and I saw that wherever he went he addressed the people as you have suggested. He told them as to what the present Government is doing for them, he told them what the Congress ministries in other provinces are doing. He compared both the administrations and then said that we are doing more for them. People seek interviews with him and he and his colleagues go out to seek first hand-knowledge of the things prevailing in the outside areas. They go to tell them the way in which they should approach the Government. The Honourable Minister has been receiving personally representatives of various classes even on those subjects with which he is not concerned.

**Diwan Chaman Lall :** How magnanimous of him !



**Khan Bahadur Chaudhri Riasat Ali:** He was feeling very sympathetic towards those people. It has been said that the Minister should question people and try to satisfy them. This is a very strange rule of judging things. Unless people take an opportunity of raising a voice of dissatisfaction or displeasure or criticism against a particular thing, we should assume that everything is going on well. The mere fact that nobody comes forward to criticise raises the presumption that everything is going on all right. Had there been any complaint, grievance or dissatisfaction in the rural areas, people would not have spared your Ministers to bring it to their notice. As this has not happened, it shows that everything is going on all right.

**Diwan Chaman Lall:** How did you lose the bye-election?

**Khan Bahadur Chaudhri Riasat Ali:** I never lost any bye-election.

**Diwan Chaman Lall:** Ask him (the Minister for Development).

**Mrs. J. A. Shah Nawaz:** How many have we won?

**Khan Bahadur Chaudhri Riasat Ali:** As long as there is no *shakait* I would presume that they are ruling all right. If *shakait* is raised from the quarter which means to raise a *shakait*, I think even that should be taken into consideration because criticism is always helpful to a healthy government.

Much stress has been laid on the floor of this House on the election or otherwise of non-official chairmen. I am not against it. I wish that there were non-official chairman in every district but I would also wish to see one who is fit for that job. (*Hear, hear*). At present the state of affairs is not so good. I wish it had been better. I would not grudge the appointment of a non-official chairman if we can get people like Khan Bahadur Nawab Chaudhri Fazal Ali to occupy that chair. I would not grudge the appointment of people with a calibre like his not only in every district but if possible in every tashil or village. (*Hear, hear*). But the dearth and scarcity of men has both sides of the picture. Taking both things into account, it is at present not the time—the stage has not yet been reached—when a uniform rule should be made that there should be non-official chairmen in all the districts of the province. If we have such a general rule of appointing only non-officials as chairmen of district boards then things would come to such a pass that executive officers, as has been the case in so many municipal committees, shall have to be appointed in a very short time. It is of course very disappointing to mention that party wrangling, and party spirit, which is prevailing in those local bodies, always works and is busy at the root of good administration. I remarked the other day that personal victories are scored in the garb of party politics. Provisions are made to employ people who have no right to be there, simply to satisfy the demand of an elector or his friend or ally. I do not take any exception to this procedure. What I want is that there should be justification for creating a post. A post should not be created for the simple reason that we have to give jobs to A, B or C. But if the creation of a post is brought about with honest motives I do not mind if a man of one party or the other is employed. What I want to say is that if we improve our local administration—I am not in a position to make a statement as I do not happen to be a minister, but as I have studied the point I say that—if things

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improve I think your Government will not stand in the way of your having a non-official chairman as you want it to be, provided you have got a man who can do the job and if the maladministration of the local bodies, as is prevailing now, improves.

It has been said that warrants of arrest are issued daily against people in respect of taqavi loans and for collection of arrears of land revenue. If you examine the figures of the last two or three years, you will be perfectly satisfied that not only remission of land revenue, not only remission of abiana, taqavi interest, etc., have been made but suspension of revenue dues has been effected throughout the districts wherever there was visitation of hailstorms etc. Government rose to the occasion whenever need was felt. (A voice: Where?) A list was read out to you by the Honourable Revenue Minister the other day of cases to prove that whenever there was genuine need your Government was always alert to its duty and it never lagged behind to sympathise with the rural masses or the people who deserved their help. The question of nomination of course is long enough to be discussed for a day or more. I make bold to say that nomination, as it now stands, is very helpful so long as the other things—which I should call unblesed—are concerned. So long as your communal representation is going on, you must have this thing in vogue. You have Muslim wards and Hindu wards, Hindu *pani* and Muslim *pani*, Hindu *Roti* and Muslim *Roti*, at railway stations. As long as these necessary evils exist, the evil of nomination must exist because since the Government has taken the reins of office in its hands it is a government for all people and not for a particular section of the people. If there is no nomination you will see that no Hindu or Sikh will be seen as a member of the district board in the districts of Campbellpur, Rawalpindi and Mianwali. Then you will clamour and say that the interests of a certain community are at stake. I wish again that that day should come tomorrow when we should forget that we are Hindus, Muslims and Sikhs, when we can have joint electorates, when we take a man as our representative only on his merits and when we shall have a national outlook rather than communal. If those things materialise I will be the first person to say that nomination should go with one stroke of the pen. (Hear, hear). I am not a believer of communalism and I will take every opportunity to condemn it from the floor of this House. But, Sir, as long as these things are going on, arrangements must be made to keep in touch with any situation which might arise. (Sardar Sohan Singh Josh: The sting is there.) It has been mentioned by my honourable friend, why the claims of certain communities have been ignored, where was the police when a certain communal riot took place and if police was there why the police behaved like this. So many questions, to our shame, are being put and receive our consideration in this House daily. In order to keep the balance and equalise the needs of the communities it is essential, and it is in the interest of minority communities, that we should carry on with our system of nomination. Conditions are not always uniform in all parts of the world. Conditions differ not only from province to province, from district to district, from tahsil to tahsil, but in some cases even from village to village and a particular government, which is taking into consideration

the government of a particular area, should have particular rules to suit its own requirements, and we cannot have these things adopted on a general hypothesis because there is difference of dialect, difference of social customs, difference of political outlook in each area and therefore the particular rule—the rigid rule of nomination—as long as the communal election is going on, will remain.

Next question raised by my honourable friend is that the freedom of the district boards is being hampered as they are required by Government to place their orders for the purchase of medicine with certain firms. I see nothing wrong in that. As I suggested when our condition is such that we can depend on our own choice of firms, then Government will be the last body to fetter our discretion in that way. If Government lays it down on the basis of its experience of certain chemists or druggists that the stock in a particular firm is worth having and is free from any sort of defect, where is the harm if they ask you to buy medicines for your local body from that particular firm? Government only wants that you should have full value for your money. There is nothing wrong in that. If the stock is approved by certain scientists and if Government are satisfied that they are the people who give you things worth your money there is no harm to buy from that firm. Another objection was taken to the introduction by the Honourable Minister for Education of the Primary Education Bill. I am not discussing the provisions of the Bill now but as reference was made to it, I would again remind my friends that this is a great step forward and a big leap has been taken forward by one of the members of the Ministry. If you will see the provisions of the old Act of 1919 you will be satisfied that those provisions were inadequate, insufficient to meet your demands and they could not help you to remove illiteracy. There was only a provision for the compulsory education of boys. Now you have provisions both for boys and girls. Now if certain boys or girls happen to be in a school for a particular period they shall be forced to continue their education till they attain the primary standard. So, I need not discuss all the provisions of the Bill because that was done sufficiently at the time of the introduction of the Bill. I would remind you that the old measure was insufficient and if the Honourable Minister has brought forward a measure which is more useful, more helpful and more practicable, than the dead letter of 1919 what wrong has he done? He should be thanked for that and not criticised on that score.

Another thing I would bring to the notice of honourable members is in connection with the scheme to be launched by the Education Minister and by the Government that there should be a model vernacular middle school in a model village in each model tahsil. At least one such model school will be opened in each district for the present. That school is to give education in the matter of co-operation, in the matter of farming and agriculture, and that school is to be provided with a band and a boy scout camp and a radio and all those things which are the necessities of modern life. If that school is made the centre of your industry and if education is imparted in a way by which you will be able to develop your own industries, or the work of the parents of the students, is that a matter to be criticised? Of course he is considering many other things which I do not know whether I should divulge on the floor of the House or not but they should be perfectly satisfied with the kind of education and they

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will see that that education will be raised to a pitch at which it was never before.

If the honourable members shut their eyes to the extensive programmes of co-operative societies, to the supply of better goods to serve their own needs, if they do not like to appreciate the progress of agriculture, the consolidation of holdings, supply of better seeds, the establishment of hospitals and veterinary hospitals, of colleges and schools, better means of communication for the rural people and all other things which I have mentioned, and which the Government is doing for them, then they should thank their own stars and I cannot convince them in that respect.

**Munshi Hari Lal** (South Western Towns, General, Urban): Sir, my honourable friend who spoke last has surveyed almost the whole of the budget. I have compared the last budget with this year's budget and I see there is practically no difference in the two. Now the administration is as unsatisfactory as it was several months back. The administration is unsatisfactory and is bound to remain unsatisfactory unless a radical change is made. What do we find? 'As you were' is the comment I have to make.

About the Police Department, it has been confessed by my learned friend, who has just sat down, that there is corruption amongst the police. We say that the police is inefficient also; the eyes and ears of the Government are defective. The vision is obscured and the ears are deaf. That is our complaint and that complaint to some extent has been admitted by the honourable members on the other side. What do we find in the police? The police ought to be the friend of the duke and dustman alike. We find that the police is not the protector of the poor. The police protect the rich in the commission of crime and the police does not at all extend its protection to the poor and does not protect them from the excesses that are committed by the rich people upon them. I submit, can there be any other proof needed than the instances which I am going to place before the House? There was a theft of the national flag last year in Simla. Mind, Sir, the National flag is dearer than our life and no sacrifice is considered too great to save the national flag. The national flag was stolen last year at Simla and so much time has gone by under the autonomous Government, under the Government that proclaims from the house tops that it is the Government of the people, for the people and by the people. Has any clue been found and has anything been done to find out that flag? Is this not an insult to the nation? Is this a mere question of sentiment? Is it not a fact that millions of people, almost three-fourths of the population live under that flag and venerate it? Every attempt ought to have been made and no stone should have been left unturned and no pain should have been spared to unearth the offender. What do we find? We find that we are where we were months back. There has been no attempt made, no explanation given, no progress report has been issued, no *communiqué* has been issued in papers to satisfy the public. The public is as much dissatisfied to-day as it was on the day when this flag was stolen. It is simply because we believe in non-violence. It is simply because of our principles. What has been done only three days back? On the 11th March, the national flag was snatched away from the hands of volunteers in Adampur where a meeting was held and which the Honourable Minister for Development was to

address. Volunteers had gone there not to make any demonstration. They were standing peacefully on the road-side in order to witness what was going on in that meeting. They were assaulted and they were beaten and the national flag was snatched away, which is not forthcoming up till now. It was thrown in the pond. We do not at all find the Unionist Government, the Government which controls the police moving in the right direction and satisfying the sentiments of the public and the demands of the public. I was submitting that the police does not protect the poor. Only one month ago, on the 13th February, 1938, near about Karnal, the wife of a motor driver was ravished by 6 or 7 persons and unfortunately, for her, one of them happens to belong to a very high family. In order to protect him, other accused are also being saved from the penalty of law. In spite of identification the challan has not been put in a court as yet. It is still with the police. This is a clear instance of the inefficiency of the police. Should the Unionist Government feel proud of dealing out justice to the poor specially to the poor motor driver who must have carried many of the Ministers and many of the members on the opposite and their voters in the election days in his motor car to polling booths and who might have been responsible and who might have caused their return to this House? Sir, I submit that if you review the doings of the police and if you check their action, you will be horrified. I do not want to disclose them. Let them remain sealed; otherwise it would be a sad commentary upon the administration.

Under the head General Administration, I submit that there are items which require a careful scrutiny and which require to be criticised. The administration of the Punjab can never be satisfactory unless it is reformed at the bottom. I value personal freedom. I value personal liberty more than 11 crores of their budget—whether it be on the side of income or on the side of expenditure. Personal freedom of an individual should be an important subject in the administration of the Punjab. It can never be attained so long as the functions of the executive and judiciary remain in one hand. In the realm of administration there is no subject, the principle of which has been recognised for such a long time. I should like to say that there should forthwith be a separation of the executive and the judiciary. Unless this is done, the liberty of an individual is at stake. I submit that this Government has been in office for one year—I would not say simply in office—but has been in power for one year but nothing has been done so far in this direction. The demand for separation of the judiciary and the executive is as old as 1,793 in the country and so far as this province is concerned, since its annexation. I will submit before this House a short history in order to show that the Unionist Government has failed in the sphere in which the principle was admitted for the last 150 years and in which the principle was accepted from the Secretary of State for India down to the lowest officers in the Punjab. If you please look at the preamble of Regulation II of 1793 you will find that the combination of the executive and the judiciary was strongly deprecated there and was considered undesirable. Afterwards there was long agitation in that direction and the great patriot Raja Ram Mohan Rai succeeded partially in this cause. But in 1858 when Queen's proclamation was announced there was a set back with regard to the separation of these two functions. In 1863 a police Commission was appointed and it recommended that there should be

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a separation between the executive and judiciary and that no administration could be satisfactory without it. Then it was again taken up in the time of Lord Dufferin. In one of his speeches made at St. Andrews Annual Dinner, he recognised the evil of the combination and maintained that the demand of Indians and the demand of every people in every province was just. He said that unless there was a separation between the two functions the administration of justice could never be satisfactory. But he could not effect the reform for reasons best known to himself. Afterwards in 1899 there was a memorial to the Secretary of State and that memorial was signed by the Honourable Judges of the High Court and by the executive heads in which they contended that unless the point was conceded, there could not be purification in the administration of justice. Then, again, in 1908, Sir Harvey Adamson laid it down as a principle and recognised it as a sound principle that unless there was separation of the two functions the administration could never be pure. I submit that this reform is long due and for this we have been clamouring from time to time,

5 P.M.

The reform for which the officers, the classes, the masses, the public has been joining such a reform has entirely been overlooked by the Unionist Government which calls itself the government of the people and for the people. Why this reform? The principle is very simple. It is a balance between liberty and order. Personal liberty is our birthright. Personal freedom lies at the foundation of our lives. It should be the concern of every government to see that personal liberty is not interfered with. Personal freedom should not be encroached upon and when we are before the courts, we should be tried in a calm atmosphere. No Government can be good government unless it conserves personal freedom, and maintains order. Liberty and order appear to be contradictory in terms sometimes, but they are complementary functions of a social and political life of a subject. How are these to be kept together? How are they to be connected? Justice is the hyphen. Courts are to be the connecting links. The English tradition gives the uppermost place to the courts of justice. The courts ought to be the forum of the people and they ought not to be the forum of the police. They ought to be above the executive influence. But what do we find here? The courts are under the influence of the executive government. You will see that in the budget under the sub-head 'District Administration' the name of the Head given is the 'Chief Secretary to Government, Punjab, on page 216 of the Budget'. The district administration is carried on by the magistrates and the district magistrate. The magistracy is under the district magistrate who is the executive head in the district. The district magistrate exercises influence over the magistrates in the trial of cases which is not at all salutary for the subject. The magistracy looks for pay, for promotion, prospects and for transfer to the executive government. They have not to look to the Judges of the High Court. A much needed reform which the Unionist Government should have effected is the making of magistracy quite independent of the executive. In effecting that reform they would have earned the gratitude of the people, for the reform would surely be a reform in the right direction. I submit that the present position is the same as it was under the Government of 1936, for, we see that the magistracy is playing to the tune of the executive government as ever before.

Against this separation of the judicial functions from the executive, what is the argument advanced? It is that the prestige of the executive government will be lowered. The Unionist Government is still caring for the prestige, though the Unionist Government claims to be the government of the people and for the people. The word 'prestige' is the coinage of cast iron bureaucrat and is a word—to put it in the language of Sir Rash Behari Ghosh—of evil parentage. The word 'prestige' indicates the policy of the steel frame. Prestige is responsible to a very great extent for encroachment upon the personal liberty of its subject. Figures on the side of expenditure and income do not show contentment of the people. If you want to see whether these people are contented, see how much liberty they have got, how much personal freedom is secured. When they are brought to the court, are their cases taken up in an impartial atmosphere? Do they get pure justice from the magistracy or have they to depend for it on the mercy of the executive? I submit that unless there is a change in the administration of justice and change in the policy, no administration can ever be called satisfactory. I would have expected that the Ministry composed as it is of eminent lawyers who have spent their lives in practice in the law courts and who must have experience in the criminal courts, should have tried at least to see that the administration is improved in this direction. But what do we find? Disappointment. I submit unless there is a separation of judicial from executive functions, and unless the magistracy is impervious to the influence of the executive, unless the magistracy keeps the balance between order and liberty, unless the magistracy simply tries a person for breaking the law, unless the magistracy lives in an atmosphere of independence, there can be no satisfactory administration of Justice in the province. I submit that this reform has been overdue. What do we find in practice? We find in almost all the cases which are political in nature constant interference on the part of the executive head of the district with the magistracy, and denial of justice. The magistracy has lost its character of independence. It is a proud tradition of the British that they accord unqualified and undiluted independence to their courts. The courts are in their eyes the guardians of liberty. They are the protector of the poor as well as the rich. So far as the administration of law is concerned, they do not at all allow the executive influence to creep over them, with the result that the Government in England is considered as the best form of government in the world. The independence and the sovereignty of the Parliament is due to the administration of its laws by the judges quite independent of any interference from outside. If there is any respect for this Assembly in the mind of the Ministry or in the mind of the honourable members the independence of this Assembly, the sovereignty of this Assembly within the limited field allowed by the Government of India Act can best be secured if we get the magistracy free from the control of the executive, the magistracy that only administers the law, the magistracy which does not allow questions of high policy and politics to interfere with their functions, the magistracy which does not yield itself to the clamour of the people and influence of the executive, the magistracy which is above these things and which serves as a balance-wheel between liberty and order. Unless they have this form of magistracy, all talk of the satisfactory working of the administration is a tall talk.

[Munshi Hari Lal.]

Sir, I will sum up this head by repeating the general principle that was laid down by Sir Harvey Adamson in 1908 with the consent of those noble Lords who presided over the destinies of India, Mr., subsequently Lord Morley the Secretary of State for India, and Lord Minto the then Viceroy of India. Sir Harvey Adamson said :

“ The general principle outlined is that the trial of offences and the control of the Magistracy who try them should never devolve on officers who have any connection with the Police or the Executive.”

This is the principle which has been recognised from a very long time, from 1793 right up to the present day and there are absolutely no two opinions about it. If there is any subject which is very well settled in theory in the whole domain of administration it is the separation of the executive from the judiciary, but the present Unionist Government consisting as it is of the representatives of the people, of eminent lawyers, of best brains in this province, has failed to recognise and has failed to carry out the much needed reform. They have failed and their failure is sad. I cannot congratulate the Unionist Government for failing in their primary duty to secure personal freedom to the subjects of the province and I say that the administration is not satisfactory. Sir, I wanted to quote instances of the interference. There is one which I venture to cite as it occurred before my eyes in 1935. The interference of the district magistrate with magistracy of second class or third class or with the Indian magistracy of first class, I can very well say is a matter of ordinary occurrence. But a magistrate belonging to the I. C. S., belonging to the heaven born service, being interfered with by the district magistrate was an instance which revealed to me the futility of the combination of the executive and the judiciary in one hand. The I. C. S. magistrate was trying a case. Early in the morning he was asked to frame the charge, against the accused in the case. Unfortunately on that day some evidence was wanting and he could not frame the charge. The public prosecutor as soon as he came out of the court was seen by the district magistrate on the steps of the court and the district magistrate enquired from him whether the charge was framed in the case or not. On being informed that the charge was not framed, the I. C. S. magistrate was immediately called in by the district magistrate. I happened to be in the Court room. The treatment accorded to the magistrate who was an I. C. S., by the district magistrate was worse than what would be meted out by a school master to a school child. I came out so that I might not be a witness to the disgrace. When the magistrate came out of the room I stepped forward in order to have a talk with him on a certain matter. But I found him so nervous so put out that instead of his talking politely to me, he was very harsh. I went away. A few minutes after, I learnt that the magistrate was feeling so disturbed that he could not carry on the work of the day. He retired into the room and commenced pouring over the pages of the file of the case and considering if he could call it again and frame a charge. But it is stated that he was stopped by the public prosecutor not to do so as the accused had left also. It is alleged that he was not present in the court room when another case was taken up, and evidence recorded. Sad was the fate of the magistrate afterwards. The magistrate got into trouble. I



am not concerned with his ultimate fate. That might have been due to other causes. But the others are believed to have arisen on the day and the genesis of his trouble was believed to be that as he was taken to task by the district magistrate he was so much perturbed that he could not attend to his duties properly. This is an instance which has troubled me very much. It shows clearly that so long as the two powers rest in one hand, so long as the district magistrate who is the head of the police and of the executive and there is executive interference with the magistracy, there can be absolutely no justice, no impartial justice to the people. In this case I learn that the magistrate convicted the accused and the conviction was set aside by the appellate court. This is a matter of ordinary occurrence and I submit that the Unionist Government of this province should undertake reform in this direction and unless they do so they are not entitled to claim that their Government is for the people and by the people. There is a tendency in this House—I have found that on the right side of this House—often to refer to the Congress ministries. Every province has got its own difficulties. The question is whether our province is fit or not. If our Unionist Government which is safe in its position, which has such a large majority, which has got such a surplus in the budget, were to introduce reforms in this direction, they will be doing the right thing. There will be absolutely no obstacle in their way, provided they have got the will to do so. But if they also adopt a policy which is not theirs but which is forged in the foundry of the Government house situated on the upper Mall and if they dance to the tune of the previous Government, I submit they are failing in their duty and they cannot at any rate be called a satisfactory Government, just as we did not call the previous Government a satisfactory Government. I will wind up this point by an appeal to them. There have been solemn pledges—pledges made in the time of Queen Victoria and before—that the English institutions will so far as possible be introduced in this country. We have got the constitution from the West. The essential complement of that constitution should be that we should have an independent judiciary and an independent magistracy, so that in the administration of justice, there should be absolutely no yielding on the part of the magistracy to the will of the executive head of the district or the executive head of the province. If they effect this reform surely they will earn our gratitude.

There is one aspect bearing on the separation of the executive and the judiciary which has not been prominently put forward. It is also the sore and irritating point in the administration. Do the Unionist Government know, do the Honourable Ministers that adorn the benches opposite know that in the administration of the revenue cases, the revenue suits are tried by the executive officers? Have they ever considered that the trial of revenue suits by executive officers is not satisfactory at all? People are harassed. They go into camp. The litigant community follow the officers. This is another glaring instance of the evils arising out of the combination of the judiciary and the executive. In the revenue department, if they were to overhaul, if they were to see how many rent suits, how many suits bearing on land within the cognisance of the revenue courts, are tried properly, they will be horrified to see that the state of justice there is far from satisfactory.

[Munshi Hari Lal.]

There is another item under the head General Administration, on which I should like to submit my observations before this House and before you. I mean the item relating to commissioners and commissioners' establishment.

The commissioners I submit are a sheer luxury in our budget. Where is the necessity for the commissioners' office? Where is the necessity for the existence of these commissioners in this province? Unless you make the administration top-heavy, unless you make it costly, unless you make it extravagant, there is absolutely no necessity of maintaining this office. What do these commissioners do? I submit, they are merely post-offices. What is the work done by the commissioners. They receive letters from the deputy commissioners and pass them on to the Government.

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

Of course one of the commissioners was pleased to say that they supervise these letters and criticise the policy and they are the engineers of the policy sometimes. They are revising officers. I submit that in a province where there are many reforms still awaiting to be carried out, where there are so many necessities to be met, let us do away with this House of Lords which is there to revise the policy of the House of Commons. We do not require it. What do the commissioners do? If I were to analyse their duties they can be divided into two categories. One is administrative where they have to deal with correspondence and I have shown that they are merely conduit pipes through which the deputy commissioner passes his communications to the Government. There can be direct correspondence between the deputy commissioner and the local Government. They can directly correspond and they can save much money and time and much wastage can be avoided. Then there are the semi-judicial duties of these commissioners. They are framed in such a manner that if any revision petition is preferred before the commissioner, the commissioner is not the final authority to sit in judgment on that revision petition and it goes to the Financial Commissioner. The jurisdiction of the Financial Commissioner to hear such revision petitions is concurrent. There is absolutely no necessity of preferring a revision petition to the commissioner. A second appeal is a rare thing and it can be preferred to the Financial Commissioner. Then there are the executive duties of the commissioners.

**Mr. Speaker :** The honourable member is now discussing the necessity of changing the law. This he cannot do while discussing demands.

**Munshi Hari Lal :** I bow to your ruling, Sir, and I give up the discussion of the judicial duties of the commissioners. I now come to the third point of the executive duties of the commissioners. These duties can very well be carried out by the deputy commissioners in consultation with the Government where there are so many secretaries and so many ministers and so many other heads of departments who can offer advice directly to the deputy commissioners. I submit that in the Judicial Department the work is not so heavy that the judicial part of the work of the commissioners cannot be entrusted to those who hold concurrent jurisdiction. If you will be pleased to take the commissioners and their duties

into account you will realise that so much money is being spent in this province over the office of the commissioners and over the commissioners which can be used elsewhere to the great advantage of the tax payers.

**Mr. Speaker :** I observe that some honourable members do not make obeisance to the chair when they leave their seats. Parliamentary practice is that when honourable members leave or enter the House during a debate, they make obeisance to the chair, while passing to or from their seats.

**Munshi Hari Lal :** So far as the administration of justice is concerned, in this province I have got nothing more to say. I submit that administration of justice can be improved if the Unionist Government place the whole of the magistracy under the absolute control of the High Court.

There would then be no cases about which we hear so many complaints. This is the direction in which the Unionist Government ought to move if they want really to earn the gratitude of the people.

**Syed Amjad Ali Shah :** First teach Madras.

**Mr. Speaker :** No remarks, no comments please.

**Munshi Hari Lal :** I was just going to refer to Madras Government when I was interrupted.

**Mr. Speaker :** The honourable member will please proceed with his speech.

**Munshi Hari Lal :** But that is my main argument quite independent of the interruption. I submit that I very much like that Punjab should lead as it is said by the Treasury benches on the other side. Let them carry out this profession into practice. Let them show that they are capable of carrying out reforms by outwitting the other provinces, may be of Congress Ministries or others. Last year speeches were made by Honourable Ministers on the other side and therein they tried to show themselves to be patriots and they tried to show that they were speaking nothing but the language of the patriot but in fact they have been walking in the footsteps of despots. They are only patriots in name and if they are really patriots in action, let them show that they are far ahead of the Madras Government and other Congress Ministries. The difference between the two is obvious. The difference is as great as between the torrid zone and the temperate zone. We are in the temperate zone beyond the tropics and they are in the Equator. I say it is not simply an analogy. What is the position of the Congress Ministries? They are in office no doubt but I cannot say that they are in power. One of the Ministers who visited this province said that he was carrying his resignation in his pocket and that was the indication that they do not consider themselves as stable in their offices. Their stability lies upon the co-operation of the head of the province with them. That may be withdrawn at any time. They may not be able to effect as many reforms as they like. But is that the condition here? The Punjab Ministry is safe in the saddle, they are powerful, they command the majority, they proclaim that they are the best friends of the people and that they are the real patriots. They say so. Let it not be an idle talk, let not the verdict be returned that it was all nothing but simple cant. Cannot you carry out the simple

[Munshi Hari Lal.]

reform of placing the magistracy under the direct and absolute control of the High Court? If they say that it involves expenditure, then mind they can save money from other heads. If they adopt my suggestion they can secure personal liberty of individual, they can produce an impartial atmosphere with regard to justice in this province and the expenditure is worth having. I can assure them that if there is a separation between the executive and judiciary the left side will be with them. There will then be no gulf between them and ourselves. That is what we want. Do not evade by saying that because such and such a government is not carrying out this thing, therefore they also should not do so. They must take the initiative if others cannot do so. It is the wish of the Congress party, it is the wish of the left side, that they should do something unique, something splendid, something which should be novel from others, something real, and substantial. It has been recognised in principle for the last century and-a-half, it has received the sanction of so many secretaries of state for India, of the viceroys, of the heads of the provincial governments that the executive and judiciary should be separated. This point is engaging the attention of the Congress ministries. Why not come forward and meet our demand?

The honourable member who spoke before me was complaining of communalism in this province. He was appealing to this side. Of course the appeal to this side may be considered proper but it is not required. We are committed to communal unity. It is our cardinal creed. It is one of the articles of our faith that upon the union of the classes and the masses and all the communities depends not only the march of progress of our province but the whole of our country. (*Hear, hear*). Independence is our goal and independence can only be achieved if we can bring round unity between the different classes and the communities. My reply to them is 'Physician, heal thyself.' We are already overtreated, overdosed and we need not be lectured on this point. No sermon is necessary for us. What do we want from the Unionist Government?

**Minister for Revenue :** Nothing !

**Munshi Hari Lal :** They should rise above classes, above communities. They should not at all favour such schemes that go to foster communalism. It was argued against us, insinuated against us, that questions are raised which show communalism. How are those questions raised? They are raised because policy of the Government is to provide according to the communities. The Government has adopted that policy and is sticking to it. Career in this province is not open to talent, but to birth because if a man happens to be the son of a certain important individual he has to be given a post and he is to be taken into service. If you avoid it, if you do away with this system, then believe me that no question will ever be suggested from this side of the House. They adopt this policy and thereby they land themselves in trouble and then ask us to keep aloof. There is a Persian saying. I wonder if I will be able to quote it correctly because my knowledge of Persian is not up to the mark. It is

در میان قدر دریا تخته بندم کرده ای  
 باز می گوئی که دامن تر مکن هوشیار باش

If they want to have the administration on a satisfactory basis, let them carry out the reforms which are absolutely necessary and do away with this communalism. We wish for the day when open competition for everybody, irrespective of caste and creed, is introduced and capable men get into the service, capable men serve the Government and capable men are taken in service in the interest and for the purification of the administration. The present position is far from satisfactory. It requires to be radically changed and reviewed.

**Syed Amjad Ali Shah :** What about the scheduled castes ?

**Munshi Hari Lal :** I will take up the question of the scheduled castes. As a matter of fact I was going to take up that subject. I of course give him credit for suggesting what was off my mind. What have we to do with the scheduled castes ? The fault does not lie at our door. It lies at the door of the Government. The Government, with a proclamation that they would protect the minority communities, do not protect the scheduled castes and they do not give them education. Educate them, open special schools for them and bring them up to the level. (*Interruption*).

**Mr. Speaker :** I request the honourable members not to make remarks or comments.

**Munshi Hari Lal :** What has the Government done towards the amelioration of their condition, towards the betterment of their state and towards taking them out of the depth of ignorance ? What has the Government done in this direction ? How are they proud of their achievement in this respect ? If there is any scheduled caste existing in this province, the very existence is due to the Government which has not been friendly to all. They have no sympathy for them except lip sympathy. It is their officers—officers of the Government—who go on tours and requisition their services and take *begar* from them. Are their subordinate officers controlled ? Are they ever ordered not to take *begar* from them ? If questions are put on the subject the questioner is flouted. If any question is put, the answer is given in such a way that it does not remove the grievance that lies at the bottom of the whole thing. We want that they should be treated as human beings, that they should be as honourable as any Minister on the opposite side and they should be as honourable as any judge. They should be just like ourselves. They are after all sons of God and they should be treated with kindness and courtesy. I say, extend to them the special privileges, enfranchise them and create them as an agricultural class. Educate them, open schools for them and do every thing for them. I would not grudge a single penny if 11 crores—the amount of whole budget—are spent upon them. The Congress stands committed to it ; the Congress party on this side will join hands with the Ministry if the whole of the money or a large portion of it is spent on the scheduled castes. They do not spend. They do not care for them and then they blame us.

I would submit one more point. I have been hearing on the floor of the House : I have been hearing from the Honourable Ministers on the Treasury benches that they are doing their level best to uproot communalism in this province. What steps have they taken. The common impression among the people is that they are dominated by the same

[Munshi Hari Lal.]

Imperial spirit as the previous Government (*hear, hear*). The guiding principle of the previous Government was 'divide and rule' and that 'divide and rule' still continues in its full force and in its full and unabated strength with the present Government. There are points of irritation everywhere in the province and those points of irritation are not treated at the proper moment. These points of irritation are considered as strategic points out of which the militant spirit may take advantage, an advantage not only on the side of the public but an advantage on the side of the Government.

Sir, with regard to education, the learned speaker who spoke last, said that they have spent so many lakhs on education. I really wonder. I submit that out of 11 crores, 33 per cent. or 40 per cent. should have been given for the spread of education. Education is the only panacea of our ills. The greatest judge and literary man of his age, Lord Bacon, once said "He who opens a school shuts up a prison". If they open schools both in rural and urban areas, if they educate the people, rely upon it that the task of Government will be facilitated, and they will be giving them a boon which will be cherished for all time to come. But what do we find? A very small amount is being spent on this beneficent department of education. A Special Development Fund has been created and out of that Rs. 50,000 is given to the Education Department and that Rs. 50,000 is considered as a magnanimous dole—as a contribution towards education which is said to be unheard of and for which they say they should receive credit and be praised. A sum of Rs. 50,000 in a province where there is literacy of only 11 per cent., to a population where there are so many illiterate agriculturists, where there are so many illiterate industrialists, labourers and workmen—I say that—the amount of education given to them is so negligible, and is so infinitesimal that nobody can ever be proud of it. This donation of Rs. 50,000 is absolutely nothing. If you look to other countries, if you look to those countries where the Government claims to be the Government of the people, they devote 50 per cent. of their budget to the spread of education. The military expenditure in Japan even in war time and the expenditure on education in peaceful times run parallel. What do we find here? More on the Police Department and more on the Criminal Investigation Department that corrupt the morals of the people, that stand by and look on feuds but come forward and pose as if they are the preservers of peace. If any question is raised with regard to their inefficiency, the question is not at all properly answered. The Government defends them in and out of season with the result that it does not improve their tone. They do not consider themselves as servants of the public: they consider themselves as masters of the public. Government have to change their angle of vision. Merely saying that Government have ordered every police man to consider himself as a public servant will do nothing unless they infuse in them a new spirit and bring pressure to bear on them in such a way that they should consider themselves as servants of the public and not their masters.

With these remarks I submit that the administration of the province is not satisfactory. It requires great improvements. Some improvements they say will come in course of time and we are asked to wait and see; but there are some reforms which are of a very urgent nature and they

should be attended to without any loss of time. The sooner they are attended to, the better for the Government and better for the general public (*Hear, hear*).

**Syed Amjad Ali Shah :** May I request that some sort of time limit should be fixed otherwise a race to break records will continue. The honourable member who spoke last spoke for 55 minutes, the honourable member before him, for 60 minutes. I therefore urge that a time limit should be fixed.

**Mr. Speaker :** I am prepared to give half the time to speakers on the opposition benches and the remaining half to speakers on the Treasury benches ; excluding, of course, the time taken by Ministers. Is that acceptable ? (*Voices : Yes, yes*).

**Mian Sultan Mahmud Hotiana** (Pakpattan, Muhammadan, Rural) (*Urdu*) : Sir, the Opposition has been severely criticising the Unionist Party for the last four days for doing nothing for the welfare of the zamindars as well as of the labour classes. I would submit without any fear of contradiction that we have done a good deal to improve the lot of the tillers of the soil and of that class of labourers who earn their livelihood by carrying loads on their heads. (*Hear, hear*). Of course we do admit that we have done nothing for those landlords and well-to-do labourers who reside on the Mall or in big cities leading a luxurious life and yet call themselves agriculturists. (*Laughter*).

Besides, the honourable members opposite have accused the Unionist Party of favouritism and nepotism. They were pleased to remark that whenever and wherever vacancies occurred, these were filled by their own henchmen. I strongly repudiate these accusations and assert that our Government has never indulged in such things. I give an instance in support of my contention. Only recently the post of a sub-registrar fell vacant in Kasur. There were several Congress as well as Unionist candidates for the same. If the Government desired, they could have easily offered the post to a candidate belonging to their party, but they were pleased to appoint a congressite to that post. It would not be out of place to mention that in other provinces the Congress Ministries are dismissing honorary magistrates in order to make room for their own men.

**An Honourable Member :** They are abolishing these posts altogether.

**Mian Sultan Mahmud Hotiana :** Sir, during the general discussion of the budget an honourable member of the Opposition remarked that recently when an Honourable Minister paid a visit to a village, the boys of that village school were asked to come prepared for the reception of the Honourable Minister and in this respect they had to undergo a good deal of inconvenience. I for one see no harm in that. Besides if the boys joined the electorate to receive him, I do not think they were put to any inconvenience. But may I ask my honourable friend opposite whether their sense of solicitude for the convenience of others vanished when they put fifty-one bulls before a beautifully decorated cart to carry one man, I mean the Congress President Mr. Subash Chandra Bose ? (*Laughter and cheers*).

Now coming to police, I may submit that undoubtedly the number of crimes this year is larger than that of the last year, and fewer cases have

[Mian Sultan Mahmud Hotiana.]

been traced. The reason is not far to seek. Previously the police used to employ coercive methods in investigation and in almost all cases they had to use physical force to extort confession from the accused. But now, being under a popular Minister they have abandoned those repressive methods. I, therefore, request the Honourable Premier that he should take steps to check this increase in crime. He should get the police trained in such a manner that they should be able to trace out cases without resorting to force. I would request him to take speedy action in the matter.

Now I advert my attention to the work done by the Department of Rural Reconstructions. In this connection I may point out that the Government in their zeal for rural uplift are losing sight of the real need of the zamindars which is the root cause of their poverty and many other ills. At present the Government have made scape-goats of zamindars and have left them absolutely at the mercy of the money lenders. There do exist strong factions amongst the zamindars and the Government have taken no steps to put an end to them. I would be pleased if the Honourable Minister instead of visiting villages with a view to finding out whether there exist certain pits to throw refuse in them, or there are proper arrangements for ventilation or cleanliness, visit these villages for the sole purpose of removing such factions amongst the zamindars. My submission is that Government should issue circulars to district officers to use their influence in eradicating this evil. I think the object of rural uplift will be better served if this department concentrates its whole attention to this matter.

As regards education, I may be permitted to say that no useful purpose is being served by the present system of education. The country badly stands in need of agricultural and industrial education. I would suggest that schools should be opened in villages to impart industrial education to our boys so that after completing their education they may not hanker after Government service, but should rather take to some profession.

In the end I would request the Government to ask the Land Revenue and Unemployment Committees to expedite their work. We know that there are some persons serving on these committees who are not engaged in any business at present and who would not like to finish their labours soon because they know that as soon as they finish their deliberations they will cease to be eligible to draw allowances. However I would urge upon the Government the advisability of getting the work of these committees expedited so that we may be able to show to the public at large what we have been able to do in the best interests of the country.

**Lala Harnam Dass** (Lyallpur and Jhang, General, Reserved Seat, Rural) (Urdu): Sir, I propose to make a few observations in connection with the miserable plight of the scheduled castes in this province. In the very first place I would like to submit that they are most backward educationally, and I think there would be no exaggeration if I say that literacy amongst them is only one per cent. This deficiency cannot be made up unless and until we provide free education to their children both at schools and colleges.

It is a well known fact that the children of the scheduled castes cannot continue their studies because of their inability to meet education expenses.



The facility which the Government is at present offering to the depressed classes for the education of their children is hopelessly meagre and can, by no stretch of imagination, be regarded sufficient to meet the situation. Take, for example, the number of scholarships that are granted to the students. Out of 32 scholarships, 15 are reserved for Muslims, 10 for Hindus, 5 for Sikhs and only 2 for the scheduled classes, the Christians, the Jews, the Parsis and several other communities. There is one scholarship for the students of the Intermediate classes and one for those of the B. A. classes. I cannot help saying that these scholarships would not go a long way to promote education among the scheduled classes or for the matter of that, to spread learning in the province. Let alone the question of school fees, their children cannot even afford to pay for their bare necessities like clothing, board and lodging. That is why a large number of these children have to give up their education in the 9th, 10th or Intermediate classes. In view of these practical difficulties I would request the Government to make adequate arrangements for the higher education of these children otherwise they will never get any Gazetted service as they will not be able to go to England for qualifying themselves for such posts. If this state of affairs continues, how will the Government be able to grant us full rights according to our population as they are being granted to other communities? I will declare without any fear of contradiction that full justice is not being done to us.

Adverting to the low status which we are given in the rural life, I cannot help observing that no other community, class or nation is subjected to such abject servility as the scheduled classes are subjected to. Inhuman treatment is meted out to this community and even permanent lodging is denied to them. They cannot afford to buy a one rupee stamp that is necessary to affix on the application for the grant of an ahata in the village. If they obtain one rupee on debt or through hard labour, even then they cannot achieve their object unless they obtain 3 or 4 rupees more for offering to the patwari or other revenue officials and the clerks in the office who will not allow the application to emerge from the office if some illegal gratification is not granted to them. Moreover, the grant of the ahata depends on the goodwill of the zamindars. Here I may also mention the painful fact that the members of the scheduled classes are put to various hardships by the zamindars for the simple reason that these poor depressed classes are allowed to live in a village where they do not own any ahata. They can never be happy and contented unless the zamindars treat them a little more kindly. I may be allowed to remove a possible misunderstanding and openly declare that I am not against the welfare of the zamindars because the prosperity of the depressed classes lies in the prosperity of the zamindars, and the welfare of both the zamindars as well as the scheduled classes is inseparably interdependent. Nevertheless I must protest against the inhuman treatment that is accorded to these poor creatures and the various hard jobs which they are compelled to undertake. At the time of harvesting and hoeing the members of the depressed classes are employed in the field from morning till evening without any wages or remuneration. What to say of any wages, the poor *achhuts* are not even given food for the day they spend in the fields. Some time they are given breakfast or say mid-day meals and that is all. If perchance any member of the depressed

[Lala Harnam Das.]

classes refuses to serve the zamindars without payment of any kind, he is put to various hardships, which decency does not allow me to describe in this august House. Again, every member of the depressed class is required to serve every zamindar in the village with the result that if he goes to the field of one zamindar to-day, he will have to go to-morrow to the field of another zamindar and, thus turn by turn, to the field of every single zamindar in the whole village. Imagine the hard luck of the poor fellow who has no rest for months together, without any payment! If a poor fellow is totally exhausted and refuses to serve a zamindar he is charged with some offence and reported to the police. An instance is not far to seek. The members of scheduled classes living in Bara Pind in the district of Jullundur refused to be put to forced labour and were consequently involved in a false bomb case by the zamindars.

Again, the members of the depressed classes are not allowed to make use of their right of voting freely. It has been seen many a time that the members of the depressed classes who had voted against the will of their lambardars and zaildars were prosecuted on a false charge of distilling illicit liquor. Even on the occasion of the last elections two such members were prosecuted in Chak 281, district Lyallpur, as a similar charge had been brought against them. The court convicted them and fined each of them Rs. 35. The village kamins who refuse to work *gratis* for these lambardars and zaildars are made to pay the professional tax. Just take the case of weavers. They are entitled to get only one rupee after weaving 40 yards of khadar out of 4 seers of cotton. Although they have to support a big family, sometimes consisting of 8 or 10 members, still they are forced to pay the professional tax. There is no doubt about the fact that the law exempts such workers from the taxes, who earn only Rs. 35 per mensem or those whose income is less than Rs. 400 per annum, but the tax collectors are alive to the idea that if they do not collect the professional tax their department would be closed and they would have to go about without a job. In this respect, I humbly submit that no tax should be imposed on the so-called untouchables. I do not mean to say that any preferential treatment should be meted out to my community. What I want is justice. I appeal to the Government that it should unhesitatingly do its duty in the matter. The imposition of taxes on the members of the depressed classes is tyranny and oppression of the worst kind as it is absolutely impossible for them to make both ends meet.

Now take the case of Government services. The Government daily makes announcements that the members of the depressed classes would be enlisted for the Government departments. They would be given their due share in the public services. But in actual practice whenever any member of the depressed classes applies for any post he is sure to receive this reply that there is no vacancy or there is no chance for him. If the attention of the Government is drawn to a vacant post and a request is made to the effect that it should be given to any member of the scheduled castes, the Government replies that no such person has applied for the post in question, it cannot, therefore, be offered to a person who does not care to apply for it. My submission is that youngmen of the other communities

after passing their B.A. or M.A. examinations get lucrative posts in Government offices, but a youngman of the scheduled castes who had passed his M.A. and B.T. examinations was offered only a post worth Rs. 65 per mensem in the Education Department. Sometime back a deputation in this behalf sought an interview with an Honourable Minister within the special cognizance of whom there are at least 4 departments. The reply that was given to the deputation was that the Honourable Minister would appoint four youngmen from the depressed classes in the departments under him. I beg to ask whether this is the share of services which is going to be allotted to the depressed classes? Is it just to offer only 4 posts to this big minority of the province? I would appeal to the Government that it should take immediate steps to redress our grievances. If the Government would fail to do its duty, it should bear in mind that the depressed classes are no longer apathetic to their interests and now they are determined to get their due share in the Government services the day is not far off when they will have it.

Now I would like to say a few words about the so-called criminal tribes. It is a matter of surprise for me that although a person leads a pious and virtuous life and he has neither robbed any person nor committed any dacoity still he is considered as a member of the criminal tribes simply because he is born in a family of such tribes. Sir, I ask as to whether the Muslims do not commit dacoities or whether the Sikhs do not rob other persons or the Hindus do not murder their fellow beings? Then, what sin the members of the criminal tribes have committed that they should be dubbed for ever as criminals? I wonder whether God will also declare them criminals after their death. I know it for certain that the total number of robbers, dacoits and badmashes amongst the Hindu, Muslim and Sikh communities is far greater than the actual number of the members of the criminal tribes. Just visit the Punjab jails and you will certainly bear testimony to my words that the criminals belonging to these communities have an overwhelming majority behind the bars. I respectfully submit that the Government should do justice in this matter.

I would be failing in my duty if I do not say a few words to the Hindu community which is in the habit of making announcements that it is always prepared to do everything possible for the welfare of the depressed classes. If the Hindu community takes exception to my words it would simply give a proof of its unwise conduct. It is a matter of regret that ever since the Aryans invaded India the depressed classes have been penalised by the Hindus. The Hindus have always created feelings of hatred amongst the public against the so-called untouchables. I would like to sound a note of warning to the Hindus that it would be in the best interests of their community to mete out sympathetic treatment towards the depressed classes, otherwise I make bold to say that they would cease to exist.

**Sardar Kartar Singh** (Lyallpur East, Sikh, Rural) (*Punjabi*): Sir, on the 1st of April, 1937, when the new Government was formally constituted, the Honourable Premier issued a high-sounding proclamation in which he declared that the policy of his Government would be the provision of relief to the zamindars, the removal of unemployment, retrenchment and the suppression of communalism. Almost a year has passed since that proclamation was issued and I think the present Government has been

[S. Kartar Singh.]

in office for a sufficiently long time. Let us see, therefore, what practical effect has been given to the promises made in that proclamation.

The most important problem which confronted the Government was the lightening of the zamindar's manifold burdens. What has the Government done in this connection? Of course, they have appointed a committee to go into the land-revenue question. But, it is not known when the report of that committee will be available and in what form and whether any action will be taken on it. I am constrained to observe that the sole business of our Government has been the appointment of committees. This has been their programme; and so far they have effected no improvement in the real sense of the term.

To my mind the water-rates press far more heavily on the agriculturists than even the land-revenue. It is, therefore, most regrettable that the Government has not thought it worthwhile even to appoint a committee to investigate the incidence of water rates, though, I am aware, it would be equivalent to throwing dust into people's eyes. One-half of the Government revenues are derived from water-rates. Before this Government came into power, there existed a Zamindar League in whose activities the Honourable Sir Chhotu Ram took a prominent part. One of the major demands of that League was that the incidence of water-rates should be strictly proportional to the cost of construction and maintenance of the canals, and that land-revenue should be levied on the basis of income-tax. It was expected that the Honourable Premier with his new team of Ministers would shatter all previous records in the matter of giving relief to the Punjab peasants. The publication of the present budget, however, sets a seal on the disillusionment of the peasantry.

Before the elections the Ministers presented to the simple minded cultivators a rosy picture of the millennium that was going to be inaugurated in the Punjab. When, however, they had the reins of Government securely in their hands, they very conveniently forgot their pledges and salved their conscience by appointing a committee on land revenue—a hackneyed device invariably adopted to shelve awkward issues. But as I submitted just now, not even a committee has been appointed to go into the question of water-rates. These rates are extremely high and are collected with great rigour. On the other hand very little attention is paid to the zamindar's troubles that result from canals. These canals are directly responsible for the water-logging of thousands of acres of land. Little or nothing has been done to stop this wasteful process. Water-logging originated in the Gujranwala and Sheikhpura districts, and now fertile land in Lyallpur district is being increasingly affected by it. If nothing is done in time to arrest the progress of water-logging, I believe thousands of acres of land would become waste land involving a loss of crores of rupees.

Another complaint of the zamindars with regard to the canals is that every two or three years the size of the mogas is arbitrarily altered. I have no knowledge of engineering. So, I do not know whether this process of alteration brings a harvest of profit to the engineers or to some firms dealing in this business. Anyhow, this much is certain that the remodelling entails hundred other troubles for the zamindars, the greatest being the

decrease in water-supply. My submission is that it should always be done at the request of the zamindar. This suggestion, if adopted, will, I am sure, eliminate corruption and remove a long standing grievance of the cultivator.

Then the rules governing kharaba are very defective. They have been devised to benefit the Government at the expense of the zamindar. Sometimes, the poor cultivator has to pay full land revenue or water rates even though very big portion of his crop may have been entirely damaged. These rules ought to be amended forthwith.

Next, a committee has been appointed to investigate the possibilities of reducing the cost of administration. No one knows when the report of this committee would be available. If I am not mistaken, similar committees were appointed, before this, to suggest possible retrenchment. Had the Honourable Ministers been really anxious to reduce the expenditure on General Administration, they could easily make use of the material collected by the previous committees. So far as I am aware the establishment of the commissioners is superfluous and that of the Chief Engineer and the Financial Commissioner are considerably over-manned, and the deputy collectors for canals are entirely superfluous. The proper course for the Government, therefore, would have been the elimination of these posts. But it would on the contrary add to the cost of administration by paying fat allowances to the members of the various committees. To claim to have solved a problem on the ground that it has been entrusted to an expert committee is obviously a form of self-deception.

The Police Department has been subjected, as usual, to a heavy fire of criticism. I would only submit that every constable should be sent for a month at least to a school where he should be instructed to speak politely. If a policeman could be disabused of this odious habit, it would mean a great boon for the people of the Punjab.

*The Assembly then adjourned till 2 P. M. on Wednesday, 16th March, 1938.*

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# PUNJAB LEGISLATIVE ASSEMBLY.

2ND SESSION OF THE 1st PUNJAB LEGISLATIVE ASSEMBLY.

Wednesday, 16th March, 1938.

*The Assembly met at the Council Chamber at 2 P. M. of the clock. Mr. Speaker in the chair.*

## STARRED QUESTIONS AND ANSWERS.

### DARLING COMMITTEE.

**\*2088. Captain Sodhi Harnam Singh:** Will the Honourable Minister for Revenue be pleased to state when the Darling Committee is expected to finish its work and whether the Government intends to issue instructions to it to expedite its work; if not, why not?

**The Honourable Dr. Sir Sundar Singh Majithia:** *First part.*—By about the end of April, 1938.

*Second part.*—Government does not consider it necessary to issue any such instructions.

**Sardar Hari Singh:** May I ask the Honourable Minister to state the procedure that he intends to follow after the report is presented by the Committee?

**Minister:** Just at present I cannot commit myself as to the procedure that will be followed.

**Sardar Hari Singh:** May I ask whether the report will be laid before the House for consideration and discussion?

**Minister:** That is a question which I could only answer after I have gone through the report.

**Sardar Hari Singh:** My question is simply to the effect whether the Government intend to place the report before the House for consideration and discussion thereon.

### RETRENCHMENT AND RESOURCES COMMITTEE.

**\*2089. Captain Sodhi Harnam Singh:** Will the Honourable Minister of Finance be pleased to state when the Retrenchment and Resources Committee is expected to finish its work and whether the Government intends to issue instructions to it to expedite its work; if not, why not?

**Thakur Ripudaman Singh** (Parliamentary Secretary): The honourable member's attention is invited to the reply given to question No. 1651<sup>1</sup> (starred) asked by Chaudhri Muhammad Yasin Khan on the 28th January, 1938.

**Khawaja Ghulam Samad :** How much cost has the Government incurred so far on account of travelling allowances and other allowances of the members of this committee ?

**Mr. Speaker :** That question does not arise. The next question please.

#### UNEMPLOYMENT COMMITTEE.

**\*2090. Captain Sodhi Harnam Singh :** Will the Honourable Minister of Development be pleased to state when the Unemployment Committee is expected to finish its work and whether the Government intends to issue instructions to it to expedite its work ; if not, why not ?

**The Honourable Chaudhri Sir Chhotu Ram :** The honourable member's attention is invited to the reply given to question No. \*1651<sup>1</sup> asked by Chaudhri Muhammad Yasin Khan on the 28th January, 1938.

**Begum Rashida Latif Baji :** Does the Honourable Minister for Development know that the delay in completing the Report of the Committee is adversely affecting the young men of the province ?

**Minister :** That is a matter of opinion.

#### METALLING OF ROAD BETWEEN KAMALIA AND TOBA TEK SINGH.

**\*2091. Munshi Hari Lal :** Will the Honourable Minister of Public Works be pleased to state whether and when the Government propose to metal the important and much frequented road between Kamalia and Toba Tek Singh ?

**The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana :** Attention of the honourable member is invited to the answer given to question \*2038 by Khan Sahib Khan Muhammad Saadat Ali Khan.

**Munshi Hari Lal :** May I ask the Honourable Minister for Public Works as to when the programme of road development will be ready ?

**Minister :** I have already said that it is under consideration.

**Munshi Hari Lal :** When will it be ready ? It may be under consideration but when should we expect that it will pass beyond the stage of consideration ?

**Minister :** I am unable to specify the date.

**Lala Bhim Sen Sachar :** How long do the Government propose to take over the consideration of this matter ?

**Minister :** As long as it is necessary.

**Lala Bhim Sen Sachar :** How long will it take ?

**Mr. Speaker :** The next question please.

<sup>1</sup>Volume II, pages 1094-95.

<sup>2</sup>Page 713 ante.



## METALLING OF ROAD BETWEEN KAMALIA AND CHICHAWATNI.

**\*2092. Munshi Hari Lal :** Will the Honourable Minister of Public Works be pleased to state whether and when the Government propose to metal the important and much frequented road between Kamalia and Chichawatni ?

**The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana :** Attention of the honourable member is invited to the answer given to question 12038 by Khan Sahib Khan Muhammad Saadat Ali Khan.

## SCHEME FOR SUPPLYING WATER TO AMBALA CITY FROM CHANDIGARH TALS.

**\*2093. Khawaja Ghulam Samad :** Will the Honourable Minister of Education be pleased to state—

- (a) whether any action is being taken by the Government to make the scheme of supplying water adequately to the Ambala city from Chandigarh Tals successful ;
- (b) whether it is a fact that the Honourable Minister assured the gentry of the city and the local authorities to carry out the scheme at his first leisure during his first visit to the town on 7th May, 1937 ;
- (c) if so, the progress that has so far been made regarding the same ?

**Mrs. J. A. Shah Nawaz (Parliamentary Secretary) :** (a) No.

(b) No.

(c) Does not arise.

**Khawaja Ghulam Samad :** Is there any other scheme under the contemplation of the Government according to which sufficient quantity of water may be supplied to the Ambala City ?

**Parliamentary Secretary :** The supplying of water to Ambala City is primarily the duty of the municipal committee and district board.

**Sardar Hari Singh :** May I ask the honourable lady member to state the reason for her giving the answers to the main question in the negative ? Why is the Government making no attempt to supply water ?

**Parliamentary Secretary :** It is primarily the concern of the municipal committee and the municipal committee has been considering several schemes about which information has already been supplied to the honourable members.

**Sardar Hari Singh :** May I ask the Parliamentary Secretary to state whether the Government is prepared to instruct the municipal committee to expedite the scheme ?

**Parliamentary Secretary :** That is a request.

**Khawaja Ghulam Samad :** May I know whether the supplying of drinking water to the towns is in the portfolio of the Honourable Minister for Education? If so, then how is it that the municipal committee is responsible for it?

**Parliamentary Secretary :** I have not understood the question of the honourable member.

**Mr. Speaker :** It is not a question but an argument.

**Khawaja Ghulam Samad :** This is not an argument. It is a question. With due deference to your ruling I say that it is a question. (*Interruption*). My question was 'is the scheme of supplying drinking water to the towns not in the portfolio of the Honourable Minister for Education'? (*Voices : No.*)

**Parliamentary Secretary :** What does the honourable member mean by the portfolio of Minister for Education?

APPLICATIONS BY PEOPLE OF LUDHIANA DISTRICT FOR SUBSIDIES FOR INDUSTRIAL PURPOSES.

**\*2094. Chaudhri Muhammad Hassan :** Will the Honourable Minister of Development be pleased to state—

- (a) the number of applications received from the Ludhiana District by the Director of Industries for loans for the development or starting of an industry ;
- (b) the names of the applicants and their place of residence ; with their caste ;
- (c) the nature of the immovable property that they were willing to offer as security for the loans requested for ;
- (d) whether it is a fact that some of the residents of the *Beit* Ilaqa in the Ludhiana district asked for subsidies in order to start cottage industries ;
- (e) if so, their names and places of their residence and their castes ;
- (f) if the answer to (d) and (a) be in the affirmative, whether loans and subsidies were granted to any one of them ; if not, reasons for the same ?

**The Honourable Chaudhri Sir Chhotu Ram :** (a) 9.

(b) Government do not consider it to be in the public interest to supply the names of applicants.

(c) Houses—factory buildings—machinery.

(d) No.

(e) Does not arise.

(f) Yes.

**Chaudhri Muhammad Hassan :** Will the Honourable Minister please state how many of these applicants belonged to towns in Ludhiana district alone?

**Minister :** I cannot answer that question unless I receive fresh notice for it.

**RULES RELATING TO GRANT OF SUBSIDIES OF LESS THAN RS. 5,000  
FOR INDUSTRIAL PURPOSES.**

**\*2095. Chaudhri Muhammad Hassan :** Will the Honourable Minister of Development be pleased to state—

- (a) whether it is a fact that the applications with regard to the grant of loans and subsidies of the amount of less than Rs. 5,000 are not placed before the Board of Industries for either approval or sanction ; if so, reasons for the same ;
- (b) whether there are any rules relating to grant of loans and subsidies of less than Rs. 5,000 ; if so, will the Government please lay these rules on the table ?

**The Honourable Chaudhri Sir Chhotu Ram :** (a) Applications for the grant of loans for an amount less than Rs. 5,000 are not placed before the Board of Industries but a list of individuals or firms to whom loans have been granted by the Director of Industries is placed before the Board at its next meeting.

All applications for the grant of a subsidy are placed before the Board.

(b) The relevant rules are contained in Punjab Government Notification No. 42-I. and L-37/2766, dated the 23rd January, 1937, which was published in part I of *Punjab Government Gazette*, dated the 29th January, 1937.

**Chaudhri Muhammad Hassan :** Will the Honourable Minister kindly state as to what is the underlying principle in not placing the applications for loans below Rs. 5,000 before the Board ?

**Minister :** If all the applications below Rs. 5,000 are placed before the Board they will be too numerous to be dealt with and unduly hold up in their decision.

**Chaudhri Muhammad Hassan :** Can not the Honourable Minister hold meetings every month for that purpose ?

**Minister :** No, Sir.

**Chaudhri Muhammad Hassan :** What is the reason ?

**Minister :** Because there is so much of other business to be attended to.

**GRANT FOR RURAL UPLIFT WORK.**

**\*2096. Chaudhri Muhammad Hassan :** Will the Honourable Minister of Development be pleased to state—

- (a) the amount exclusively set apart for encouraging cottage industries ;
- (b) the amount that has been granted by the Central Government for the rural uplift in the Punjab during the financial year 1937-38 ;
- (c) the sum that has actually been spent for the rural uplift work in this province during the last three years ;
- (d) the sums that have been granted for the rural uplift work by the Central Government during the three years before the year 1937-38 ;

[Ch. Muhammad Hassan.]

- (e) the sum allotted by the Punjab Government for the uplift of the rural population of the Ludhiana *Beit* Ilaga out of the total sum spent during this period ;
- (f) whether the present Deputy Commissioner of Ludhiana brought the need of rural uplift of the Ludhiana *Beit* Ilaga to the notice of the Government ;
- (g) the particular manner in which the Government has taken the rural uplift work in hand ;
- (h) whether any special staff is employed for this purpose ; if so, whether it has to perform some other duties also ; if so, what ?

**The Honourable Chaudhri Sir Chhotu Ram :** (a) It is very difficult to state the amount exclusively set apart for the development of cottage industries from the budget of the Industries Department. The position is that a major portion of the activities of the department and its budget allotments are spent mainly on the development of cottage industries. A perusal of the budget of the department for the year 1937-38 shows the following :—

Rs.

(i) amount spent directly on the development of cottage industries .. .. .	3,14,300
(ii) other expenditure from which cottage industries largely benefit .. .. .	11,63,950

(b) Rs. 38,650 on 30th November, 1937, and Rs. 8½ lakhs on 1st December, 1937, to be credited to the Punjab Government as the expenditure on sanctioned schemes proceeds.

(c) Rs. 8,92,476 ;

(d) Rs. 8,93,497 ;

(e) An allotment of Rs. 3,500 was made to the Deputy Commissioner. It is understood that he spent Rs. 585 on this ilaga.

(f) The Deputy Commissioner is understood to have addressed the Commissioner.

(g) The attention of the honourable member is invited to the report on rural reconstruction, a copy of which is laid on the table<sup>1</sup> ; and also to the budget speech of the Honourable Minister for Finance.

(h) *First part :* Yes ;

*Second part :* No ;

*Third part :* Does not arise.

**Chaudhri Muhammad Hassan :** Is the Honourable Minister aware that so far as the *Beit* ilaga of Ludhiana district is concerned there is urgent need of rural uplift ?

**Minister :** I am not aware of that.

<sup>1</sup>Kept in the Assembly Library.

**Chaudhri Muhammad Hassan :** Has the Minister ever addressed the Deputy Commissioner on the point?

**Minister :** No.

**Chaudhri Muhammad Hassan :** Why not?

**Minister :** Because I was not aware of any particular need for doing this.

**Chaudhri Muhammad Hassan :** Has the Minister ever gone and inspected the Beit ilaqa?

**Minister :** Yes, some portions.

**Chaudhri Muhammad Hassan :** Does he not in the light of what he has seen consider that there is urgent need of rural uplift in that ilaqa?

**Minister :** I do not think there is any particular need to be supplied exclusively in that portion of the Ludhiana district. It stands more or less on the same footing as Beit ilaqas in other districts.

**Chaudhri Muhammad Hassan :** What particular part of the district has the Honourable Minister inspected?

**Minister :** I am afraid I cannot give the name of the tract I visited.

**Sardar Lal Singh :** Is the ilaqa not included in the Beit ilaqa being given any special facilities over and above that of Beit ilaqa?

**Minister :** No.

#### REMODELLING OF KHAMBA MINOR IN LAHORE TAHSIL.

**\*2097. Diwan Bahadur Raja Narendra Nath :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that the number of cusecs supplied to Khamba Minor from Niazbeg Rajbaha two years ago has been reduced in a recent remodelling scheme of Khamba Minor; if so, reasons for the same?

**The Honourable Dr. Sir Sundar Singh Majithia :** No, but the discharge will be reduced at the next remodelling from 28 cusecs to 20·5 cusecs as the channel is taking excess supply.

**Diwan Bahadur Raja Narendra Nath :** Is it not a fact that remodelling of the Khamba Minor has been done?

**Minister :** Yes, it might have been done.

**Diwan Bahadur Raja Narendra Nath :** Is it a fact that the new assessment is based on the figures collected before the remodelling scheme was introduced?

**Minister :** As regards the cultivated area the answer is in the affirmative; and as regards the last part of the question there has been no reduction of water supply to the Khamba Minor; that is merely an adjustment of supply to the outlets on the Minor.

**Diwan Bahadur Raja Narendra Nath :** Is it not a fact that under the remodelling scheme the supply of water to some villages has been increased more than their 'haq' while the supply of water in other places has been reduced below their haq?

**Minister :** I am not aware of this.

**RECLAMATION OF ALKALINE AREA ON THE KHAMBA MINOR, IN  
TAHSIL LAHORE.**

**\*2098. Diwan Bahadur Raja Narendra Nath :** Will the Honourable Minister of Revenue be pleased to state—

(a) what is the area of alkaline soil fit to be reclaimed by canal irrigation in villages irrigated from the Khamba Minor in tahsil Lahore, but now lying waste ;

(b) the steps the Government propose to take to reclaim this area ?

**The Honourable Dr. Sir Sundar Singh Majithia :** (a) The area of alkaline soil fit to be reclaimed from the Khamba Minor is as per attached statement.

(b) The question whether supply is available for this purpose is under examination.

Name of village.	Thur area commanded.	Thur area uncommanded.
	Acres.	Acres.
Jogindpura .. .. .	22	..
Ajudhiapur .. .. .	12	..
Shadiwal .. .. .	61	..
Niazbez .. .. .	26	1
Kir Kulan .. .. .	183	37
attokotla .. .. .	5	8
Ali Razabad .. .. .	18	..
Khamba .. .. .	65	36
Amirpura .. .. .	7	..
Bhoptian .. .. .	11	..
Total .. .. .	410	82

**REPRESENTATIONS AGAINST REMODELLING, ETC., OF KHAMBA  
MINOR IN LAHORE TAHSIL.**

**\*2099. Diwan Bahadur Raja Narendra Nath :** Will the Honourable Minister of Revenue be pleased to state whether a representation protesting against the introduction of the remodelling scheme and the reduction of the water supply to the Khamba Minor in Lahore tahsil as also a representation inviting the attention of the Revenue Minister to a large area of reclaimable land on the said minor and suggesting the increase of water supply to reclaim it were received by him from the zamindars of the locality ; if so, the action taken in the matter ?

**The Honourable Dr. Sir Sundar Singh Majithia :** Yes. The remodelling scheme has been held up for the present and the question of increasing supply for reclamation of the thur area is under investigation.

RELIEF FOR THE DAMAGE DONE TO CROPS BY HAIL-STORM.

**\*2100. Sardar Partab Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the districts affected by the recent hail-storms in February, 1938, all over the province and the steps taken by the Government for the immediate relief to the peasants ;
- (b) whether the Government is aware of the fact that a large number of villages in the Amritsar district suffered badly from the hail-storms on the evening of 12th and 13th February, 1938, if so, the area affected thereby in that district and the steps taken by the Government in the matter of granting relief to the peasants ?

**The Honourable Dr. Sir Sundar Singh Majithia :** (a) All the districts of the Punjab, except Gurgaon, Jhang, Muzaffargarh and Dera Ghazi Khan were affected. The damage was appreciable only in the districts of Ludhiana, Ferozepore, Amritsar, Lahore, Gujranwala, Gurdaspur and Montgomery. The exact amount of damage done is being ascertained and relief will be given where necessary.

(b) Yes, 4,595 acres. Relief will be given after the girdawari, where necessary.

DAMAGE BY HAIL-STORMS.

**\*2101. Sardar Hari Singh :** Will the Honourable Minister for Revenue be pleased to state the extent and details of damage done by the recent hail-storms to standing crops, vegetables, fruit trees, etc., and the extent to which prospects of forthcoming sowings and blossoming have been affected in the Province ?

**The Honourable Dr. Sir Sundar Singh Majithia :** Attention of the honourable member is invited to the reply given to part (a) of question No. \*2100 (above). Prospects of the forthcoming sowings and blossoming have not been affected in the province.

REMARK IN REFERENCE TO THE SMALL TOWN COMMITTEES IN THE REPORT OF PUNJAB LOCAL AUDIT DEPARTMENT FOR 1936-37.

**\*2102. Sardar Hari Singh :** Will the Honourable Minister of Public Works be pleased to state whether his attention has been drawn to the remark in reference to small town committees in the report of the Punjab Local Audit Department for 1936-37, " Few of them render any Municipal services to their constituents ", if so, action proposed to be taken by the Government in the matter ?

**The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana :** The words used in the report of the local Audit Department, Punjab, are " many Municipal Services " and not " any Municipal Services."

**Sardar Hari Singh :** May I ask the Honourable Minister, after substituting the words ' many municipal services ' for ' any municipal services ', to state whether in view of this indictment he does not consider it necessary to take any action ?

**Minister :** There is no indictment. If the honourable member will read the report he will find reasons are there.

**Sardar Hari Singh :** May I ask the Minister to state whether he is not called upon to take any action ?

**Minister :** No special action is called for at present.

DR. HARDYAL.

**\*2103. Sardar Hari Singh :** With reference to the answer to starred question No. 878<sup>1</sup> on the subject of the return of Dr. Hardyal to his motherland, will the Honourable Premier be pleased to state whether the Government of India have recently made a reference to the Punjab Government on the question of granting permission to Dr. Hardyal to return to the Punjab ; if so, the response of the Punjab Government to the said reference ?

**Sardar Sahib Sardar Ujjal Singh** (Parliamentary Secretary) I must decline to answer questions relating to correspondence with the Central Government or other Provincial Governments.

**Sardar Hari Singh :** May I ask the honourable member to state the reasons for this ? Is there any precedent or does the law prohibit answering these questions ?

**Parliamentary Secretary :** Government does not want to disclose any correspondence which is of a confidential nature.

**Sardar Hari Singh :** Am I to take the answer to mean that only correspondence of a confidential nature will not be subject of interpellation in the House, or whether even correspondence which is not of a confidential nature will not be disclosed to the House ?

**Parliamentary Secretary :** Correspondence which Government thinks can be disclosed in the public interest will be disclosed otherwise Government cannot undertake to disclose it.

**Sardar Hari Singh :** May I take it that he does not want to disclose the correspondence in the present case because it is confidential ?

**Parliamentary Secretary :** As I have already stated, the correspondence to which the question relates whether confidential or not cannot be disclosed on the floor of the House.

**Lala Bhim Sen Sachar :** Is it a fact that correspondence is going on between the Government of India and the Punjab Government ?



**Parliamentary Secretary :** I have nothing more to add to what I have said.

**Pandit Muni Lal Kalia :** Has there been any correspondence at all ?

**Parliamentary Secretary :** It will serve no useful purpose to reply to this question when correspondence of this nature cannot be disclosed.

**Pandit Muni Lal Kalia :** I am not asking about the nature of that correspondence : I am asking, has there been any correspondence ?

**Parliamentary Secretary :** Whether there has or has not been any correspondence, it will serve no useful purpose to answer this question.

**Sardar Hari Singh :** May I ask the Parliamentary Secretary to state whether the Punjab Government is going to make it a rule that in future any correspondence between the Central and the Punjab Governments will not be disclosed to the House ?

**Mr. Speaker :** The Honourable Parliamentary Secretary has stated more than once that he does not consider it in the public interest to disclose that correspondence.

**Sardar Hari Singh :** He has not said it in so many words. I want to ask him whether he declines to answer the question on the score that it is of a confidential nature : he can say "yes".

**Parliamentary Secretary :** I have already stated, perhaps my honourable friend did not follow me, that Government does not consider it in the public interest to disclose that correspondence without making it a rule.

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EXPENDITURE INCURRED BY GOVERNMENT, LAHORE MUNICIPALITY AND LAHORE DISTRICT BOARD IN CONNEXION WITH VICEREGAL DURBAR.

**\*2104. Sardar Hari Singh :** Will the Honourable Minister for Finance be pleased to state—

- (a) whether he has by now received figures of expenditure incurred by Government, the Lahore Municipality and the Lahore District Board in connexion with the Viceregal Durbar and attendant functions ;
- (b) if answer to (a) above be in the affirmative, details of that expenditure ?

**Sardar Sahib Sardar Ujjal Singh (Parliamentary Secretary) :**  
(a) Yes.

(b) A statement giving the details is placed on the table.

**Sardar Hari Singh :** With reference to the statement laid on the table, may I ask the Parliamentary Secretary to state whether the amount of Rs. 8,479-8-0 paid as travelling allowance to Indian military officers, was paid to military officers now in service or to those who are on pension and whether they were Indian officers or British officers and what was the share of Indian officers ?

**Mr. Speaker :** That is a series of questions.

**Sardar Hari Singh :** May I know whether this amount was paid to the officers now serving in the Army or to the officers who are on pension ?

**Parliamentary Secretary :** It is not possible to discuss the details of the statement in reply to a supplementary question.

**Sardar Hari Singh :** With reference to the amount of Rs. 1,500 spent on street decorations, may I know what streets were decorated by municipalities and what streets were decorated by the Government ?

**Parliamentary Secretary :** It is not possible to reply to the question off-hand and mention the names of streets.

**Sardar Hari Singh :** May I ask the Parliamentary Secretary to state whether the municipalities and the Government were running a race to decorate some streets ?

*Details of expenditure incurred by the Punjab Government in connection with Viceregal Durbar, etc.*

	Rs.	A.	P.
Decorations in the Diwan-i-Am .. .. .	607	7	6
Hire of chairs for the Darbar .. .. .	540	12	6
Hire of Durries for the Darbar .. .. .	184	0	0
Cloak rooms .. .. .	164	9	0
Hire of lorries supplied for the transport of troops, etc. ..	752	0	0
Street decorations .. .. .	1,500	0	0
Construction of a masonry platform at the Diwan-i-am ..	743	0	0
Construction of a wooden platform (dais) at the Diwan-i-am ..	536	0	0
Travelling allowance paid to Indian Military Officers who attended the Darbar .. .. .	3,479	8	0
Miscellaneous .. .. .	923	11	0
Total .. .. .	9,431	0	0

*Details of expenditure incurred by the Administrator, Lahore Municipality, in connection with Viceregal Durbar, etc.*

	Rs.	A.	P.
Preparation of banners .. .. .	384	12	0
Decoration of roads, paper flags and hire of poles, etc. ..	520	13	0
Levelling the ground outside the fort for a parking place ..	300	0	0
Preparation of roads, road-watering and general sanitation ..	3,093	4	0
Total .. .. .	4,298	13	0

*Details of expenditure incurred by the District Board, Lahore, in connection with Viceregal Durbar, etc.*

	Rs.	A.	P.
Cost of casket .. .. .	120	0	0
Printing, etc., of address .. .. .	32	8	0
Rewards to cattle from the rural area .. .. .	375	0	0
Wages of sweepers, bahishtis employed at Kehna Nou and Kemanh village, and rewards to competitors and ploughing, etc. ..	337	6	6
Total .. .. .	864	14	6

**RELIEF FOR THE DAMAGE DONE TO CROPS BY HAIL-STORM IN VILLAGES  
IN FEROZEPUR DISTRICT.**

**\*2105. Sardar Tara Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that in the three villages Mari-Mustfa, Cheda Sukha and Nand in the area of Baga Purana police station, in the Ferozepur district, all the standing crops have been totally ruined by hail-storm during the night between 13th and 14th February, 1938 ;
- (b) whether it is a fact that in the villages Ladhaki, Jita Singhwala, Maur Nanabad, Daluwala, Zethi Bhai, Vandar Babiha Bhai, Rajewana, Budsinghwala, Kotla Meharsinghwala, Vairoke, Chanuwala, Sangotpora, Alamwala, Fathuwala and Rode there has been a partial damage to the crops by the hail-storm ; if so, the action Government propose to take to give relief to the zamindars concerned ?

**The Honourable Dr. Sir Sundar Singh Majithia :** (a) There was serious damage to crops in these villages.

(b) Yes. Relief will be given, where necessary, after the crops have been inspected.

**PENSIONARY CHARGES OF AN ADDITIONAL POLICE POST AND LEAVE  
CONTRIBUTIONS.**

**\*2106. Dr. Sant Ram Seth :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that the Pensionary Charges of Additional Police Post were to be calculated at  $8\frac{1}{2}$  per cent. of the pay according to Police Rule 10-22 ;
- (b) the reason why Rs. 448-13-4 were shown as having been charged in the statement put before the House in answer to starred question No. 393<sup>1</sup> on the pay of Rs. 3,885-10-0 while the correct calculated figures come to Rs. 316-14-6 ;
- (c) whether it is a fact that the charges for leave contributions were to be calculated at  $12\frac{1}{2}$  per cent. of the total pay of the establishment under the rules ;
- (d) the reason why Rs. 516-14-0 were charged from the inhabitants of village Dhardeo as costs of additional police post referred to in (a) above while the correctly calculated charges for leave contribution on the basis of pay of the establishment referred to in (a) above come to Rs. 485-11-3 ;
- (e) when he proposes to adjust or refund the amount charged in excess referred to above ?

**Sardar Sahib Sardar Ujjal Singh (Parliamentary Secretary) :**

(a) Yes. The percentage is to be calculated on the maximum pay of the time scale.

[S. S. Ujjal Singh.]

(b) The calculation by the honourable member is wrong in view of (a) above.

(c) Yes, on the total average pay of the establishment.

(d) The calculation of Rs. 516-14-0 is correct. The calculation has to be made on the total average pay of the establishment not on any figures of actual pay.

(e) Does not arise.

**REFUND OF EXCESS MONEY CHARGED FROM RESIDENTS OF MAKHI KHURD  
FOR THE PURCHASE OF HORSES FOR THE PUNITIVE POLICE POST.**

**\*2107. Dr. Sant Ram Seth :** Will the Honourable Premier be pleased to state whether he is aware that the refund of Rs. 448-14-0 sanctioned by the Government to the inhabitants of village Makhi Khurd and Makhi Kalan, district Lahore, on account of sale proceeds of the horses purchased for the additional police posts located there in 1922 and promised to be refunded in answer to question No. 40<sup>1</sup> asked on the 21st June, 1937, was not refunded to the persons entitled to its refund till the end of January, 1938 ; if so, why and the approximate time it will take to refund that money to persons concerned ?

**Sardar Sahib Sardar Ujjal Singh (Parliamentary Secretary) :** Yes. The deputy commissioner has found difficulty in deciding to whom the refund should be made, the files relating to the original recoveries having been destroyed but it is hoped that the disbursement will be effected shortly.

**Dr. Sant Ram Seth :** How long will it take ?

**Parliamentary Secretary :** Shortly. I cannot state a definite period.

**Dr. Sant Ram Seth :** What do you mean by 'shortly' ? Three months, six months or a year ?

**Parliamentary Secretary :** I mean, what the word 'shortly' ordinarily means.

**SHARE OF WATER FROM OUTLET NO. D. R. 122,405 (MINOR PATTI).**

**\*2108. Dr. Sant Ram Seth :** Will the Honourable Minister of Revenue be pleased to state—

(a) whether Sardar Uttam Singh and several other zamindars of village Saidpur, tahsil Kasur, district Lahore, applied to the Executive Engineer, Jandiala Division, Amritsar, on 1st September 1937, requesting therein that the share of the water of the zamindars of village Piringri be separated from the canal outlet D. R. 122,405 (Minor Patti) ;

(b) if the answer to (a) above be in the affirmative, whether he will kindly lay a copy of their application on the table of the House and state how far the facts stated therein have been found to be correct;

(c) the decision, if any, arrived at by the canal authorities about the demand of the petitioners referred to in (a) above?

**The Honourable Dr. Sir Sundar Singh Majithia :** (a) Yes, to the Superintending Engineer, Upper Bari Doab Circle.

(b) Copy of the application is placed on the table. Statements made therein have been found correct.

(c) The scheme for separating area of village Piringri from that of Saidpur is being examined.

*Application from Sardar Uttam Singh and others of village Saidpur, dated 1st September, 1937, to the Superintending Engineer, Canal Department, Amritsar Circle, Amritsar.*

We the undersigned zamindars of village Saidpur zilladari Khara, Tahsil Kasur, District Lahore, beg to state as follows:—

(1) Canal outlet No. 122405-R situated at Minor Patti (Sabrai Branch) is joint of two villages, i.e., Saidpur and Pirangri. The area of village Pirangri is only 28 acres but the areas shown in Chakbandi is irrigated area only in name. Practically it has never been watered since the existence of this outlet, i.e., 28 years. Therefore this area should be discharged from this outlet.

(2) The jointness of the canal outlet has been a source of great anxieties to the zamindars. Being of different blood and of different villages they have nothing in common. The enmity and tension between the two village communities who belong to the two different districts is daily progressing and there is every likelihood that if the circumstances be allowed to go unchanged they will break heads.

(3) Under these circumstances we would request you either to discharge the area of village Pirangri from this outlet or at least to separate the share of Pirangri from this outlet and include in the outlet of their village outlet. Their water must be separated from us.

Hoping you will consider this request of ours favourably.

#### REPORT OF DEPUTY COMMISSIONER, LAHORE, REGARDING ADDITIONAL POLICE POST AT SUR SINGH.

**\*2109. Dr. Sant Ram Seth :** Will the Honourable Premier be pleased to state whether answer to starred question No. 361<sup>1</sup> asked on 12th July, 1937, is now ready in regard to which it was stated in answer to starred question No. 1870<sup>2</sup> asked on 24th January, 1938, that it was not yet ready?

**Sardar Sahib Sardar Ujjal Singh** (Parliamentary Secretary): .  
An answer to question \*361<sup>1</sup> was given on the 12th July, 1937. It is presumed that the intention of the honourable member's later question \*1870<sup>2</sup> (to which an interim reply was given) was to ask for a copy of the reference made by the deputy commissioner, recommending that a part of the sum due on account of the cost of the post should be waived. It is not usual to lay departmental correspondence on the table, and I regret that I cannot undertake to do so in this case.

<sup>1</sup>Volume I, pages 1271—72.

<sup>2</sup>Volume II, page 760.

SANADS AND COMMENDATION CERTIFICATES ISSUED BY AGRICULTURAL DEPARTMENT.

**\*2110. Chaudhri Muhammad Hassan :** Will the Honourable Minister of Development be pleased to state the number of Sanads and Commendation Certificates issued by the Agricultural Department in 1936 ?

**The Honourable Chaudhri Sir Chhotu Ram :** During 1936, 38 persons, out of the 54 recommended by the Agricultural Department, received sanads, and during 1935-36, the Department issued commendation certificates to 186 persons.

**Chaudhri Muhammad Hassan :** How many out of these were recommended by the Deputy Director of Agriculture, Jullundur Division ?

**Minister :** I require fresh notice for this question.

HUNGER STRIKE OF ONE CHET SINGH, CONVICT, AND HIS RELEASE.

**\*2111. Shrimati Raghbir Kaur :** Will the Honourable Minister of Finance be pleased to state—

- (a) whether it is a fact that one Chet Singh, son of Jawand Singh, of Lyallpur district, who was convicted of cattle lifting is on hunger-strike in the Central Jail, Lahore ;
- (b) if so, what are his demands and since how long he is on hunger-strike ;
- (c) whether it is a fact that all co-accused of the said Chet Singh have been released long ago ;
- (d) what are the reasons for the differential treatment in the case of the said Chet Singh ?

**Thakur Ripudaman Singh (Parliamentary Secretary) :** (a) Chet Singh, son of Jawand Singh, of Lyallpur, who is a prisoner in the Central Jail, Lahore, is not on hunger strike. He was not convicted of cattle lifting but of taking part in a serious dacoity in which three persons were shot ;

(b) Does not arise.

(c) Yes.

(d) Partly the fact that Chet Singh was found fit for deportation to the Andamans, and partly because of his bad behaviour in jail. Government have already passed orders for his conditional release.

**Shrimati Raghbir Kaur :** Is it a fact that Chet Singh was kept in jail because he sympathised with political prisoners on hunger strike ?

**Parliamentary Secretary :** I have already stated in my answer.

**Diwan Chaman Lall :** May I ask the honourable member whether there is going to be no reply to this question on behalf of the Treasury benches ?

**Parliamentary Secretary :** The reply has already been given in part (a) of the original answer.

NEW WARD IN THE LADY WILLINGDON HOSPITAL,  
LAHORE.

\*2112. **Chaudhri Ali Akbar** : Will the Honourable Minister of Education be pleased to state—

- (a) the total number of beds maintained in the Lady Willingdon Hospital, Lahore ;
- (b) the total cost of maintaining this hospital ;
- (c) whether it is a fact that the Government has accepted a donation from a Hindu gentleman for building a new ward in the said hospital which will be reserved exclusively for Hindu patients ; if so, the amount of the said donation ;
- (d) the total cost of building and equipping the said ward ;
- (e) whether the cost of maintenance of this ward is to be borne by the donor or the general tax-payer ; in the latter case, reasons for the same ;
- (f) the approximate amount of the endowment necessary for the complete maintenance of such a ward ?

**Mrs. J. A. Shah Nawaz** (Parliamentary Secretary) : (a) Seventy-four.

(b) Rs. 1,17,495 during the year 1936-37. After deducting fees received from patients the net cost amounted to Rs. 1,02,546.

(c) Government indicated that they were prepared to accept an offer of Rs. 15,000 for this purpose made by a Hindu gentleman, but certain difficulties have arisen which are still under discussion. It is not certain that the scheme will materialise.

(d), (e) and (f) These matters are still to be decided.

**Sardar Hari Singh** : With reference to part (c), may I ask the Parliamentary Secretary to state what are those 'several difficulties' referred to ?

**Parliamentary Secretary** : There are several difficulties. We have to consider whether it is possible to extend the building or to build another storey and also to find out how much money will be required for the maintenance of a new ward. All these things are under consideration and the probability is that the scheme is not likely to materialise.

**Sardar Hari Singh** : What are the difficulties of Government ? Are they structural difficulties ?

**Parliamentary Secretary** : As I have already stated there are various difficulties.

**Sardar Hari Singh** : May I know what they are, besides those mentioned already ?

**Parliamentary Secretary** : I have already explained to the honourable member that there are several difficulties and all those are under consideration.

**Sardar Hari Singh :** Are those difficulties confidential ?

**Parliamentary Secretary :** As these are still under consideration I am unable to supply detailed information to the honourable member now.

**Sardar Hari Singh :** May I take it that the Parliamentary Secretary is ignorant of those difficulties ?

**Parliamentary Secretary :** No.

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P. C. M. S. OFFICERS, MAYO HOSPITAL, LAHORE.

**\*2113. Chaudhri Ali Akbar :** Will the Honourable Minister of Education be pleased —

(a) to lay on the table a statement showing community-wise the number and names of P. C. M. S. officers attached to the Mayo Hospital, Lahore, stating in the case of each whether he is allowed free residence, right of private practice and the total amount of allowance, if any, granted to him, date of his posting to the present appointment, and whether he is liable to transfer ; if so, the maximum period for which he can hold the appointment concerned, in case not so liable, reasons for the same ; and

(b) to state the steps the Government intends to take to give adequate representation to the Muslims in the above-mentioned appointments ?

**Mrs. J. A. Shah Nawaz** (Parliamentary Secretary). (a) A statement is laid on the table.

(b) The matter is under consideration.



Statement showing, community-wise, the number and names of P. C. M. S. Officers attached to the Mayo Hospital, Lahore.

Appointment.	Name of P.C.M.S. Officer holding the appointment.	Date of appointment.	Whether allowed free residential accommodation or not.	Whether allowed private practice or not.	Detail of allowance if any attached to the appointment.	(a) Whether liable to transfer or not. (b) The maximum period for which the appointment can be held.	REMARKS.
<i>Hindus.</i>							
1 Deputy Medical Superintendent, Mayo Hospital.	Dr. Prem Nath, Dogra, P.C.M.S.	11-6-32	Yes	Debarred from private practice.	Special Pay Rs. 100 per mensem.	(a) Liable to transfer. (b) Not specified.	The appointment is an administrative one and it is desirable to make as few changes as possible in the interests of the Hospital.
<i>Sikhs.</i>							
1 Superintendent, Mayo Hospital, Dependentary.	Dr. Bawa Harnam Singh, P.C.M.S.	1-3-24	No	Private practice allowed.	Special Pay Rs. 50 per mensem.	(a) Liable to transfer. (b) Not specified.	The present incumbent of the post has foregone his claims for promotion to the rank of Civil Surgeon, and he will, with the approval of Government, remain in his present post till he retires on the 16th December, 1938.

[Mrs. J. A. Shah Nawaz.]

Appointment.	Name of P.C.M.S. Officer holding the appointment.	Date of appointment.	Whether allowed free residential accommodation or not.	Whether allowed private practice or not.	Detail of allowance if any attached to the appointment.	(a) Whether liable to transfer or not. (b) The maximum period for which the appointment can be held.	REMARKS.
2	<i>Sikhs</i> —concd. Clinical Pathologist to Mayo Hospital.	24-4-22	No	Private practice allowed.	Special Pay Rs. 150 per mensem.	Not liable to transfer.	It is desirable in the interests both of the patients in the Mayo Hospital and the students of the King Edward Medical College that the incumbent should hold his post permanently.
3	Medical Officer, Genito Urinary Department.  <i>Muslim.</i>	15-5-36	No.	Ditto	Special Pay Rs. 200 per mensem.	(a) Liable to transfer. (b) Not specified.	The present incumbent of the post is the only fully trained Veneriologist in the P.C.M.S. and he is, therefore, likely to remain in the post indefinitely.
1	House Surgeon Indian Private and Family Ward, Mayo Hospital.	29-9-37.	Yes	Debarred from private practice.	Special Pay Rs. 50 per mensem.	(a) Liable to transfer. (b) Not specified.	The post is normally held for one year, which may be extended to two.
1	<i>Anglo-Indian.</i> House Surgeon Albert Victor Hospital.	17-2-37	Yes	Ditto	Special Pay Rs. 50 per mensem.	(a) Liable to transfer. (b) No maximum period has been fixed.	

**LIST OF VOTERS FOR SRI HARGOBINDPUR SMALL TOWN COMMITTEE.**

**\*2114. Lala Bhagat Ram Choda :** Will the Honourable Minister for Public Works be pleased to state whether it has been recently brought to his notice by the residents of the town of Sri Hargobindpur in Gurdaspur district that in the list of voters, prepared in connection with the forthcoming elections to the Small Town Committee of the town, names of some such persons have been entered as voters who have either died or do not permanently reside in the said town, if so, the action, if any, taken by him in the matter ?

**The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana :** Allegations to this effect have been made. The rules provide for the submission of claims or objections to the deputy commissioner. No special action by Government is therefore necessary.

**Lala Bhagat Ram Choda :** May I know whether the names of those persons who have died or are living outside or are Government servants are entered in the list of voters ?

**Minister :** Ordinarily they are not entered but when death takes place after the completion of the lists, they cannot be excluded.

**Lala Bhagat Ram Choda :** My question has not been answered. My question is this : How many of them have died and how many of them are absent owing to the exigencies of Government service ?

**Minister :** Dead men are not coming to vote. Why do you worry about it ?

**DAMAGE TO GRAM CROP IN TAHSIL UNA BY HAIL-STORM.**

**\*2115. Rai Hari Chand :** Will the Honourable Minister of Revenue be pleased to state—

(a) whether he is aware of the fact that continuous rainfall accompanied by hail-storm has done immense damage to the gram crop in the Una tahsil of the Hoshiarpur district ;

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

**The Honourable Dr. Sir Sundar Singh Majithia** (a) Yes. Damage has been reported to the gram crop in Una tahsil by excessive rainfall.

(b) Necessary relief will be given after the girdawari.

**GOVERNMENT HIGH SCHOOL FOR TAHSIL UNA.**

**\*2116. Rai Hari Chand :** Will the Honourable Minister for Education be pleased to state whether it is a fact that there is no Government High School in tahsil Una of the Hoshiarpur district ; if so, the action the Government intends to take in the matter ?

**Mrs. J. A. Shah Nawaz** (Parliamentary Secretary): Yes; but no action is proposed to be taken in the matter as there are four privately-managed schools in the tahsil catering for the educational needs of the inhabitants.

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**GIRLS' SCHOOL FOR UNA TAHSIL.**

**\*2117. Rai Hari Chand:** Will the Honourable Minister for Education be pleased to state—

(a) whether it is a fact that there is no middle school for girls in Una Tahsil (Hoshiarpur District);

(b) if the answer to (a) above be in the affirmative, the action the Government proposes to take in the matter?

**Mrs. J. A. Shah Nawaz** (Parliamentary Secretary): (a) Yes.

(b) In pursuance of the scheme for the opening of Government Vernacular Middle Schools for girls in rural areas Government is opening such schools at places where (1) Government sites or buildings are available or (2) suitable sites or buildings are offered to Government free of cost, unconditionally and without encumbrance. As no site or building for the purpose is available at Una, Government does not propose to open a Government school there in the near future.

**Rai Hari Chand:** If land is offered gratis to Government, will it consider the advisability of building a middle school for girls?

**Parliamentary Secretary:** Government will give their full consideration to the request when it is sent up.

**An Honourable Member:** Does not the Government propose to provide funds for the buildings of the schools contemplated to be opened in the rural areas?

**Parliamentary Secretary:** Not for the present.

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**UNSTARRED QUESTIONS AND ANSWERS.**

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**WELL FOR DRINKING WATER FOR CHRISTIANS OF PAKKI THATTI  
IN TAHSIL LAHORE.**

**329. Mr. S. P. Singha:** Will the Honourable Minister for Education be pleased to state—

(a) whether it is a fact that Christians in the Pakki Thatti in tahsil Lahore are not allowed to draw water from the common well of the village;

(b) whether it is a fact that the Christians of the said village had to sink a well of their own;

(c) whether Government are aware that the water of the first well which they sunk was found to be unsuitable for human consumption and that the water of the second well is also bitter in taste and offensive in smell;

- (d) whether the Christians of the said village are obliged either to pay money to watermen for fetching water for them or to go to distant places to bring water ;
- (e) if the replies to the above be in the affirmative, whether Government are willing to take some action in the matter ?

**The Honourable Mian Abdul Haye :** (a) Yes.

(b) Yes.

(c) Yes. The water from the second well is brackish, but not offensive to smell.

(d) They fetch water from a well at a distance of about 300 feet from village Pakki Thatti. They do not ordinarily engage the services of waterman for the supply for daily use but employ them only on occasions of marriages, etc.

(e) If any proposal be submitted by the District Board, Lahore, in this connection, it will be duly considered.

#### RECRUITMENT OF SUB-JUDGES.

**330. Mian Badar Mohy-ud-Din Qadri :** Will the honourable Finance Minister be pleased to state whether it is a fact that the litigation on the civil side has exceedingly decreased in the Punjab ; if so, whether the Government proposes to discontinue further recruitment of Sub-Judges ?

**The Honourable Mr. Manohar Lal :** There has been some decrease in the volume of civil litigation. The question of a possible reduction in the number of subordinate judges is already under the consideration of Government.

#### APPLICATIONS SUBMITTED AND DECLARATORY SUITS FILED BY NON-AGRICULTURISTS FOR BEING DECLARED AS AGRICULTURISTS.

**331. Subedar-Major Raja Farman Ali Khan :** Will the Honourable Minister for Revenue be pleased to state—

- (a) the number of applications which the non-agricultural tribes of the Rawalpindi district submitted during the last three years to the revenue authorities for making corrections regarding their tribe in the revenue records and the number of declaration suits filed by them in the civil courts of the district for showing them as agriculturists ;
- (b) in how many cases the revenue authorities made the required corrections in the revenue records and on how many declaration suits the courts pronounced that the applicants be treated as agriculturists ;
- (c) whether any Hindu or Sikh non-agriculturist also applied for correction of his tribe in the revenue records and whether application was accepted ;

[Subedar Major Raja Farman Ali Khan.]

- (d) whether the civil courts ascertained that the applicants in the past solely depended upon agriculture and whether at the previous settlements they themselves or their parents were the owners of land ?

**The Honourable Dr. Sir Sundar Singh Majithia :**

(a) First part	..	..	..	--	286
Second part	..	..	..	..	87
(b) First part	..	..	..	--	64
Second part	..	..	..	..	12
(c) Yes, one.					
(d) Yes.					

**FUNDS FOR IMPROVEMENT OF ROADS.**

**332. Mian Sultan Mahmood Hotiana :** Will the Honourable Minister of Public Works be pleased to state—

- (a) the amount of funds at the disposal of Government for the improvement of roads in the province ;
- (b) whether the Government is aware of the fact that there are a large number of villages in the province which are situated at a great distance from the metalled roads and the railway ;
- (c) whether the Government proposes to consider the case of these villages with a view to connecting them with the nearest grain markets in the road building programme ?

**The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana :**

(a)	1937-38	..	..	Rs. 15·13 lakhs.
	1938-39	..	..	Rs. 30·64 lakhs.

(b) Yes.

(c) Yes, the matter is already under the consideration of Government. A sum of Rs. 1,00,000 is proposed to be spent on village roads during 1938-39 and in the road programme under preparation the necessity of improving village roads will be kept in view.

**CONTINGENCY RESERVE FOR THE ADDITIONAL POLICE POST, DHARDEO, DISTRICT AMRITSAR.**

**333. Dr. Sant Ram Seth :** Will the Honourable Premier be pleased to state—

- (a) how many times between 17th February, 1936 and January, 1938, the two police constables kept at Amritsar police lines as contingency reserve for additional police post, Dhardeo, district Amritsar, were sent to the said police post to fill up the vacancies of the constables who had gone on leave or for training, during their stay in the said post ;

- (b) for what period each of them remained at Dhardeo referred to in (a) above ;
- (c) what was the amount charged as the pay of contingency reserve force for the year 1936-37 and 1937-38, respectively;
- (d) what was the amount actually spent by the Government for purchasing boxes and beds for the said police post ?

**The Honourable Major Sir Sikander Hyat-Khan :** I regret that the answer to this question is not yet ready.

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ADDITIONAL POLICE POST QUARTERED IN CERTAIN VILLAGES,  
DISTRICT LYALLPUR.

**334. Dr. Sant Ram Seth :** Will the Honourable Premier be pleased to lay on the table a statement showing—

- (a) the names of villages of Lyallpur district in which additional police posts were quartered under section 15 of the Police Act No. 5 of 1861 between 1st January, 1924 and 31st January, 1938 ;
- (b) the date of location and withdrawal of each of the said police posts ;
- (c) the amount assessed as costs for each of these police posts ;
- (d) the amount actually spent by Government for maintaining each of the police post ;
- (e) the amount recovered by the end of January, 1938 ;
- (f) the last date when the recovery was completed ;
- (g) the sanctioned strength of each of these police posts ?

**The Honourable Major Sir Sikander Hyat-Khan :** A statement is appended.

[Premier.]

(a)	(b)	(c)	(d)	(e)	(f)	SANCTIONED STRENGTH.				
						Inspector.	Sub-Inspector.	Assistant Sub-Inspector.	Head Constable.	Foot Constable.
Villages in the Lyallpur district in which Additional Police Posts were quartered under section 15 of the Police Act, 1861, between the 1st January, 1924, and the 31st January, 1938.	Date of location and withdrawal.	Assessed cost.	Amount actually spent by Government, excluding charges for superintendence, etc., which cannot be precisely calculated.	Amount Recoveries up to the end of January, 1938.	Last date when the last recoveries were made.	Inspector.	Sub-Inspector.	Assistant Sub-Inspector.	Head Constable.	Foot Constable.
Chaks 274-75 .. ..	15-10-23 to 14-10-25	Rs. A. P. 27,865 0 0	Rs. A. P. 20,044 5 5	Rs. A. P. 27,865 0 0	31-7-25	..	1	..	3	30
Chak 58-P.B. .. ..	1-11-23 to 30-4-25	10,127 7 0	7,517 6 5	10,388 14 3	1-4-25	..	..	..	2	15
Chak 620-621-623 .. ..	15-6-24 to 14-6-25	8,879 6 0	7,815 15 1	8,379 6 0	27-7-24	..	1	..	1	6
Chak 204 .. ..	1-8-24 to 31-7-25	9,127 6 0	5,968 3 5	5,293 3 2	1-4-25	..	1	..	2	15



Chaks 62, 64, 67, 68, 69, 71, 73, 74, 75, 93 and 97 R.B.	10-8-24 to 9-8-26	57,083 8 0	37,230 6 2	39,052 13 3	30-9-26	1	2	..	4	50
Daga Dhe Killianwala ..	15-12-24 to 14-12-26	14,723 5 0	12,055 11 5	13,481 7 4	2-8-26	..	1	..	1	12
Thatha Smail ..	25-1-25 to 24-1-26	5,534 3 2	4,775 5 6	5,534 5 6	31-1-26	..	1	..	1	6
Chaks 41-42 ..	1-8-25 to 31-5-26	9,740 10 0	7,397 7 0	5,918 0 0	1-12-25	..	1	..	2	15
Chak 26-J.B.	10-8-26 to 9-8-27	2,974 13 0	2,450 15 0	2,974 13 0	31-10-27	..	..	..	1	4
Chaks 233-234 and 94-G.B. ..	25-9-26 to 24-9-27	26,872 5 5	21,129 3 0	17,119 14 9	30-11-27	1	2	..	4	30
Chaks 235-236-244-R.B. ..	1-11-26 to 31-10-29	37,795 14 6	18,307 3 6	15,515 2 10	31-12-27	..	1	..	3	20
Chaks 75-81-J.B. ..	15-11-26 to 14-11-27	7,669 14 10	5,671 8 0	6,141 9 7	31-10-27	..	1	..	1	10
Chak 378-G.B. ..	1-11-28 to 31-10-31	14,999 12 0	13,977 13 6	10,648 7 0	28-2-31	..	1	..	1	9
Chak 94-G.B. ..	1-9-30 to 31-3-32	7,980 12 0	7,014 6 6	7,980 12 10	31-12-34	..	..	1	1	7

NOTE.—In preparing this statement no account has been taken of a post located between 1934 and 1936 in Chak 19-J.B., combined for the purpose with village Math Balochan, in the Sangla Police Station area, this post having been treated for accounts purposes as belonging to the Sheikhupura district.

## OUTLET No. R. D. 41888, BASARKI DISTRIBUTARY.

**335. Dr. Sant Ram Seth :** Will the Honourable Minister of Revenue be pleased to state whether the investigation of the case re outlet No. R. D. 41888 referred to in answer to part (c) of unstarred question No. 208<sup>1</sup> put by me in the last session of the Assembly has been completed ; if so, whether the outlet concerned has been shifted downstream ; if not, reasons for the delay ?

**The Honourable Dr. Sir Sundar Singh Majithia :** The investigation by the sub-divisional officer has been completed and his report received by the executive engineer, and is under examination. The delay has been caused by the zamindars' difficulty to obtain a right of occupation of the land required for the water-course.

## COSTS OF ADDITIONAL POLICE POSTS LOCATED IN SIALKOT DISTRICT.

**336. Dr. Sant Ram Seth :** Will the Honourable Premier be pleased to lay on the table a statement showing—

- (a) the names of the villages and towns of Sialkot district in which additional posts were located under section 15 of the Police Act No. 5 of 1861, between 1st January, 1928 and 31st December, 1937 ;
- (b) the amount assessed as the costs of each of these police posts ;
- (c) the amount actually spent by Government for maintaining each of these police posts, including the charges for superintendence and similar other items laid down in amended Police Rule 10-24 ;
- (d) the amount recovered as costs of each post by the end of January, 1938 ;
- (e) the sanctioned strength of each of these police posts ;
- (f) the date of location and withdrawal of each of these police posts ;
- (g) the date when the recovery was completed ?

**The Honourable Major Sir Sikander Hyat-Khan :** A statement is appended.

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<sup>1</sup>Volume I, page 235.

Names of villages and towns in the Sialkot district in which Additional Police were located under section 15 of the Police Act, 1861, between the 1st January, 1928, and the 31st December, 1927.	Assessed cost	Amount actually spent by Government, excluding charges for superintendence and other similar items which cannot be precisely calculated.	Amount recovered upto the end of January, 1928.	SANCTIONED STRENGTH OF EACH OF THESE POLICE POSTS.			The date of location and withdrawal of each of these police posts.	The date when the recovery was completed.
				Sub-Inspector.	Head Constables.	Foot Constables.		
a	b	c	d	e	f	g		
Dhoke village (Pasrur) Police Station.	Rs. A. P. 5,458 11 7	Rs. A. P. 4,758 10 0	Rs. A. P. 5,424 5 6 (Outstanding balance of Rs. 34-6-1 was written off by Government).	1	2	6	Located on 14th December, 1927, withdrawn from 13th December, 1928.	Recoveries completed in January, 1936 (except the sum of Rs. 34-6-1 written off in April, 1936).

**ADDITIONAL POLICE POSTS LOCATED IN AMRITSAR DISTRICT.**

**337. Dr. Sant Ram Seth :** Will the Honourable Premier be pleased to state—

(a) the amount actually spent by the Government for maintaining each of the additional police posts located in the villages of Amritsar district between 1st January, 1926 and 31st December, 1937, in the form of a statement identical to the one placed before this House in answer to unstarred question No. 252<sup>1</sup> or 202 (f)<sup>2</sup>;

(b) the date when the recovery was completed?

**The Honourable Major Sir Sikander Hyat-Khan :** I regret that the answer to this question is not yet ready.

**ADDITIONAL POLICE POSTS IN FEROZEPORE DISTRICT.**

**338. Dr. Sant Ram Seth :** Will the Honourable Premier be pleased to lay on the table a statement showing—

(a) the names of the Inspectors, Sub-Inspectors, Assistant Sub-Inspectors, Head Constables and Constables of the Mobile Police Force, district Ferozepore, referred to in answer to unstarred question No. 202,<sup>2</sup> who went on leave during the stay of the said police force;

(b) the names of the Inspectors, Sub-Inspectors, Assistant Sub-Inspectors, Head Constables and Constables, who were sent from the district police headquarters, Ferozepore, to fill up the vacancies of the men referred to in (a) above and the period for which each of them served on the Mobile Force;

(c) the total amount charged for the leave contributions which was included in the actual costs of the force supplied to me in answer to unstarred question No. 202<sup>2</sup>;

(d) the amount charged and included in the actual costs for contingency reserve of the police force during its stay in the various villages in district Ferozepore?

**The Honourable Major Sir Sikander Hyat-Khan :** I regret that the answer to this question is not yet ready.

**MOBILE FORCE LOCATED IN DISTRICT FEROZEPORE BETWEEN 1930—1936.**

**339. Dr. Sant Ram Seth :** Will the Honourable Premier be pleased to lay on the table a statement showing—

(a) the names of the villages of Ferozepore district in which Mobile Police Force was located between 1930—36;

(b) the amount assessed for the costs of the police force in each village for each year;

<sup>1</sup>Volume II, pages 516—18.

<sup>2</sup>Volume II, pages 133 and Appendix.

(c) the amount recovered as costs of the police force referred to in (a) above by the end of February, 1938 ;

(d) the balance due from each village on the 1st April, 1937 and 1st October, 1937, 1st January, 1938, 1st February, 1938, and on 28th February, 1938 ?

**The Honourable Major Sir Sikander Hyat-Khan :** I regret that the answer to this question is not yet ready.

ADDITIONAL POLICE POSTS IN LAHORE DISTRICT.

**340. Dr. Sant Ram Seth :** Will the Honourable Premier be pleased to lay on the table a statement showing—

(a) the actual costs of each of the additional police posts located in the various villages of Lahore district between 1st January, 1922, and 31st December, 1932, identical to the one placed before this House in answer to unstarred question No. 252 (f)<sup>1</sup> or supplied to me in answer to unstarred question No. 202<sup>2</sup> ;

(b) the date when the recovery of the costs was completed in each case ?

**The Honourable Major Sir Sikander Hyat-Khan :** I regret that the answer to this question is not yet ready.

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<sup>1</sup>Volume II, pages 516—18.

<sup>2</sup>Volume II, page 138 and Appendix.

## SHAHIDGANJ.

**Premier** (The Honourable Major Sir Sikander Hyat-Khan): I wish to make a statement with regard to the unfortunate tension prevailing in the province over the Shahidganj controversy, and also to make the position of the Government clear with regard to the notice which my honourable friend, Malik Barkat Ali, has given to move a Bill in this House. This is my statement.

Since the introduction of the present constitution the practice has been invariably followed in the Punjab that His Excellency the Governor consults his Ministry in all matters which concern the province, even although the Government of India Act empowers him to take action in his discretion. In the present instance the sanction of the Governor in his discretion was necessary to the introduction of Malik Barkat Ali's Bill. In accordance with the above-mentioned practice and having regard to the great importance of the issues involved, my Ministry was consulted by His Excellency the Governor and has tendered its advice.

It is necessary in the public interest that I should give a detailed statement to clarify the issues involved and to explain the position of the Ministry as a whole and in particular of the Muslim members of the Cabinet in the matter. The history of the unfortunate Shahidganj episode does not need recapitulation. It is a well-known fact that the mosque in question was erected and dedicated for Muslim worship in 1722 and was used as such till 1762 when it passed into non-Muslim hands where it has remained ever since, *i.e.*, for about 175 years. In 1854 and again in 1855 actions were brought by a descendant of the original mutawalli of the mosque but both these actions failed on the ground of limitation. Later, in the year 1930 the Gurdwaras Tribunal also gave its verdict against the Musalmans. Thereafter, both the lower court and a full bench of the High Court have held that the site in question was a mosque, but that the Limitation Act applied even to places of worship and that the suit of the Musalmans for its restoration was *inter alia* barred by limitation (Justice Din Mohammad dissenting). Accordingly, in the light of the majority judgment of the High Court, places of religious worship are not immune from the operations of the Limitation Act and are liable to adverse possession. This interpretation of law, even apart from its bearing on the Shahidganj issue, is responsible for considerable anxiety and concern because it is felt that unless the position is rectified either by the Privy Council on appeal or by suitable amending legislation, the sanctity of places now in use for purposes of worship is imperilled with consequent danger of a repetition of incidents similar to Shahidganj.

The second demand of the Muslims is the restoration of the site of the Shahidganj mosque, on the score of its sanctity to the Muslim community as a whole.

These two aspects of the problem should not be confused as they are distinct and call for separate treatment. A superficial study of the question is apt to suggest that both these issues are capable of being dealt with and resolved on the same basis. A closer and careful study, however, reveals that it is not so and that there are serious constitutional and other difficulties in treating them alike.

The larger question of preserving the sanctity of existing places now in use for purposes of worship can be solved without any reasonable objection on constitutional or other grounds and without violating accepted canons of justice and equity.

The other issue concerns the restoration of the Shahidganj site to the Muslims. Here, let me frankly state that the demolition of the Shahidganj mosque and the subsequent events have caused widespread resentment and indignation amongst the Muslims. This is but natural as it would be for any other community under similar circumstances. It can also be asserted, without fear of contradiction, that reasonable persons amongst all communities cannot but deplore the unfortunate events responsible for the present tense situation. I would even go further and state that I have not the least doubt that all peace-loving citizens in and outside the Punjab would welcome a reasonable solution of this problem—honourable to both the communities concerned. I am, however, not unaware of the fact that at the moment feelings are running high on both sides and provocative and bellicose statements have been made on the platform and in the press. None the less, I have not lost hope, and I feel confident that the reasonable elements in all communities will assert themselves and, even at this late stage, make it possible, for leaders of both sides to devise an honourable and satisfactory solution.

Let us now examine the proposal for the restoration of Shahidganj site to the Muslims through legislation on the lines proposed by my honourable friend Malik Barkat Ali. We have given most anxious consideration to his Bill. We find that it raises grave constitutional issues in addition to other difficulties of a far-reaching character which seem to have been overlooked or ignored by him. I propose to refer briefly to some of the implications of this Bill so that they can be considered dispassionately and carefully by all concerned:—

- (i) Malik Sahib's Bill seeks to give its provisions a retrospective effect and makes it applicable—I quote his own words—"to cases of all descriptions, namely, suits, appeals or other proceedings whether decided or pending" concerning Muslim mosques including those which may have been decided several hundred years ago. This would involve reopening and retrospective reversal of cases settled by valid judicial pronouncements without any time limit.
- (ii) If the non-Muslims claimed similar immunity for their places of worship in the Punjab—I am not talking about other provinces—which had passed out of their hands into Muslim possession, it would be illogical to resist such a request, and its acceptance must inevitably result in untoward consequences and bitterness unless the Muslims agree to part with such places which are not less sacred than any other place of Muslim worship.
- (iii) Malik Sahib's Bill as drafted cannot be introduced without the previous sanction of the Governor in his discretion (under section 299 of the Government of India Act, 1935), so that

[Premier.]

the Governor can legally ignore, in this and similar matters, any advice which may be tendered by the Ministry although in view of the convention referred to in an earlier part of my statement he does in fact consult the Ministry before taking a decision. Now if the Governor were to give his sanction for the introduction of such a Bill in the Punjab, with the consent of his Ministry, it would provoke similar Bills in those provinces where the non-Muslims are in a majority, for the restoration of many historic and important places of worship originally belonging to non-Muslims but now in Muslim possession; and in the light of the precedent set in the Punjab, it would be impossible for Muslims logically to invoke protection against such Bills under the Government of India Act. Now take the other alternative. Suppose His Excellency the Governor were to sanction the introduction of the Bill without consulting the Ministry and the Ministry acquiesced in that decision, and assuming for the sake of argument that the Bill could be carried through various stages (which is in itself problematical) in the teeth of the opposition of the minorities, would it restore the Shahidganj site to the Muslims? In the first place, the Governor and the Governor-General would have to consider whether assent could reasonably be given to a measure which directly affected a minority, whose legitimate interests they are enjoined by the Act and the Instrument of Instructions to safeguard. If assent were withheld, the matter so far as legislation is concerned would end. If they took the other course, and did not invoke their special powers, it would make the position of the Muslim minority in India quite untenable, because even if the Shahidganj site could be restored to Muslims through a legislative measure of the type conceived by my honourable friend Malik Barkat Ali, the precedent would imperil the safety and sanctity of numerous important and cherished Muslim places of worship throughout India. The Musalmans of the Punjab owe a special responsibility not only to the minorities in the Punjab but also to their own co-religionists who constitute minorities in the other provinces. No far-sighted patriotic Musalman can in these circumstances permit his community in the Punjab to take any unreasonable step against the minorities which if similarly applied by the non-Muslim majorities in other provinces against the minorities there, would jeopardise the fundamental rights and position of the Muslims there.

- (iv) The Muslims constitute the most important minority in India. In 7 out of 11 provinces they are numerically a small minority. It was therefore that far-sighted Muslim leaders decided to join the leaders of other minority communities in demanding both at the Round Table Conference and the Joint Select Committee constitutional safeguards for the protection of



legitimate interests of minorities. This demand was eventually conceded and section 12 and section 52 of the Government of India Act specifically make "the safeguarding of the legitimate interests of the minorities" a special responsibility of the Governor-General in the federal sphere and the Governors in the provincial sphere. The instruments of Instructions to the Governor-General and the Governors further emphasize the importance and binding character of this provision. The value of this safeguard, in the last resort, to the minorities cannot be over-emphasized. To the Muslims in the provinces where they are a minority this safeguard is even more important than the communal award. The Muslims would be doing incalculable injury, on a long view of the matter, to their own interests and those of other minorities if they took any step which might have the effect of undermining or weakening the effectiveness of this safeguard. The duty to protect the legitimate interests of minorities devolves primarily on the provincial governments but if they fail to discharge this duty scrupulously and fairly the minorities have a right—in addition to utilising the pressure of their organised public opinion—to invoke the special responsibility of the Governor-General and the Governor under this safeguard. Malik Barkat Ali's Bill, as drafted, directly raises this vital issue.

- (v) If the Ministry had advised His Excellency the Governor to accord sanction to the introduction of a measure of this nature it would obviously have failed in its duty of protecting the legitimate interests of minorities. In view of these important considerations the members of the Punjab Cabinet in the best interests of the province as well as of their own respective communities could not be a party to the setting up of any such precedent.
- (vi) It is clear from what I have said that the device proposed by Malik Barkat Ali is not going to restore the Shahidganj to the Muslims. Its only practical effects would be to increase bitterness and remove for all time the prospect of an amicable settlement and to align parties in the legislature and in the province on rigid communal lines, a prospect which no well-wisher of the province can contemplate without despair. Viewed even from a narrow denominational stand-point such results would be against the interests of both the majority and the minority communities in the province. It is therefore inconceivable that responsible Muslim opinion in the province would like to see such a catastrophic change brought about, which can have no other effect except to alienate the minorities and bar the prospect of an amicable and reasonable settlement of the Shahidganj controversy.

8. It is significant that in addressing meetings in support of this Bill neither Malik Barkat Ali nor his friends have thought fit to place these obvious implications and difficulties before the Muslim public. I wish them

[Premier.]

to be calmly and dispassionately examined. I have consulted many leading Muslims who, despite their keenness to get back the site of the Shahidganj Mosque have been forced to the conclusion that the course proposed by Malik Sahib though superficially attractive cannot succeed, but will on the contrary do irretrievable damage to the best interests of the Muslims in this and in other provinces. I would earnestly appeal to all my co-religionists to carefully consider the far-reaching implications of Malik Barkat Ali's move and not to despair—difficulties notwithstanding—of an alternative solution, honourable to all concerned, of this vexed problem. Let me also warn them to beware of the machinations of those mischief-makers who are trying to exploit the ignorant and unsophisticated masses by dangling before them impracticable proposals without explaining the drawbacks and the dangerous implications of those devices. I have reason to believe that this is being done, in certain cases, with the full consciousness that the methods advocated by them are not likely to help in the solution of the Shahidganj problem, but are being resorted to, with the sole and set purpose of embarrassing the present Government.

In view of the aforesaid considerations, I cannot conscientiously divest myself of my responsibility towards the minority communities; nor can I ignore the best interests of the province. Moreover, it is my considered opinion that the interests of the Muslims here and in other provinces also dictate the same course of action. Accordingly, with the full concurrence of my colleagues, while I have apprised His Excellency the Governor of the strong and widespread feeling in the province over the Shahidganj question I have also informed him that I cannot in the present circumstances see my way to advise him to accord sanction to Malik Barkat Ali's Bill in its present form.

I consider it necessary to declare that our decision in this matter has been actuated by the highest sense of public duty without any personal or parochial considerations. (*Hear, hear*). And despite the fact that a matter like this has not occasioned in the past and does not ordinarily necessitate any such action, nevertheless in view of the special circumstances of this case my colleagues and I are prepared to abide by the verdict of the House on this issue. I have just been informed that there is a notice of a no-confidence motion which has been delivered to the Secretary. If my information is correct it will give the House an opportunity to declare its verdict on this issue. The Cabinet as a whole is ready to tender its resignation if the verdict of the House is against it; and my Muslim colleagues and I would be prepared to resign even if the verdict of the majority of the Muslim members in our Party—and these include 82 out of the total of 91 Muslim M.L.As.—disapproves of our action, and in this connection I may inform the House that practically, all the Muslim members of my party who are present in Lahore have signed their resignations and handed them over to me to be utilized if I consider necessary for a settlement of this question. My Muslim colleagues and I are prepared to go even further, and we offer to resign forthwith our places in the Cabinet if we are convinced that our resignations could restore the Shahidganj mosque to the Mussalmans.

Let me also appeal to my Sikh friends to reconsider the whole situation. The best interests of their own community and the best traditions of their religion alike demand that they should generously and spontaneously come forward to contribute towards an honourable settlement of this question. The reasonable attitude taken over this Bill by the accredited representatives of the Muslim community, who constitute a majority on the legislature, calls for a reciprocal gesture from their side.

Let me assure both my Muslim and Sikh brethren that, failing mutual agreement by the parties concerned, the present Government will not fail to exhaust all constitutional avenues open to them to find a satisfactory and just solution of this problem to which we are already applying ourselves. I hope and trust that the farsighted representatives of all communities, in and outside the Legislature, will lend them all possible support. It must, however, be recognised that the protection of the legitimate interests of the minorities must be reconciled with due regard to the reasonable susceptibilities of the majority community.

The Government has under consideration means to ensure the due protection of all places of worship so that a repetition of incidents like Shahidganj may be impossible in future. To this end it is proposed to appoint a small informal committee of the members of this House to advise the Government with regard to proposals for legislation.

The issues before us are grave and call for the most anxious and careful consideration from all concerned. A just and satisfactory solution of the problem, honourable to all concerned, is not impossible and I would earnestly appeal to all patriotic persons—including the representatives of the press—to help us to bring it about, by creating the proper atmosphere in the province. (*Hear, hear*).

#### MOTION OF NO-CONFIDENCE IN MINISTRY.

**Mr. Speaker :** Honourable members, I have received the following notice from the honourable Khwaja Ghulam Hussain :—

I beg to give notice of the following motion which I propose to move to-day—  
that the House has no confidence in the present Ministry.

**Khwaja Ghulam Hussain :** It is with a good deal of deliberation and with a full sense of responsibility that I am moving this no-confidence motion.

**Mr. Speaker :** The honourable member has simply to move the motion for the leave of the House.

**Diwan Chaman Lall :** On a point of order. May I ask your kind guidance in this matter? I find that my honourable friend is moving a no-confidence motion. On this side of the House we are unaware of the reasons that are prompting him in moving the no-confidence motion. Perhaps you will be kind enough, in order that we may come to a definite conclusion, to direct the honourable member to state what the grounds are regarding which he intends to move the motion against the Ministry. (*Hear, hear*). It is expecting too much of a large portion of this House

[Diwan Chaman Lall.]

to come to a conclusion without assigning any reasons for the no-confidence motion. If the reasons are general, that is a different matter altogether, but if there are specific reasons, then I submit that your direction to the honourable member may be such as to request him to give us the reasons regarding the no-confidence motion which he intends to move in the House.

3 P.M.

**Malik Barkat Ali :** My point of order is that this motion of no-confidence that has been tabled to-day does not appear on the agenda of the business of the House and under the rules it cannot be taken up to-day unless and until it is on the agenda. Since the House is absolutely unaware—as a matter of fact this is the first time that I have come to know of this no-confidence motion—I respectfully submit that the motion cannot be considered to-day.

**Mr. Speaker :** May I refer the honourable Malik Barkat Ali to Rule 19 of the Interim Rules. It runs as follows :—

19. A motion expressing want of confidence in, or disapproving the policy in a particular respect of a Minister or the Ministry as a whole, may be made with the consent of the Speaker and subject to the following restrictions, namely—
  - (a) leave to make the motion must be asked for after questions and before the list of business for the day is entered upon ;
  - (b) the member asking for leave must before the commencement of the sitting of the day leave with the Secretary a written notice of the motion which he proposes to make.

The procedure laid down in this Rule has been literally followed. Notice was handed over to the Secretary at 1 o'clock to-day and now, according to Rule 19 the honourable member, who had given notice of the no-confidence motion, can move a motion for leave of the House to move his motion. As to when the motion will be taken up, that point will be decided later, if the House grants the required leave. As to Diwan Chaman Lall's objection, the Rule is quite clear.

**Premier :** It was a suggestion. I do not think that it was an objection.

**Diwan Chaman Lall :** It was not an objection. The Honourable Premier is quite right. It was a request to you to enable us to come to a decision on a very important matter.

**Premier :** It was to give to the House an indication of what was in his mind.

**Lala Bhim Sen Sachar :** While asking for leave, the reason for which the leave is to be given should be stated.

**Mr. Speaker :** My reading of the first part of the Rule is rather a little bit doubtful. The Rule says—

A motion expressing want of confidence in, or disapproving the policy in a particular respect of a Minister or the Ministry as a whole.....

As I read the rule it means that in the notice of a motion of no-confidence, no mention is to be made of any matter whatsoever on which the notice is based, but that when a motion is for disapproving the policy of a Minister or Ministry, in a particular respect, the matter on which the notice is based, has to be mentioned.

**Malik Barkat Ali :** May I draw your attention to these words—

A motion expressing want of confidence in, or disapproving the policy in a particular respect of a Minister or the Ministry as a whole, may be made *with the consent of the Speaker*.....

My respectful submission is that in view of the hurried suddenness with which this motion has been brought before us you may kindly exercise your powers and see that the motion is not put before the House for the House to give its leave thereto to-day.

**Mr. Speaker :** That is a different matter altogether. The motion is not out of order. Will the honourable member please ask for leave to move his motion?

**Khwaja Ghulam Hussain :** Sir, I formally ask for leave to make the motion of which I have given notice.

**Dr. Gopi Chand Bhargava :** Would you kindly permit me to make a request through you and that request is that, as my honourable friend Diwan Chaman Lal has already told you, such a no-confidence motion should not have been brought unless honourable members at least on this side of the House were consulted. Such a motion has got very far-reaching effects and it is a very important question. It involves very grave constitutional issues. As we cannot discuss the statement made by the Premier, I was going to make a request that some time be given to us to discuss his statement which, as I say, also involves very grave constitutional issues. Therefore, I would request the honourable Khawaja Ghulam Hussain not to press or move his motion to-day and wait for a future date and thus give us time to consider the matter over.

**Premier :** Question of time does not arise.

**Dr. Gopi Chand Bhargava :** If it were an ordinary matter, then it would have been all right. I may just clear my position and the position of my party that we, when sitting in the Opposition and when we criticise the action of the Ministry, have no faith in them and I shall be jolly glad if the majority of the House were to side with us on that point. But this no-confidence motion is not an ordinary no-confidence motion. Therefore, I would request him again, through you, not to press his motion now, but to postpone it for a future date. If he withdraws it now, it does not debar him or any of us to give fresh notice of a no-confidence motion and because there is no question of urgency, it would do us no harm and injustice if it were withdrawn to-day.

**Premier :** I want to make one observation because there seems to be some confusion. It is not that the motion will be discussed now if leave is granted. The time will be settled later on and as a matter of fact it is usually the party against whom a motion is moved, who are given the latitude to prepare their case. My honourable friend has taken quite an unparliamentary position. The present question is whether the House is prepared to give him leave. The motion is very widely worded and if my honourable friends think that it is going to help them, they can get up and support him.

**Dr. Gopi Chand Bhargava :** I did not make that request to take some time to consider over the matter and then support it or reject it. No. I only want to take time to think whether we should grant leave for the consideration of such a matter.

**Premier :** You better support it and then take time.

**Mr. Speaker :** Under the rules in force I have absolutely no option in the matter. The rules are mandatory and I have to put the motion for leave to the vote of the House, unless the honourable mover wishes to withdraw it. (*Voices : He withdraws.*)

**Khawaja Ghulam Hussain :** I do not withdraw. The suggestion made by the Leader of the Opposition is that the discussion of the motion may be taken up at a later date. (*Voice from Opposition benches : No.*)

**Mr. Speaker :** The motion for leave is—

“ That the House has no confidence in the present Ministry.”

As many as are in favour of leave being granted may rise in their places.

(*At this stage Khawaja Ghulam Hussain and Chaudhri Muhammad Abdul Rahman Khan rose in their places.*)

**Mr. Speaker :** As only two honourable members are in favour of leave being given, the leave is refused. (*Loud applause.*)

**Dr. Gopi Chand Bhargava :** May I say a few words by way of personal explanation on this matter?

**Mr. Speaker :** Is any personal explanation called for?

**Dr. Gopi Chand Bhargava :** Yes. What I want to point out is that I had made a request to the honourable member to withdraw his motion of no confidence because we wanted time to discuss it.

**Mr. Speaker :** If any personal explanation is required, the honourable member is welcome to make it; but I do not think any personal explanation is called for. The honourable member has not committed himself in any way.

**Dr. Gopi Chand Bhargava :** I have not committed myself in any way. I want to explain why we have not stood for leave being granted. I want to explain it.

**Mr. Speaker :** Then the honourable member wishes to make a statement, and not a personal explanation.

**Dr. Gopi Chand Bhargava :** I have got no right to make a statement on the floor of the House. I can make it outside, but it is to explain our conduct that I want to state by way of personal explanation.

**Mr. Speaker :** Personal explanation on what point?

**Mr. E. Few :** On a point of order. The motion having been lost, is it now permissible for him to discuss it?

**Mr. Speaker :** No, but he is not discussing it.

**Dr. Gopi Chand Bhargava :** I want to explain why I made a request to the honourable member to withdraw his motion of no confidence telling

him that we wanted time to consider whether leave be granted or not. I said that I wanted time to think over whether we should discuss it and what attitude we should adopt as far as the no confidence motion is concerned and we should have sufficient time to think over whether we should favour this no confidence motion or oppose it. What I want to clear is that as it involved very grave constitutional issues therefore I wanted time to consider over the matter.

**Mr. Speaker :** That is what the honourable member had stated. No further explanation is required. The honourable member always speaks clearly.

### MOTION FOR ADJOURNMENT.

#### FAILURE OF POLICE AT FATEHWAL.

**Mian Muhammad Itikhar-ud-Din :** I beg to move 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 police, to keep order at a public meeting at Fatehwal, district Amritsar, on Sunday, the 13th March, 1938, and to protect the lives of the people assembled at the meeting, although due previous notice had been given to the police and the district authorities of the impending trouble.

**Mr. Speaker :** The definite urgent matter of public importance proposed to be discussed is the failure of the police to keep order at a public meeting at Fatehwal, district Amritsar, on Sunday, the 13th March, 1938, and to protect the lives of the people assembled at the meeting, although due previous notice had been given to the police and the district authorities of the impending trouble.

Does anybody object to leave being granted ?

**Premier :** It is not a question of objecting. I think we have decided that this would come up after Friday. Although I have received a special report and I am prepared to discuss it any time, normally my honourable friend would be in a position to discuss it when the police grant comes up day after to-morrow.

**Mr. Speaker :** The Honourable Premier agrees that the adjournment motion be discussed. No one else objects. So the question is when the motion may be discussed.

*After consulting the sense of the House, Mr. Speaker fixed 6-30 p.m., for the discussion of the motion.*

### DEMANDS FOR GRANTS.

#### GENERAL ADMINISTRATION—(concluded).

**Sardar Kartar Singh** (Lyallpur East, Sikh, Rural) (*Punjabi*) : Sir, the other day I was submitting that when the present Government took office, the Honourable Premier made a declaration to the effect that (i) relief would be granted to the zamindars, (ii) the expenditure would be curtailed, (iii) the demon of communalism would be extirpated from the province, etc. But I am constrained to remark that so far as any relief to the zamindars or any curtailment of expenditure is concerned, the Government has done nothing substantial in these directions.

[S. Kartar Singh.]

Now coming to the Canal Department, I may submit that this department is a source of huge revenue to Government, but the public have a number of grievances against it which need immediate removal. I would suggest that a committee should be appointed to go into the question of effecting necessary reforms in the Canal Department. During the last session of the Assembly a resolution was passed to the effect that Northern India Canals and Drainage Act may be amended in the interest of the zamindars, but it is a great pity that Government have so far taken no action in the matter. Besides, I may point out to the honourable members that the zamindars who get water for their lands from this department have to undergo numerous hardships at the hands of its subordinate officers. Their greatest grievance is that the sizes of the mogas are increased or decreased by the canal officers without giving them any notice. In fact the Canal Department carries on remodelling of mogas continuously.

**Minister for Revenue :** May I rise to ask whether this statement was not made the other day ? My honourable friend is repeating same thing over and over again.

**Sardar Kartar Singh :** Sir, I would take only a minute or two to clear my point. My submission is that the officers of the Canal Department remodel the mogas according to their sweet will, but when the zamindars request them to repair their mogas, the department turns a deaf ear to their request. I can cite any number of instances from the Lyallpur district in support of my contention. For instance, the zamindars of Chak 288, Bakh Branch, have been complaining to Government for the last 17 years that they get water from a long way off and they have to dig the water channels to the extent of six miles in order to carry water to their lands. It is a thousand pities that during this long period the file relating to the case is passing from one officer to another and no action has so far been taken in the matter. The poor zamindars have to content themselves with evasive replies. Again there are so many mogas in the Lyallpur district, the sizes of which have been reduced without the knowledge of the zamindars. If they ask the canal authorities the reason for this action, they are given the stereotyped reply that they are getting more water than their *haq*. I, therefore, request the Government that they should not resort to remodelling of mogas too often, nor should they curtail the water supply which the zamindars are already getting. They should repair their mogas if their size is small and refrain from remodelling them unnecessarily.

Besides, the zamindars have another grievance. Generally two roads are provided on the banks of the canals. One is maintained for the cars of the officers and the other is meant for cart traffic. I may submit that the Canal Department spends a lot of money for the maintenance of the road used by the officers, but does nothing for the upkeep of the other one. The road used by the zamindars remains always in a deplorable state of disrepair. I hope the Government will take steps to remove this grievance as the need of the zamindars is greater than that of the officers. I may point out that in the whole of the Lyallpur district wherever canals exist, this trouble is present. I would request the Government to pay early attention to the matter.



Again, warashikni is a source of great trouble to the zamindars. They have no say in the matter of fixing their turns which are arbitrarily fixed by the department. Whenever there is a break in the turns so fixed, fracas takes place amongst them. Sometimes fatal injuries are caused to the contending parties, who afterwards resort to ruinous litigation. I would submit that if no satisfactory arrangements are made in this connection, the zamindars would be ruined. Besides, canal advisory committees have been set up for the benefit of the zamindars. My submission is that they exist in name only. They are not functioning properly. The powers vested in them are so meagre that they are helpless to render any assistance to the zamindars. They do not even hold regular meetings. I would, therefore, request the Government that they should grant them more powers so that they may be able to prove useful to the zamindars.

Now I turn my attention to the trees planted by the Canal Department adjoining the lands of the zamindars. These trees prove very detrimental to the crops and the lands in which these are planted are always subject to kharaba. I suggest that some rules should be framed by Government to mitigate this hardship of the zamindars.

Sir, in connection with the Canal Department I should like to make one tentative suggestion and that is that the budget of this department should be separated from the general budget of the province. If we cut our coat according to the cloth, we shall know our respective income and expenditure and by making suitable reductions in the latter we can reduce the water rates. Thus we shall experience no difficulty in balancing the budget of the department.

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

The canals in the Punjab have caused water-logging which has rendered large tracts of land unfit for cultivation. Another evil resulting from the canals is that the level of well water in the ilaqa known as Doaba is becoming lower and lower day by day and people ascribe to it the Sirhind Canal. It is generally believed that this canal is responsible for decreasing the quantity of well water in Doaba. It is high time that the Canal Department should realise its responsibility in the matter and take upon itself the duty of eradicating all those evils which have been caused by the canals. It would be quite in the fitness of things if the Irrigation Department provides a separate fund to meet the large expenditure that will be necessary to put a stop to the evils mentioned above.

Now let us come to the all important question of the poverty of the masses. Here we find that the Unionist Government claim to have achieved a good deal but in reality they have done nothing beyond expressing their lip-sympathy for the zamindar. The Honourable Minister for Development has quoted facts and figures to show that the poor cultivators have been helped to a very great extent inasmuch as they have been acquainted with the advantages of using better seed and employing scientific methods of agriculture. He has given figures which go to show that the zamindars have become richer by several lakhs on account of their growing improved varieties of sugarcane, wheat and cotton. He has also attempted to prove

[S. Kartar Singh.]

that the Unionist Government has proposed to spend more money on the beneficent departments than even the Congress governed provinces have done, but the percentage that he has given in support of this contention is in the neighbourhood of .001 or .002 only. I have no quarrel with these figures which show that the province has become substantially richer than before, but when I compare the actual condition of the cultivators with these figures I find that there is something wrong somewhere, because the poverty-stricken masses are as poor as they were before. Here I find that the mathematical accuracy of the Unionist Government seriously conflicts with the actual facts of the case, just as it happened in the case of a man, who, according to a well-known story, had to cross a river along with his family but as ill-luck would have it, he knew something of mathematics and took it into his head that the average depth of the river must be calculated before attempting to cross the river. He took up a long sarkanda in his hand and began to measure the depth of the river at various places and ultimately came to the conclusion that the average depth of the river was less than the average height of the members of his family. Having thus satisfied himself like our Unionist Ministers, the poor fellow began to cross the river along with his family but his children were drowned in the river and he stood brooding over the strange situation. He said to himself, "My mathematical calculations are as correct as they could be but how is it that none of my children have survived." The same is the case of our Honourable Ministers; they stick to the mathematical accuracy of their budget which shows prosperity in the province while the masses are actually starving. Unless the Government of the Punjab reduces the cost of administration and shifts the burden of taxation from the poverty-stricken masses to the shoulders of the richer classes, no improvement is possible.

Another evil that is rampant in the province is that the officers of the Government do not work for their salaries. On the other hand they work for their allowances like the horse allowance, the residence allowance, the motor allowance and several other allowances. They should be taught that it is their duty to serve faithfully and diligently and that is why they are paid fat salaries. But they are never satisfied with their salaries and always cry for more allowances.

Now I come to the Department of Police. My first grievance against this department is that it is very hard to find a sub-inspector who may not indulge in using filthy language. It appears as if every sub-inspector is trained in all sorts of abuses and the Police School at Phillaur is meant for this training. Another evil that is rampant in the police is the habit of accepting illegal gratification. Leaving alone the bigger cases of bribery, I will mention only petty cases of illegal gratification among the police which are not generally counted as illegal. Every policeman enjoys a tonga ride and motor conveyance free of any charge. Again, a policeman would allow a motor driver to go scot free even if he has more passengers in his lorry than the permissible number, provided the driver offers some illegal gratification to him. I wish to offer a constructive suggestion to improve the corrupt officials. The Criminal Investigation Department Police which cares for political workers alone should be asked to report the corrupt officials as well. If this method is followed, corruption

is sure to be eradicated from the province. My second proposal for reforming the police is that just as there are non-official jail visitors, there should be non-official visitors for the police stations as well. This scheme, if put into practice, will go a long way to improve the police administration and purge it of all corruption.

Now I come to the industrial well-being of the province. Here I find that very meagre funds are provided for the various industries. Factories cannot flourish on these petty sums. If the Government have a mind to improve the industrial condition of the province and thereby to enrich the teeming millions, they should see their way to provide much larger amounts of money for this purpose. If the goods manufactured in India are to make any improvement it is very essential that the Indian industry be developed. In order to achieve this end the Congress is doing its bit but the Unionist Government is neglecting its duty in this respect. I am not aware of a gathering of any importance or a public meeting in which a Unionist has spoken in favour of swadeshi or insisted on the use of swadeshi goods.

**Minister for Education :** I have said it many times. I have issued circulars.

**Sardar Kartar Singh :** May be so, but I submit to my honourable friends over there that they must do it. They should issue orders that all government servants must use swadeshi goods.

**Minister for Education :** The honourable member can study the speech that I delivered when opening the Civil Surgeons Conference the other day. I enjoined upon the audience that they must purchase Indian made goods.

**Sardar Kartar Singh :** I do not doubt the *bond fides* of the Honourable Minister but my submission is that if the Unionist Government includes the encouragement of Indian made goods in its programme and wants to enjoin upon the people of this province the use of swadeshi goods it is its duty to take steps in that direction and it is only then that we can discourage the use of foreign made goods effectively. In England if the Prince of Wales can start "Buy English" campaign, cannot our Unionist Government follow his example and start a "Buy Indian" campaign here ?

Now, I take up the problem of education in this province. It is to be regretted that this matter is not given the attention it deserves. The present state of affairs is that after spending lakhs of rupees, such graduates are being turned out of our institutions as are quite incapable of earning their livelihood. Instead of doing any good their education is accentuating their miseries. This is due to the defective system of education now in vogue in the country. So long as this system is not radically changed, the problem of unemployment cannot be solved and the graduates thus turned out will do more harm than good to the province. In this connection I may also submit that the students in schools and colleges should be taught as to how best they could serve their motherland. I would request my honourable friend the Minister for Education to prescribe courses that may inculcate in the University students the spirit of patriotism.

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I would now like to say a few words about communalism prevailing in the province.

**Minister for Education :** Against communalism ?

**Sardar Kartar Singh :** My Honourable friend will presently see whether I speak against or in favour of communalism. It is very sad that no remedy has been suggested for this evil. I admit that it requires the co-operation of all parties to solve this unfortunate question once for all and if the principle of give and take is observed and some forbearance is shown, I believe we would be able to get rid of communalism. I want to mention here a long standing grievance of the Sikh community and that is with regard to Jhatka meat which is not treated on the same footing as halal meat in the police lines, the boarding houses attached to Government educational institutions and prisons. The reason for according this preferential treatment to halal meat is nothing but communalism. I submit that this highhandedness of the last Government may not be continued and immediate steps should be taken to remove this invidious distinction.

In passing I would like to make a remark in regard to municipalities. The system of separate electorate has proved very harmful to the interests of the Sikh community and therefore my submission is that this system should be abolished.

Then there is still another grievance of the Sikhs. It is over a year how that the trouble at Kot Bhai Than Singh began. During this period many riots took place and cases and counter cases have been lodged in courts. I need not go into details but I would say that on the one side the servants of the Sardar and on the other side the Sikh Sewadars who took part in those riots were convicted and sentenced but the real instigators of these offences were not brought to book. The Government should take early steps to put an end to these troubles even if they have to ask the persons concerned to furnish securities under section 107, Indian Penal Code. The Government has so far taken no action in the matter because the persons responsible for all this trouble have the support of those who are the props of the Unionist Party. I am not pleading the cause of any particular community but I say that if you find the Sikhs at fault you should punish them, but you should not tyrannise innocent people. Your zaildars and lambardars are the real offenders and as such they should be taken to task.

I had an intention to say something with regard to Shahidganj but for the implications of the Honourable the Premier's statement. Finally, I wish to say a few words in connection with the scheduled castes. Nothing has been done by the Government to improve their lot. Begar, I mean forced labour, is one of their chief grievances. All the officers of the Government and the supporters of the Unionist Party, i.e., the zaildars and the lambardars take begar from them. This must be stopped at once. The Government should remove this trouble and the question of their education should also favourably be considered. It is regrettable that nothing has so far been done for their employment, while the members of the Unionist Party are getting their sons employed in various departments. It would be very indecent on the part of the Government if they go on giving favour like that.

Leaving this matter here, I would like to draw your attention to another matter namely the poverty of the zamindars and the excesses which are being done at the time of charging "Hara" from the zamindars by every means, fair or foul. The words of mine should not be regarded as a white lie as we are accustomed to hear from the members sitting on the Government benches that whatever we submit on the floor of this House, is said to be a lie. I submit a correct and true instance of Chak No. 255, District Lyallpur, where a tahsildar went to charge "Hara" and he called for those aged persons who had not paid the "Hara". In the presence of those persons, the tahsildar called for poles and ropes and then asked them to pay "Hara", at once; otherwise he would tie them with the poles. Since most inhabitants of that village were sikhs, their beards and hair of the heads were snatched. A complaint was made regarding this matter but no action was taken by the Government against that tahsildar. This is not a solitary instance of this sort of maltreatment, but there are so many other villages where such irregularities do occur every day. The poor zamindars have no voice in the press and they go on suffering silently without trying to invoke the help of the newspapers. It is pitiable that the police subjects them to all sorts of atrocities and excesses. There is a well-known saying in Punjabi which I think aptly applies here ;

جٹ مہل جٹ پتواری

How can the lives of the poor zamindars be saved by the Government when the Revenue Minister, the Honourable Sir Sundar Singh is a Jat (*Laughter*), when the Honourable Minister for Development is a Jat and when the Honourable Mr. Manohar Lal is a bania (*Laughter*). Sir, money is being extorted from the zamindars by threatening them. It reminds me of a story of a tyrant king in whose reign it was the custom of the people that whenever a person died they put a rupee in his mouth and buried him. One day it so happened that the King came to know this and he ordered his wazirs to dig out all the graves in order to get money from the mouths of the dead bodies. Similar is the case here in the Punjab. The zamindars of this province have become economically dead and our so-called zamindara Government collect money from the mouths of the dead bodies (*laughter*).

Sir, I request every honourable member of this House that we should all try our best in order to bring about a change in the policy of the present Government. The honourable members of the Cabinet were born in the purple and they have never tasted the bitterness of poverty. This is the sole cause of their indifference towards the down-trodden zamindars. I may assure the opposite side that when we come into power and occupy those ministerial seats where they sit to-day, we will bring the zamindar to an equal status without grudging any discrimination. It is absolutely unwise to hope for the betterment of zamindars from the present Government. Have you ever counted those poverty stricken families in the Punjab who eat dry bread with salt ? On one side there are those poverty-stricken people who cannot make both ends meet and on the other side there are our Honourable Ministers in whose families you will find many a person who cannot digest sumptuous and dainty dinners. In the houses of the poor you will find that they have given up burning oil because they cannot afford, but

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in the houses of our Ministers you will find 200 candle power bulbs and electric heaters and what not. The condition of the poor is so deplorable that they have got daughters of marriagable age but being pennyless they cannot afford to marry them. But on the other hand, costly sarees worth thousands of rupees are being purchased in the houses of our Ministers. Where is the sympathy for the poor? I say with all the force at my command that the zamindars are being deprived of every convenience whatsoever and injustice is being done to them in return. We are being asked by the Government members, why do they not give up cultivation? That is the tragedy with the zamindars. They cannot abandon cultivation because they cannot do anything else except cultivation.

In the end, I request the Government that if they actually sympathise with the zamindars they should at least give up charging "Hara" from them. I am afraid the Punjabi instance, which I wish to give, may be considered unparliamentary but still I try my utmost to say it out in the best chosen words :

پانڈت دل نہ ہو کلا ایدے بندے نوں حیا چاہی دی ایدے

I closed my speech by saying that the present administration of the Government is not satisfactory.

**Mr. S. P. Singha** (East Central Punjab, Indian Christian): Sir, mine is a very difficult task. I do not have time enough to offer bouquets to Government as I very much want to and as the Government which I believe to be the best possible Government under the existing conditions in the Punjab, deserves. I am obliged to-day to reserve all the time available to me in criticising Government. But my criticism has to be consistent with my belief in the Government. In speaking to-day I have to be very careful. I have to square my loyalty to my party with my loyalty to my constituency. I must do justice to the people I represent and yet not offend against the canons of propriety as a zealous supporter of Government. I must speak with a seemingly communal outlook, while I claim to abhor communalism.

If I draw attention of the Government to the injustice done to my community in matters such as admission to the Medical College, it is not because I am a communalist, but because I seek protection against communalism. I shall not enlarge on the subject as I have come to know that the Honourable Minister of Education and even the Premier have taken note of the matter. This is enough for me. The Premier has more than once enunciated his policy of protection of the weaker minorities. The minorities, at least the minority which I represent, has full confidence in Sir Sikander and his Government. We consider our interests more than safe in his hands. For the sake of my community, I sometimes wish Chaudhri Amber and I were not here. We would then be under the wings of a vigilant guardian angel. But he is a very busy angel, "guardianing" a multitude of people, harassed by tugs on his coat from all sides and teased by mischievous Pucks who cannot relish seeing him at ease in his great task, trying to put things right and planning for a provincial advance. It is, therefore, not to be wondered at, that in the midst of his maddening pre-occupations, he should not be aware of some of the woes of the smaller fry. But he knows that these

smaller fries have their representatives in the assembly and they too will tug at his coat, if they need his attention. I am tugging at his coat to-day and I am confident that my tugging will not be in vain. I tugged at his coat last year in the matter of our representation in services and also requested him that in order to get a true idea of our representation he should cause to get us extricated from the jumble of "Others" and place us in a separate category. I am grateful to him that in the consolidated statement of 1938 we have a separate column. I am also grateful to him for his instructions which have secured us a better consideration during this year. But I would draw his attention and of his colleagues in the Cabinet to the picture which these figures represent.

In the *Department of Agriculture*, we have 7 men out of 838, a percentage of 0·9.

In the *Commissioners' and Deputy Commissioners' Offices*, out of a total establishment of 3,099, we have 17 men—a percentage of 0·5.

And in the *Ambala Division*, I believe there is not a single Indian Christian in the whole Division.

In the *Co-operative Societies' Department*, out of a total of 420, we have 3, i.e., 0·7 per cent.

In the *Excise Department*, out of a total of 161, we have 3, i.e., 1·8 per cent.

In the *Financial Commissioners' Office*, out of 114, we have 1, i.e., 0·8 per cent.

In the *Forest Department*, out of 1,102 we have 5, i.e., 0·4 per cent.

I may mention that out of these 5, 4 are clerks, there is not a single Extra Assistant Conservator or Ranger and only one solitary Forest Guard, out of 758.

In the *Punjab Government Printing Press*, out of 545, we have 6, i.e., 1·1 per cent.

I may mention that one Indian Christian came out first in an open competition for an advertised post as head proof reader, and he was not taken.

In the *High Court and subordinate courts establishment*, out of 1,515, we have 3, i.e., 0·3 per cent.

In the *Jail Department*, out of 1,954, we have 15, i.e., 0·8 per cent.

In the *Land Revenue Department*, out of 10,434, we have 5, i.e., practically 0 per cent.

In the *Law Department*, out of 47, only 1. There are 2 vacancies and I hope the Premier will consider us when filling these vacancies. (Premier: What Department is this?) Law Department. (Premier: There are no vacancies in that, I think.) The consolidated statement shows two vacancies in the cadre of Public Prosecutors. Anyhow if the Premier finds that there is a vacancy, he may kindly consider the claims of Indian Christians.

In the *Police Department*; Head Constables and upwards, total of 4,518, we have 11, i.e., 0·2 per cent.

Clerical—out of 152, we have 2, i.e., 1·3 per cent.

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Constables—, we have 95, out of 17,908 *i.e.*, 0·2 per cent.

In the *Public Health Department*, out of 169, we have 0, *i.e.*, 0 per cent.

In the *Public Works Department*, 3 Branches, out of 7,480, we have 44, *i.e.*, 0·5 per cent.

In the *Punjab Civil Secretariat*, out of 250, we have 3, *i.e.*, 1·2 per cent.

In the *Punjab Civil Service (Executive Branch)*, we have 5 out of 281, *i.e.*, 1·7 per cent.

and I believe the Premier is under the impression that we have more than our share. Probably he was not aware of the correct number. I may also mention that three Indian Christian Extra Assistant Commissioners have retired during the last few years. Only one has since been appointed. So that even our *status quo* has not been preserved. I am hoping that our claim will be kept in mind this year.

In the *Punjab Civil Service (Judicial Branch)*, out of 179, we have 7, *i.e.*, 3·9 per cent, and this seems to be rankling in the minds of some Secretariat Pandits. I hear a whisper that it is being planned that we should be deprived of the one seat reserved to us during the last few years. I sincerely hope this is not true.

There are only two Departments in which the percentage of Christians is high and this is being constantly thrown in my face by powers that be.

In the *Education Department*, out of a total of 2,969, we have 160, *i.e.*, a percentage of 5·5; and

In the *Medical Department*, out of a total of 1,702, we have 119, *i.e.*, a percentage of 7·6.

But let us analyse this and find out the reason for this abnormal phenomenon.

In the *Education Department*, out of 160, 125 are women, and only 35 men, *i.e.*, the men are only 1·1 per cent.

In the *Medical Department*, out of 119, 93 are women and of these 93—78 are nurses, dais and dispensers, There are only 26 men and out of these 17 are warders. The remaining 9 are distributed as follows:—

Special posts	..	..	..	..	Nil.
Civil Surgeons	..	..	..	..	Nil.
Assistant Surgeons	..	..	..	..	2 out of 158.
Sub-Assistant Surgeons	..	..	..	..	2 out of 548.
Lab. Assts. and Attendants	..	..	..	..	1 out of 55.
Dispensers	..	..	..	..	2 out of 258.
Clerical establishment	..	..	..	..	2 out of 184.

While the Government of India has given protection to Anglo-Indians by recognising special rights for them in the Railway and the telegraph because these services were their special stronghold, we are being hounded out of the Education and the Medical Departments, because our women did the noble work of acting as pioneers in education and medicine when their sisters were still held back by the conservatism of our country. The reward they



are getting for the ventures they made in a most difficult time, a time most embarrassing for women, is that no Christian woman has a chance of service except under very special circumstances. And because of them, the men, have to remain jobless. If our women are in these departments, it is through no kindness to the community. They are there simply because other women were not available. If they have served the State in its time of need, is it justice that the men should be penalised? Is this the reward my community is getting for letting our women act as torch bearers of the New Light, for the pioneer service they have rendered in dispelling ignorance and saving humanity from the ravages of disease. If you want to reduce the number of Christian women in services, the best way is to employ more men. Many of these women will then be able to marry and fulfil a woman's true vacation and make room for other women who wish to try the experiment of self-sufficiency.

Sir, in all earnestness I appeal in the name of justice that because of the special circumstances of the case, the representation of Christian men and women be reckoned separately. In the name of justice, I appeal that my community should not be reduced to drawers of water and hewers of wood. In the Education Department and the Medical Department where so much fuss is made about the over-representation of Indian Christians, the percentage of men is only 1.1 and 1.6 respectively. And in the Medical Department, the majority is only employed as menials. Let us have a look in also when Assistant and Sub-Assistant Surgeons are appointed. Let us have a chance when more men teachers are needed. An Indian Christian in Provincial Education Service has retired. Let us see if this also is snatched away from our men because forsooth we have enough women in the educational service.

I hate to be making this speech. It sounds so communal. Give every man a man's chance and we shall not complain. We are willing to sink or swim on our merit. But when conditions in the province are such that protection of backward communities has become necessary, our humble community cannot in the name of justice be ignored. And for the love or fear of God whose will grinds slow but grinds sure, do not harp on our over-representation in some departments. The time for such talk will come when we have at least a semblance of representation in the other departments. It must be remembered that out of a grand total of 61,986, we have only 488 men and women, i.e., a percentage of a little over 0.7.

Sir, I have not mentioned all this in a carping spirit or with the least intention to embarrass Government. The existing state of affairs is not of their making. I know they want to do the right thing and are doing their best to that end. But Government has many things to think of and it is therefore necessary to draw attention to grievances where they exist. I would not be a member of this party if I did not believe that Sir Sikander, honestly, sincerely and truly is a friend of the poor and champion of the backward communities and small minorities. I have already said, I wish I was not here. We would then be not out of the mind of Sir Sikander even for a minute. We could rely on his special care as we are the weakest minority. We do not possess the political importance of the Muslims, or the numerical and financial influence of the Hindus, or the strategic position of the scheduled castes, or the brawny might of the Sikhs or the prestige of the Euro-

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peans. But in this weakness lies the strength of our claim. And withal I believe my humble community has a definite contribution to make in the future of India. I pray that we may not be denied the chance.

I know fully well that if wishes could fill our pockets, Sir Sikandar would remove our grievances today. But the ways of departmental offices are inscrutable. I wish therefore to make a definite suggestion and that is that a parliamentary secretary who is not too busy—and I hope some one can be found who is not too busy!—may be detailed to scrutinise the consolidated statement every year, that departments be annually reminded and asked to explain if no advance is made.

The excuse that no suitable Indian Christian was available should not be accepted until a reference has been made to the Indian Christian Association by the department. We maintain a register of unemployed of all kinds and will provide the men.

Let a definite order be issued and see if the departments cannot find suitable men. And I repeat that nothing material will happen if only circulars are issued pointing out the desirability of recruiting Indian Christians. Definite orders must be issued that a specified number of Indian Christians or scheduled castes as the case may be must be taken. If we cannot produce qualified men, then we shall have no ground for complaint. But my humble submission is that serious effort to find suitable men is not made, and in many cases even where suitable men are known to be available they are not taken. For example, in the police sometimes our applications are summarily rejected. This year two instances came to my notice, which will illustrate my point. Two men whose names had previously been sent up by the superintendents of police were rejected by the Deputy Inspector-General, even without the men being called for an interview. These men had been sent up by the district superintendents even prior to the Government circular to encourage Christians, so that these men had been considered suitable on merit in competition with young men of other communities. And it is significant that their applications were summarily rejected after the Government circular. I know both these men. Physically, socially and morally they were eminently suitable for the job of Assistant-sub-inspectors. I lay down a challenge to Government. Appoint a committee of this House of any description to interview these young men. If their verdict is that these men were not suitable candidates, I shall never utter a word on behalf of my community hereafter. The fact is that there is a prejudice against us in police appointments. This afternoon when I was getting into my car to come to the Assembly, I was stopped by a group of stalwart Christians. I knew most of them. Their relations have served with me during the Great War. Some of them have had training in the Territorial Force. They were all well built sons of the soil and of good character and yet they were not even presented before the selecting officer. And then it is said we do not have a sufficient number of suitable recruits for the police. I want our men to be admitted to services in the Army. A time may come when we are needed. I, therefore, keep a register of men who want to serve in the Army. I can give today 2,000 recruits for

the Army. Our men were considered good enough to serve His Majesty during the Great War. Punjabi Christians in thousands served during the Great War as combatants and non-combatants. Cannot we then produce suitable recruits for the police? Let Government say how many they want and I shall give the men.

And now, Sir, I come to a specific grievance in connection with the grant of land to Indian Christians in the Montgomery district. Chaudhri Jalal Din Amber, while speaking on the Demand for Revenue, last year, brought to the notice of the Government the invidious distinctions in the treatment of Christian and other grantees in the Montgomery District in the matter of occupancy rights. The Honourable Minister promised to consider the matter. I do not believe any consideration at all was given to the matter after the Assembly session was over. I too supported my honourable colleague in general terms. I said that I did not know if our grievance was real in fact, though I could certify that it was very real in the minds of some and pleaded that the Honourable Minister should give the case his personal attention. Well, Sir, recently I have visited the area. I have understood the facts. I have seen the condition of our people and I have come back with a vow that I shall know no peace until I have righted the moral wrong.

Sir, I may not be mathematically correct in my facts, I have been most careful in finding out the facts locally, but you know how difficult it is to get at relevant details from our village folk. But I am sure I shall be substantially correct. Sir, the facts are these.

In 1916, and in some cases as early as 1914, land was given to very poor Christians as a depressed class grant. These abadis are known as 148/9-L, 160/9-L., 174-75/9-L., 8/11-L., 58/4-R., and 2-G.D. Bethlehem. The purchase price was as far as I can make out Rs. 300 per acre, may be a little less in some cases. The original grant was that of  $\frac{1}{2}$  a square to each man. The price was to be paid in instalments in 30 years. After a little while, it became evident that the grant was not large enough to allow a margin of saving which could enable the grantees to pay any instalments. Consequently, in 1924, or thereabout, each grant was raised from  $\frac{1}{2}$  a square to full square, except in the case of 2-G. D. which got overlooked probably because no adjoining land was available at the time. As you know, Sir, times have been hard for the poor cultivators and in spite of their best efforts, a large number defaulted in the payment of instalments. When Government after thorough investigation got convinced that it was impossible for these people to pay the scheduled instalments, they changed the terms of the grant in 1930 and 1931. These cultivators were reduced from the status of occupancy tenants to tenants-at-will, and a malkana was imposed on them at the rate of 3 times the land revenue. This malkana is iniquitous, it is a standing shame to the fair name of the Punjab.

Sir, this is a House predominantly of zamindars. We are ruled by a zamindar Ministry. Sir, you are a zamindar yourself. Please remember that the land is of a most inferior kind and tell me if it is possible for these poor people to pay their abiana and their muamla, feed the many hungry mouths at home and be able to pay the malkana of three times the land

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revenue, a malkana which would shame even a bania Ministry. I know this Ministry is not responsible for this iniquity, but this Ministry is responsible for every day in which this cruelty is allowed to continue.

What is happening is this: These people have been getting the instalments they have paid credited towards the malkana known as Lagan. And when this has got exhausted, money is being borrowed at heavy interest. Sir, take it from me that these people will never be able to redeem themselves. They will get more and more demoralised financially, physically and spiritually with the sword of Democles of ejection ever hanging over their heads.

I do not plead for them because they are Christians, but because they are human beings. In the name of humanity, let the Honourable Minister mete them justice tempered with mercy. I do not ask for anything unprecedented. Even later than the time when these grants were made, Government has made free grants, Government has given land under "sigha abadgari" where occupancy rights have been granted on payment of Rs. 1,000 per square without any time limit. Near these very chaks, there are other chaks where land was purchased by people at high auction rates. These people defaulted, ran away and were brought back and granted the land at Rs. 100 per acre. They are rich shop-keepers and well to do zamindars who can afford to be absentee landlords. The people I am pleading for are labourers, whose sole possession in life is the piece of land they till with the sweat of their brow, at the pleasure of Government and under the whip of the malkana. Can any Government which can lay claim to being called civilised and humane, ever think of turning these people out when they have grown old bringing to life the barren earth by their labours of 24 years? The zamindar Government can well visualise what hardship and privation these poor men must have gone through in *abad karowing* this land and not only that they paid revenue for many many years at the rate of good class land when it was really 4th and 5th class and worse. Not only that but they had to save money for these instalments and have now to find money for the malkana.

Their ejection is clearly unthinkable. But their existence cannot be made a hell therefor. They must be freed from the chains of the malkana and hope must be infused in their lives by giving them a goal of purchase on the lowest possible rate. No time limit should be placed on payment of the purchase price and in the meanwhile only a nominal malkana should be levied. The malkana or the instalments they have already paid should be credited towards the price. And as for G. D. 2 Bethlehem, Government must face facts. They have fortunately no malkana, but they have only half a square. Can they ever possibly pay Rs. 300 per acre. Is their land ever worth it in the market? The only remedy is that their grant should be increased from  $\frac{1}{2}$  a square to 1 square and the price reduced from Rs. 300 to Rs. 100 per acre as has been done in other cases. I am in deadly earnest and I shall not rest until this moral injustice to humanity is removed and lest I falter or grow careless, I take a solemn vow on the floor of this House, that I shall not taste the rich man's food, such as pastries and cakes, and pullao, kormas, and the like but live on the simple lean diet of the poor

villager until I have succeeded in getting this iniquitous malkana removed. I hear the word "fast" being muttered. Yes, I would be prepared even to fast if there was occasion for it, but I consider hunger-striking too sacred a rite to be undertaken lightly, and it has already been prostituted enough as an illegitimate form of coercion. I make my vow not in the slightest spirit of influencing anybody's judgment, but solely and wholly for the reason that when I eat my *roti* and *chutney* I may be reminded that I have a mission to fulfil and that I have no right to eat the food of a man in comfortable circumstances when my poor brethren are living in an abject state which can be remedied. It can and shall be remedied if the Honourable Minister of Revenue will agree to be guided not by a hard boiled Secretariat, but by his own noble instincts and his just independent judgment. The Secretariat high priests may say that these people would not be in such a woeful condition, if they had smaller families. But we are Indians. We can not turn out those dependent on us. The one plough must feed the whole family. Whether we have enough to eat ourselves or not, we must share what we have with the unemployed of the family and their dependents.

The Secretariat must have already sent up the file to him. I plead with him not to return it without passing his orders. If any one has to be called, let him call me. I shall satisfy him that my demands are neither extravagant nor unjust. He is the noble son of a noble family, generous even to his enemies. I feel sure that my appeal to his generosity will not go in vain.

**Sardar Sohan Singh Josh** (Amritsar, North, Sikh, Rural), (*Punjabi*) : Sir, the matter under discussion today is the general administrative policy of the Unionist Government which came into power on the first of April last year. We have to see what it is doing and what it has already achieved.

Every government has a few ideals for the achievement of which it works. Our Government has also certain ideals which it wants to achieve. It is about these ideals that I am going to speak. While delivering his budget speech on the 1st of March, the Honourable Finance Minister said :—

" But the responsibility of any Government that wishes to govern and achieve results is also to guide public opinion."

I will describe how they guide the public opinion and with what results. In the same budget speech you will also find the following words :—

" But we must not listen to exotic and alien ideas that may press on our attention under the seductive garb of lessons from international developments. We must not be deflected from our course by the sweep of dangerous ideas. ' Strange crises today are rushing round the world.' "

The translation supplied to us does not seem to be correct and I will translate this quotation for the benefit of the House. It is that we should not yield before alien ideas and conceptions for they do not suit our purpose. Whatever be the international developments we should not deviate from our course because of the force of plausible foreign theories.

International developments have been subjected to a very keen criticism. But I beg to submit that in this Twentieth Century when so much

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progress has been made in every walk of life and when great scientific inventions have changed altogether the conception of time and space, the suggestion that we should ignore international developments and adopt a policy of isolation is nothing but a simpleton's prattle. Even if it is only the opinion of the Honourable the Finance Minister, and his other colleagues have nothing to do with it, I might do well to challenge the advisability of such a misleading statement. We cannot ignore the effects of these crises and confine ourselves to the narrow limits of our own province, when great changes are being brought about around us.

Now what the Unionists Government is doing is this. Durbars are being held in which speeches are made to the effect that in the event of a war the Punjabis would contribute their quota of men and money.

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

Now, I want to tell the House that the man who takes part in politics without giving due consideration to the international situation is apt to fail. I cannot understand why this Ministry should be so anxious to help the coming imperialist war if it has no interest in world politics. It is possible that those who would get benefit out of the coming war should take part in it. I think those people would be given jagirs as rewards for giving help in the war. But my submission is that we will oppose the Government for contributing men and money for the war. I may point out that the present Government keeps this international situation in view when it says it will help the British Government in the coming war. On the one hand we see that gas masks are being given to the people in Karachi and Bombay so that they may know how to use them at the time of emergency. They are also being told that air raids would take place in the coming war and therefore they should prepare themselves to stand against them. On the other hand what does our Government do? Lullabys are being sung to the public that everything is all right here in the Punjab, and we should not meddle with the affairs of the world and we should not give ear to the foreign ideas and aims. I am afraid it is practically and politically absurd and impossible. The Honourable Finance Minister is not correct in saying that foreign affairs cannot affect our province. If he still insists, that his views are correct I should say most frankly that he is living in a fool's paradise. Nobody who knows only the A B C of economics would agree with our Finance Minister, whose budget speech is not based on sound ideas. It is loose and I may say that it has been copied from the speeches of international authorities. Everybody is aware of the fact that a splendid development has been made in the wireless in the present age and cinemas have become very popular among every class of the people so much so that the culture and the customs of every nation in the world impinge their impression and leave their effects on every other nation in the world. Nobody can deny that we are being affected by cinemas and radio. Under these circumstances, it is ridiculous to say that the Punjab should confine to its narrow limits. How can we close our eyes from facts? There is no doubt that the Honourable Finance Minister is well-versed in economics but it does not lie in the mouth of an economist like him to say that one country is not being politically affected and impressed by the affairs of other countries of the world. I may say that it is nothing but a Midsummer

Night's Dream. Sir, even overseas news count much. An insignificant event happens in Wall Street in America and the security holders here in India become anxious for their money in banks. How strange it is that our Finance Minister says that we should not care for international development of foreign countries!

گر مقیم مکتب است و این ملا  
کار طافان تمام خواهد شد

Another instance, is, England goes off the gold standard and gold worth three hundred millions is sent away from India to America and England, whereas our Government say that we should not be disturbed by foreign affairs. How far can it be true? Can any Finance Minister who has a head on his shoulders ignore international developments as our Honourable Finance Minister has done? He has picked up something from here and something from there and prepared a budget speech which is hollow and loose and carries no weight. His budget speech is nothing but a lullaby that is being sung to a crying child.

Again why do we read sterling exchange daily in the Press? Because we want to know what will be its effect on our country. But much stress has been laid on this point by the Honourable Finance Minister who is considered to be an authority in economics that we have got nothing to do with international development. What can we derive from the roundabout words of the Honourable Finance Minister? I may point out to the House that the present Government want to throw us in a quagmire wherefrom we would not be able to come out despite our best attempts. Again everybody knows that wheat grows in the Punjab but its rates are settled in America, Russia and Canada. When the situation of international relationship is this, how can it be said that we should confine ourselves to our affairs being quite cut off from the international policies of other countries?

I would like to say a word or two about the international situation. I have been forced to say these words because the Honourable Premier has remarked about us "they want to benefit out of the troubles of others. This is sheer cowardice." I may submit that either he has not understood our position or he has wrongly put it. The whole international situation is before us. What I want to urge is that the British Imperialism is getting weaker day by day. This would be beneficial for us and it needs must be so. Our's is a slave country and when the country which is holding us in bondage is weakened, it is our duty to profit by its weakness. This is not cowardice, but on the other hand it is bravery, wisdom and statesmanship. I may submit that if this thing in any way weakens the English people, let it. They have been troubling us for the last so many centuries. They have literally marred our mental and cultural progress. In fact they are the cause of obstructing our progress in every sphere of life. I may add that if we cast a glance on the international situation we would find that England is not as powerful as it was 10 or 20 years ago. Now the British Imperialistic lion is not the same lion as it used to be. Its carnivorous teeth have fallen out and it has become harmless. I very respectfully draw the attention of the honourable members that when Italy was engaged in the conquest of Abyssinia a great hue and cry was raised in England against the aggressors.

**Mr. Speaker :** May I know what subject the honourable member is now discussing? What department of the Government is he criticising? There should be a limit to irrelevancy.

**Sardar Sohan Singh Josh :** I am not irrelevant. I am criticising the opinions that have been expressed on the floor of the House and I am replying to them and I think I have every right to say so while discussing the General Administration grant, for their whole policy is built on these things.

I was submitting that when Italy was fighting in Abyssinia the British statesmen protested vehemently against its aggression.

**Mr. Speaker :** I again request the honourable member to speak to the motion.

**Sardar Sohan Singh Josh :** However, the British Government did not move its little finger against the aggressors but declared that it would adhere to the policy of non-intervention in international matters like this. Further Japan has invaded China which is being conquered inch by inch. The British statesmen are not moved. The utmost they have done is that they have lodged some diplomatic protests with the Japanese Government and nothing more.

**Mr. Speaker :** So far as I know the Punjab Government has nothing to do with the European or international policy.

**Sardar Sohan Singh Josh :** As I have already stated the Honourable Premier has asked us not to take undue advantage of other peoples' troubles and that we should do our work and should not concern ourselves with anything else.

Again Sir, if we want to judge whether a Government is good or bad or whether it is loved and respected by its people, we should see how far its subjects enjoy their civil liberties. This is the touchstone on which we can test any Government. In this connection I would first take up the question of the press. The condition of the press in the Punjab is very bad, so much so that nobody can start a paper whether he is political minded or not. This is absolutely true and there is not an iota of exaggeration in it. I would like to make my point clear by citing an instance. After a good deal of effort we started *The Kirti* here in the Punjab at the cost of a large sum. But securities amounting to many thousands were demanded from the printers and publishers of this paper, many of which were forfeited. I may submit that these securities were so heavy that it was very difficult for the poor owners of this paper to shoulder them. The result was that they arranged to publish the paper in another province. Again, we wanted to sell the press of *The Kirti* to somebody else. But the Government notified to the purchaser that he must deposit so much security and then he could purchase and use that press. In this connection I may submit that the intending purchaser of *The Kirti* press has nothing to do with politics, but still the Government went to the length of demanding security from him. May I inquire whether any political germs had entered into that press that the Government thought it advisable to demand security from the intending purchaser. The result of the Government's action was that the said person refused to purchase the press and thereby we had to incur a heavy loss. This



is how the press is being treated in the Punjab. In such conditions it is very difficult for anybody to start a paper here. There is the case of the *Shola*. It was not a political paper of very strong views. But like *The Kirti* it was also shifted to a place out of this province. When any of its copies come into the Punjab they are proscribed. All this goes to show that the Government want to prevent any and every kind of dissemination of ideas on the ground that they are alien or dangerous. Further a security of Rs. 4,000 was demanded from *The Daily Siasat* and it was forfeited and a security of Rs. 1,000 of *The Daily Milap* was also forfeited. I may submit that when any new declaration is filed the demanding of a security of Rs. 1,000, Rs. 2,000, Rs. 4,000, is an ordinary thing. There is a solitary example of *The Rafiq* from whom a security of Rs. 500 was demanded. Otherwise usually a security of Rs. 1,000 is demanded. Sir, our press laws are so stringent and the powers vested in the Government under these laws are so wide and unlimited that Government can stifle any person giving free expression to his views either in the press or on the platform.

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Sir, the other day when my honourable friend, Malik Barkat Ali, was discussing the stringency, rigidity and severity of the press laws and the hardships caused thereby to the press, I was surprised to hear the Honourable Premier remark that he was going to make them still more repressive. This tantamounts to saying that he is not going to tolerate any newspaper which has even the tinge of socialistic ideas about it. I may also add that people are not allowed to write books on socialism and if any one has the courage to bring out any book, action against him is immediately taken under the press laws.

Again, Sir, either such books are proscribed by our Government or a ban is placed on their entry into the province, so that we may be kept in dark as to what is happening in the outside world. I may submit that the Government does not permit any newspaper to enter Punjab unless its policy is in conformity with the one followed by the Unionist Government. For instance, the *Labour Monthly* is a very well known and widely circulated newspaper of England. It is eminently a paper dealing with economic matters, but its entry is prohibited in the Punjab. Again there is a newspaper called the *Left Review*. It is solely devoted to the reviews of books which inveigh against the present order of things. This paper too is not allowed to be circulated in the Punjab, because the Government think that it is a protagonist of socialistic ideas.

Besides, any book dealing with socialism is hunted out from our houses by the police. The other day the house of Master Kabul Singh, Member of the Legislative Assembly, was searched by the police, who took possession of all the books they could lay their hands upon. When we ask the Government to return his books, they give us no satisfactory reply. It would not be out of place to mention that even libraries are searched for keeping books on socialism, etc. The other day Dwarka Das Library was subjected to the search of police. It is a pity that police lose no time in taking hold of books on the titles of which they find the name of Lenin, or the words Socialism, Communism, etc. I may point out that libraries which are regarded as treasures of knowledge, are expected to store all sorts of books

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for the benefit of research scholars. They are intended to enlighten the public about matters relating to all spheres of life and enable them to broaden their outlook on life. But our enlightened Government would not tolerate any book in a library that enlightens the public about international matters. In my opinion forfeiture of such books is the worst slur on the Government and it stands self-condemned by its own actions. Again if you ask the Government under what law certain books have been proscribed, you are referred to old Acts the provisions of which are very vague and general. In fact Government can make use of them according to their sweet will. In this connection I may inform the House that there are no restrictions placed on the entry of the book entitled "Theory and Practice of Socialism" by John Strachy, into Burma, but this book is banned in India. I may submit that when the Central Government has forbidden the entry of any book into India, it is expecting too much of the Punjab Government that they will recommend its entry into the Punjab.

Besides this, we have to face another hardship. It is in connection with getting passports from the Government for proceeding to foreign countries. The Punjab Government do not grant passports to those persons who hold socialistic views. Comrade Abdul Majid whose brother and uncle had died in Australia leaving behind a large property, requested the Government that he may be granted a passport for proceeding to Australia in order to manage the property of the deceased. It is a thousand pities that so many months have passed but the Government have not done the needful in the matter. Goodness knows what has become of the property and how it is being administered. Apart from this Master Kabul Singh's brother passed away in Canada. He applied for a passport, so that he may go there and make arrangements for his brother's wife and children. But no passport has been granted to him in spite of the fact that he is an honourable member of the House. The other day we found that the Government rejected the application of Mr. Virandra, the Managing Editor of the *Daily Partap*, for a passport which he wanted in order to go on a trip to foreign countries. I next come to the question of civil liberty in the province. We find that the Congress-governed provinces have granted much more civil liberty to the masses than the Unionist Government have done in this province. A perusal of the Bombay Government's report would clearly show that the Congress government of that province have lifted the ban from about 227 political organisations in that province which were declared unlawful by the previous government. Again, various books which were previously proscribed have now been allowed to be published freely in the province. Turning to our own province, we find that the same old repression is going on in the Punjab which was the special feature of the foreign rule. The Punjab Kisan League and the Anti-imperialist League are treated as illegal and the ban against them has not been lifted yet. Another kisan sabha in the district of Amritsar is similarly being treated as an unlawful body. How, in face of these hard facts, can the Unionist Government claim to be a kisan government when kisan sabhas in the province are banned everywhere? Orders of confiscation are multiplying and the press freedom has practically been denied in this province. Compare with it the freedom which the press enjoys in the Congress provinces. The

Bombay Government have refunded about Rs. 64 thousands to the various papers the securities of which had been confiscated by the previous government. Again, when a person wishes to submit declaration for a new paper, he easily gets the necessary permission within a day or so.

Now let us come to the attitude of the Unionist Government towards meetings and processions that are held in this province. In this connection I am reminded of what happened with the procession of the Prisoners' Release Committee a few days ago. The procession was not allowed to come near the Assembly Chamber and section 144 of the Criminal Procedure Code was enforced in the city. The delicate minds of the Ministers could not bear the idea of this demonstration in favour of the prisoners who were really responsible for the introduction of provincial autonomy in the country. I wonder what was the real import of that declaration which the Honourable the Premier made at Simla to the effect that he would consider the question of the release of political prisoners very favourably. Instead of granting freedom to prisoners we find that citizens are daily being arrested and jailed. Sardar Teja Singh who was unanimously elected a member of this honourable House has not been granted any opportunity to represent the views of his voters. We find that sections 124 (a) and 108 are being freely applied to interfere with the civil liberties of the people. Again, another tactics which the Unionist Government employs to bring the Congress workers into disrepute, is that some of them are arrested on the alleged charges of murders and other criminal offences of which the Congressites can never dream. The case of Sardar Balwant Singh Dukhia is an instance of it. Can any one ever imagine that Sardar Balwant Singh Dukhia would commit an offence under Section 302? Besides, Mufti Muhammad Naeem, Bibi Fatima, Sardar Mota Singh and Baba Kharak Singh are also charged under sections 124 and 108 and kept behind the bars.

For the sake of propaganda it is always asserted that this is a government of the kisans, but when a *bona fide* leader of the peasants makes an attempt to awaken them from their long slumber, he is thrown into the prison. Only a few days back N. S. Sandhu was put into prison. Gurmukh Singh is similarly confined. Tehl Singh in spite of his illness has not been allowed to come to Lahore and get himself medically treated. I do not know how many of the kisan leaders have been and how many of them will be similarly jailed. Again, we know of so many of our comrades who have been exterminated by orders of the Unionist Government. Karam Singh Dhoot is one, who after the expiry of his sentence has been exterminated. Then Bhagwan Singh Longowalia who had already suffered much at the hands of the State authorities was exterminated without being allowed to see his family. Another friend of ours Mr. S. V. Ghate was also turned out of the province for one year. Some Kakori case prisoners, who came to this province after their release, were also exterminated. There are still those like Professor Ranga whose entry in this province is prohibited. During the last session the Honourable Premier had remarked in this connection that he could not divulge state secrets, and went on to say that Professor Ranga was not permitted to enter this province because he would have preached subversive views amongst the people. We do not even get answers to our questions. For instance, I asked a short notice question regarding Dulla Singh as to why he had

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been externed, but no answer was given. I wonder in what way we can elicit any information from this government.

The Unionist Government's policy of curtailing the civil liberties of the people of the province does not end here. There is another institution called the fort where blood curdling horrors are being perpetrated. Any young man who returns from America or happens to have come from Russia is apprehended the very moment he sets foot on Indian soil at Bombay or Karachi and is brought direct to Lahore Fort. Here he is so cruelly beaten and maltreated in such a shameful manner that I feel reluctant to recount their experience in the presence of my honourable sisters here. These young men are confined in this Fort of Horror for two months under the Criminal Law Amendment Act without any trial and are subjected to monstrous treatment at the hands of the police. But when the Honourable Premier is asked anything about them he repeats one of those pet phrases of his, such as "I am not aware of it", or "It is not in the public interest to tell", etc. Ujjagar Singh of Dusanja Kalan was thus confined in the Lahore Fort. One Harbans Singh and many others were also confined in the fort. There are so many others that I cannot name them one by one.

While the ministries in other provinces are releasing their political prisoners our "benevolent" government is creating a record in curtailing the civil liberties of the people of this province. When we say that such and such prisoner is suffering from tuberculosis and in view of his disease he should be released, we are told that the matter is receiving the consideration of the Government, but this protracted consideration will never come to an end unless the present Government itself comes to an end. As an instance of the above the cases of Wasdev and Chanan Singh, two State prisoners, are receiving the consideration of the Government for so long time but they have not so far been let off. Many life-prisoners have already served their term of over 14 years which is usually the length of a life sentence in any civilized government, but not so in this province. I can submit a list of all such prisoners who even after the expiry of their life sentences have not been released.

The Honourable Premier had issued a circular to the effect that if the police committed any irregularities they would not be leniently dealt with, but there was evidently a hidden meaning in the Honourable Premier's orders as the police have renewed their repression and tyranny with a vengeance.

Now I will take up the Revenue Department and recount one by one the irregularities practised by the officials of the department. I will first take up the case of Ball Kalan in Amritsar district—the constituency from which my honourable friend Mir Maqbool Mahmood was returned—and will describe to you the method which made an increase in land revenue possible. It would not be irrelevant to remark in passing that arrears of land revenue are being remitted by ministries of Congress-governed provinces. I will describe the method adopted by the revenue authorities of our province for the collection of arrears of land revenue. The naib-tahsildar visits the place and at midnight the poor zamindars are dragged out of their beds. Their cattle are taken away from them and they are

ordered to give a demonstration of 'Mor Chal' (peacock step). Then the sleepy villagers are ordered to 'kan pakro' and while in this position they are given a shoe beating and are told that if they do not pay up their arrears this treatment would be continued. Then they are treated in a manner that if I were to describe the same on the floor of this House it would probably be considered unparliamentary. In order to save themselves from this tyranny the poor zamindars have to borrow money at an exorbitant rate of interest which sometimes amounts to 25 or 50 per cent. per annum and have to mortgage their land. Before the moneylenders give them the required loan they ask the peasants to execute a bond for double the amount they have borrowed. This is how the land revenue is being realized, and the Government consider it a feather in their cap. To cite another example I would like to mention what happened in Daoke, a small village near Attari. Two men stole a small bushell of green paddy from a field. The Burki police thana was informed of the incident and during their investigations they arrested a man and searched his house. Nothing incriminating was found in his possession. Nonetheless he and two of his sons were made to 'kan pakro' and were cruelly beaten. The old man's tooth was knocked out and his beard was pulled. Here is his tooth and the hair from his beard. *(Here the honourable member showed the hair and the tooth.)* I may also mention that the old man got a nasty cut on his forehead and the police in order to avoid detection of the cruelty practised by them took him along with them and kept him for 14 days in the thana until his wound was healed. I can go on recounting such harrowing tales of the cruelty of both the police and the Revenue Department which followed the Honourable Premier's circular.

I do not want to repeat what has already been said by my honourable friends Sardar Partab Singh and Master Kabul Singh. But I want to draw your attention to this fact that the present Government have not devised any means to redress the grievances of the poor peasantry. When we ask the Government what has been done for removing unemployment from the province, they say, "we have appointed a committee for this purpose" and when we request them to remit land revenue they evade by saying that they have appointed a land revenue committee. This reminds me of a well-known Persian saying :

تا تریاق از عراق آورده شود مارگزیده مرده شود

Sir, how many committees have succeeded in finding out solutions for the amelioration of the pbor? Will you be pleased to tell me a single one? I want to know whether the Unionist Government have got no other method to redress the grievances of the masses except by appointing committees that have proved many a time before utterly useless in this respect. When we ask questions, we are given evasive answers; "It is under consideration." We may bring as many resolutions as we can in order to move them in the House but those resolutions will meet their fate, i.e. "Under consideration." When our requests and submissions are received so coldly in the House I would not hesitate in saying that this Government is hopeless beyond measure. *(Cheers.)*

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Nothing has been done in connection with the Drainage Act. The down-trodden zamindars on the other hand cannot raise their heads up. They are going down and down everyday under the heavy yoke of indebtedness. When we request the Government to take some serious step in this matter we are told that the Debt Conciliation Boards have been established. I say with all the force at my command that the Debt Conciliation Boards are no good for the satisfactory solution of removing the indebtedness of the zamindars. I think, the Government should declare a moratorium on all debts for 5 years. The most important problem which we are facing now is the problem of indebtedness of the zamindars and the Government should take it for granted that without removing it the present administration is not likely to run smoothly. If the Government, I mean the present Government, is unable to do such ordinary things, we should not expect anything from them. Had the so-called zamindara Government remitted malba they would have taken all the credit. I would also like to draw your attention to the irregularities that are being done when the malba is received in villages. In district Amritsar Revenue minus malba tax was sent to the tahsildar by some zamindars but the money was not received.

I may further point out some facts for the information of the House regarding corruption. It is said by the Government that if five persons send a complaint regarding corruption the investigation will be made. I may bring home the fact that a complaint of corruption was made by S. Narain Singh of Kang to the deputy commissioner in a huge meeting. The deputy commissioner happened to visit Kanga in connection with a meeting of rural reconstruction and the villagers said to him that if their statements were found to be wrong he was at a liberty to take them to task. But the deputy commissioner returned with his head drooping perhaps out of shame. Nothing has so far been done in this case. The corruption is now at its apex in this province.

I may further point out that if the Government had remitted thikri pehra at least, they would have been highly appreciated by the zamindars. Do you know how the zamindars are being harassed by the police? My colleagues are asking me to finish, otherwise I would have unveiled many other wrongs and disabilities of the zamindars on the floor of this House. How far we will keep on remaining at the mercy of the Unionist Government, goodness knows!

**Khan Bahadur Captain Malik Muzaffar Khan** (Mianwali South, Muhammadan, Rural,) (*Urdu*): Sir, I may make it clear at the very outset that I have not risen to criticise the General administration grant. I may say that I have full confidence in the present Government and that Honourable Sir Sikander Hyat Khan and his Cabinet are trying their utmost to maintain law and order in the country. The Government is doing much in other districts than mine and I want to draw its attention to certain troubles of my own district, which I hope the Government shall take early steps to remove.

The first point that I would like to urge is about the means of communications. The area of my district is 5,368 square miles. The length of metalled roads in this district is only 21 miles. I think that there is no

other district where the length of the metalled roads is 21 miles only. I suggest that at least from the headquarters to Bakkar and to Isa Khel metalled roads should be constructed. From political point of view this will not only benefit the people of my district but the Government also. The road from Mianwali to Khushab is a kachha one and it is only 65 miles long. I had laid stress upon this point in my speech of July last and I would request the Honourable Minister for Public Works, who is a rais of Sargodha and who also represents the Khushab constituency, that he should do something to alleviate the trouble of the people of this ilaqa in this respect. He is fully aware of the troubles which the zamindars have to face on account of lack of means of communication in the way of good metalled roads, and I hope he would give his fullest attention to this matter and would not put us off by saying that it has been included in the programme of the Government and that the matter would receive the favourable consideration of the Government.

I may also submit that the area of Government Rakhs under temporary cultivation in possession of the people of my district is quite insufficient for their needs and I would therefore urge that Rakhs of Kallurkot, Piplan, Nasir, and Rakh Tilokar and more area be brought under cultivation and given to the poor zamindars and ex-Military solidiers of the district. Specially to those who belong to Bhakkar Tahsil, of Kacha Ilaqa, the land of which has been damaged by floods of the Indus.

Next I would like to say a few words as regards female education. This district is perhaps the most backward district in this respect. There is only one girls' school in the whole of the Minanwali District. This was opened long ago as a result of my efforts. I then tried that it should be raised to the high standard but only the 9th class was opened and I hope that the tenth class will now be opened. I would urge that if not girls high schools at least girls middle schools should be opened in all the other tahsils of this district.

I may submit that those people who live in that area of Mianwali and Isakhel which lies near the Salt Range suffer from dearth of drinking water. They have to use water of the ponds because drinking water is not available to them. The result is that they suffer from guinea worm. I would request the Government that they should do something to provide pure drinking water to the inhabitants of this area and thus they should alleviate the trouble of the zamindars of this area.

In regard to boring of wells I may submit that it is a very good scheme. But I may point out that wherever the zamindars do not pay boring fees they do not get wholesome drinking water, and wherever well-boring is successful, the zamindars have to pay Rs. 250 as boring fees. I think this is too heavy a burden for the poor cultivators to bear. I may also point out that our Government gets something like Rs. 20,000 per annum as fees from the boring of wells in the province. I would request the Government to reserve this amount for the sake of these zamindars and do the boring work *gratis* in my district. I suggest that fees should only be charged from districts where there are rich zamindars, and in such districts as Muzaffargarh, Campbellpur and my own district, *viz.*, Mianwali, no fees should be charged

[K. B. Capt. Malik Muzaffar Khan.]

at all for boring of wells. If the Government is unable to act on this suggestion in all the above-mentioned districts it should at least give effect to this suggestion in the case of my poor district.

I may also propose that in the case of lands under mortgage for a fixed term in execution of a decree, the land owner should have the right of redeeming his land on payment of the proportional lease money at any time at the market rate. Besides when any zamindar is declared insolvent under the existing laws in force no part of his land is kept for his maintenance and in fact every inch of his land is handed over to the mortgagor. This is not justified. I would request the Government to do something to better the condition of the judgment debtors and special instructions should be issued in this respect and at least a part of the land of the judgment debtors should be left in their possessions so that they should be able to make their both ends meet.

Again I may submit that owing to the changing of the course of river Sindh and the digging up of Paharpur Canal near Dera Ismail Khan, the area near about Bhakkar Darya Khan, Kaloor Kot and Mahal, etc., is becoming barren day by day. The area of tahsil Bhakkar Kacha Ilqa is gradually being removed by river floods, as the flow of the river is changing, towards the Bhakkar Tahsil side. I would request the Honourable Minister to visit the ilqa and see for himself the situation. I assure him that if he visits that ilqa he would be touched to see the miserable plight of the zamindars. I would request the Honourable Minister for Revenue to appoint an expert engineer who should suggest remedies for setting right the condition of the lands of this district.

I would also suggest that industries should be opened in the villages, where the zamindars should be taught to make durries and towels. This would benefit the people living in villages.

I would like to point out that it is absolutely necessary that the Civil Procedure Code should be so amended that a judgment debtor should be allowed to take back his property auctioned in execution of a decree and purchase the same by the the decree holder or any other purchaser on payment of the auction money within a year. For instance, if a decree holder purchases the property of a judgment debtor for Rs. 200 while it is worth Rs. 1,500 the judgment debtor should be given the right of purchasing it back by paying Rs. 200 within a year.

In the end, I would submit that I have not risen merely to state the manufactured grievances of the zamindars, but in fact these are the real grievances of the zamindars of my ilqa. If these grievances are redressed I am sure that the zamindars of my ilqa would benefit a great deal. I have not stated their grievances like my honourable friends opposite whom this proverb aptly applies :

ہاتھی کے دانت کھانے کے اور دکھانے کے اور

but on the other hand I have voiced their real grievances. I hope that the Government would realize the necessities of my district and would do something to alleviate its hardships.



**Khawaja Ghulam Hussain** (Multan Division, Towns, Muhammadan Urban): Mr. Speaker, during the discussions on the budget at Simla when criticism was levelled at the Government from all quarters, the defence of the Treasury benches was that the Government was only a couple of months old and it could not be expected to make any miraculous achievements in that short period. Lord Hailsham was quoted by the Honourable Mir Maqbool Mahmood and to use the precise words it was maintained that the Government should be treated like a coy shy maiden and should be given the usual 9 months before results could be expected (*laughter*). Anyhow the Government has had nine months and we can legitimately ask what are the results? Let us examine the results? First let us see what are the legislative activities of our Government? During the past 11 months, we have had a number of Acts regarding the salary of the Speaker, salary of the Deputy Speaker, and the Ministers and then there was an Act with regard to the allowance of the members of this House, the removal of disqualifications and a number of amending Acts regarding the Land Alienation Act and there was the Motor Traffic Act. Then a couple of days back the Education Minister introduced what is called the Compulsory Primary Education Bill. In the field of legislation, Mr. Speaker, the policy of our Government has been what is termed in vulgar English 'the dog in the manger policy'. They have been discouraging other members to introduce legislation of any type and they themselves have not been able to do anything, much less achieve anything. Now, let us come to the field of administration. Reference was made just now by an honourable member of this House that the Government had failed to handle properly the situation at Kot Bhai Than Singh. I may tell the honourable member that it is not only Kot Bhai Than Singh which is the subject of complaint. What happened at Allah at Amritsar and what happened at Jandiala Sher Khan? The Government at all these places allowed huge congregations of armed people to collect and to break the peace. The policy of the Government has all along been a weak and vacillating policy. With regard to the Shahid Ganj what do we find? The Government has signally failed in its duty to evolve any formula which may be acceptable to all the communities or to act in a manner which may be called a strong manner. My complaint is that the Government has proved its incapacity to handle any situation which is fraught with sinister possibilities or a situation which calls for a statesmanlike or strong action. These two days, I understand were reserved for discussion of the general administration grant. In the domain of general administration we find that the most obvious thing which a popular Government would do is to do something towards the separation of judicial and executive functions. This is a reform which is overdue and for which the people of this province have been clamouring for the last so many years. We expected that the moment an autonomous Government steps in something definite and substantial will be done towards this end. But it is matter of regret that nothing has been done so far as to separate judicial and executive functions.

**Minister for Revenue :** What about the United Provinces and Madras?

**Khawaja Ghulam Hussain :** The first and foremost duty of a popular Government is to place the judiciary on a platform where there

[Khawaja Ghulam Hussain.]

may be absolutely no danger of executive interference. But in our own province we find that the police is practically lording over the magistracy. I cannot possibly conceive of worse things than are happening in our law courts. The police is actually spying on the magistracy and they are reporting with regard to their actual doings and about their conduct in court room. They keep record of the things done by the magistrates and then they are reported to the Superintendent of Police. This clearly shows that the influence of the police over the magistrates is so strong that our judicial officers cannot be expected to perform their duties fearlessly as a judiciary should ordinarily be expected to do. Then there is the institution of honorary magistrates and honorary civil judges. I do not want to make any sweeping observations with regard to these gentlemen, but it is undeniable that the majority of honorary magistrates and honorary civil judges is such that the institution can without fear of contradiction be termed as rotten one. These gentlemen who acquire these honorary powers do not acquire them for the purpose of administering justice, but they acquire these powers for the purpose of misusing them and lording over the people. I may respectfully say in this connection that the majority of these gentlemen are hopelessly ignorant of law and procedure and they cannot be expected to perform their duties as a judge or as a magistrate should perform. What is being done in these courts? I can very easily assert as a lawyer that these courts are being used as a handle for oppressing the people. If a person wants to harrass another the first thing he does is to go and lodge a complaint in the court of an honourary magistrate and harrass him. The accused may be living in a far off place like Agra or Calcutta or Bombay, but he can be harrassed for a couple of months. There was a reference to the complaints which are made against the police officials and other public servants. The complaint is that the Government do not attend to such complaints, as they ought to be attended to. No doubt there is a written circular of the Government to the effect that when five persons or more make a written complaint against any public servant that should be enquired into. But what is the actual practice? What is the fate of such complaints? We find that complaints are made against police and other officials but how are they treated? They say one example is better than many precepts. Let me quote an example to show the utter absurdity of this circular and the manner in which the circular is being acted upon in the districts. I know there was a written complaint stating full details with regard to illegal gratification accepted by a particular police official in several cases. These cases were mentioned, the dates were mentioned and the complaint which set out complete details was signed by zaildars, sufedposhes and other respectable zamindars including the younger brother of the Honourable Speaker. That complaint was addressed to the authorities and do you know what happened? It was made over to a police officer for enquiry. The highest police officer of the district was favourably inclined towards the subordinate complained against and he did not permit the transfer of that gentleman from that police station. The result was obvious. The police official who was put on the enquiry could not possibly think of displeasing the boss. The written complaint was consigned to the limbo of oblivion without any further action being taken on it. And what happened to those people who signed that complaint? One of the lambardars

was challaned by that very sub-inspector against whom the report was made and with regard to another zaildar, who happened to be the signatory to that complaint, a circular letter was issued to all the respective police stations that he should not be permitted to take part in the police investigations. This is the way in which these complaints are treated. That circular letter cannot help matters and unless there are strong hands behind and there is the will to uproot corruption it is impossible to hope for substantial results. Much can be said on that subject but I know that there are other speakers particularly Diwan Chaman Lall who, I am certain, will take some time and I do not want to take up his time. I hope I shall get another opportunity when the demand for Education and Public Health and Industry comes up and I think that this is enough for the moment.

**Minister for Development** (The Honourable Chaudhri Sir Obhotu Ram): I have just half an hour during which I have to say a few words with regard to each of a number of criticisms. The Opposition is always in a position of great advantage. It can make appeals to sentiments. I have no appeals to make to sentiments. I shall confine myself to bare statements of facts and run through a few figures from which I leave the honourable members of this House and the public outside to draw their own conclusions.

It has been complained that the Government has done nothing either to suppress communalism or to suppress corruption. The Honourable the Premier enunciated the general policy of Government in this respect in no uncertain terms and definitely stated that if certain conditions were fulfilled, he would see that a man guilty of corruption was sternly dealt with. I will not refer the honourable members to what happened in other departments but I would like just to draw their attention to what I did in pursuance of that general policy. I held two meetings—one at Karnal and another at Jullundur—to which I invited the members of provincial services and subordinate services in all the departments under me. All the officers—both subordinate and provincial—were present there and I told them definitely and unequivocally that anybody who was guilty of exhibition of communal bias in his official conduct or who was found guilty of corruption would receive absolutely no mercy from me. Communalism, I said, would be placed on the same footing as corruption. I also offered earnest advice to all those who attended that they should develop a spirit of service and discard the spirit of *hakimi* which had been developed in certain departments. I further advised them that they must regard themselves as servants of the public and must make a point of mixing freely with the humblest of the members of the public. It has been suggested that in Congress Provinces a new heaven and a new earth have been created. I will not say anything to the disparagement of Congress Provinces (*Hear, hear.*) but I would draw the attention of the honourable members of this House to certain figures from which they can draw their own conclusions. The population of the United Provinces is in the neighbourhood of five crores. The annual revenue of the United Provinces is thirteen crores and two lakhs. The population of the Punjab is two crores and thirty-five lakhs while the annual revenue of the Punjab is eleven crores and forty-one lakhs. Let us just see what we propose to spend on various departments and what the

[Minister for Development.]  
 United Provinces Government proposes to spend on the same departments. The United Provinces Government proposes to spend, during the next year, Rs. 71,24,561 on agriculture, which is considerably more than what we have provided in our budget. But when we come to the Veterinary Department we see that the United Provinces Government has budgetted only for Rs. 5,12,000 while we have budgetted for Rs. 17,57,000. Under Co-operation the United Provinces Government proposes to spend only Rs. 6,32,000 while the Punjab Government proposes to spend Rs. 16,11,000. Under Industries the United Provinces Government proposes to spend Rs. 20,87,000 while the Punjab Government proposes to spend Rs. 20,14,000. Another figure to which I will draw the attention of the honourable members of this House in this connection is the population of cattle in the two provinces. In the United Provinces the census of cattle shows that the total number of buffaloes, bullocks, cows, sheep and goats is 425 lakhs. In the Punjab the number of the same animals is 244 lakhs, that is to say, not much more than half that in the United Provinces. The United Provinces Government is just now thinking of trying to have one veterinary hospital per tahsil. The Punjab already has 300 such hospitals for 112 tahsils, and it has further 1,200 outlying dispensaries attached to these hospitals.

**Diwan Chaman Lall :** Did the Honourable Ministers' Government do all this ?

**Minister for Development :** The Unionist Party is responsible for the major portion of that (*Hear, hear*).

**Diwan Chaman Lall :** Therefore the Unionist Party is the same as the old Government.

**Minister for Development :** No, very different.

**Diwan Chaman Lall :** How are you responsible then ?

**Minister for Development :** Because it was the Unionist party at whose instance all this was done, and in many cases in the teeth of opposition from the classes to which the honourable member belongs.

**Diwan Chaman Lall :** You are part and parcel of the old Government and you continue as such.

**Minister for Development :** Yes, go on.

**Diwan Chaman Lall :** Were you a Minister ?

**Minister for Development :** I was. And as a Unionist Minister I did a good deal more.

**Mr. Speaker :** Order, order. I am not going to allow a dialogue like that.

**Minister for Development :** I now come to another side of the department and I will tell you what we are going to do.

**Mr. Speaker :** Order, order. The Honourable Minister is again addressing Diwan Chaman Lall.

**Minister for Development :** No, I am not. The Punjab Government is going to open ten more veterinary hospitals during the course of the next year. (*Hear, hear*.)

**Diwan Chaman Lall :** Expenditure of only a little more than Rs. 10,000.

**Minister for Development :** We are going to appoint three more deputy superintendents so as to provide one deputy superintendent between two districts. (*Interruption.*)

**Mr. Speaker :** I request the honourable members to desist from interruptions and remarks.

**Minister for Development :** Schemes for having pedigree herd of bulls of Dhanhi and Montgomery breeds, are going to be undertaken. One for the Haryana breed has already been in existence for some time. During the course of the next year we are also going to have four veterinary first aid centres per tahsil.

Coming next to the department of agriculture I may be allowed to state that during the course of the last year we distributed three hundred thousand maunds of seed of improved wheat (*hear, hear*), over 90 thousand maunds of improved seed of cotton, and we are going to beat that record in the course of the next year. The amount of yield of milk per cow per day has been developed from 5.17 pounds in 1914 to 18.95 pounds in 1936. As was suggested by some members during the July session I am going to increase the number of mukaddams so that each agricultural assistant may have under him 4 mukaddams who will be less expensive and will be able to go to the farmers and convey to them the knowledge and experience and the results of research obtained by the department in their various farms or at the research institute at Lyallpur.

So far as the co-operative department is concerned I believe even the members of the Opposition will admit that it is regarded as a model for other provinces. People from other provinces come and study the co-operative movement in this province. Even foreigners come to see for themselves how co-operation has succeeded so marvellously in the province of the Punjab. One of the most useful activities of the department is that of the consolidation of holdings. We are going to spend one lakh over and above the normal provision for the purpose of consolidating holdings. Special emphasis is also to be laid on the opening of non-credit societies. We are also taking special pains to start co-operative movement among women. We have also made additional provision for starting co-operative industrial societies in towns and lastly, in order to recover arrears, we have allowed payment in kind instead of payment in cash.

Coming to the Department of Industries, I may, first reply to the criticism which has been levelled with regard to the appointment of the Unemployment Committee. Many members suggested that the mere appointment of a committee served no useful purpose whatsoever ; but members of the Opposition will not, I hope, be surprised to hear that from a certain statement that appeared in the *Leader* I learnt that the United Provinces Government was going to appoint as many as 88 committees on exactly the same grounds on which we have appointed our committees. The Unemployment Committee, of which my honourable friend, Diwan Chaman Lall, is a member, has done more than half of its work. We have practically finished recording of evidence, and we shall be discussing that evidence in the first two weeks of April. I believe we shall be able to draft the report by the middle of May, and, if everything goes well, members of the House

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will have the report of the Unemployment Committee in their hands when the next session comes round.

I may also draw the attention of the members to a few items of activities which the Department of Industries is going to undertake during the course of the next year. The first is that there will be an industrial survey of the Punjab Province. Another will be the starting of a design section at the Mayo School of Arts. The third will be a travelling demonstration party for training women in handicrafts. Then there will be two wool spinning and weaving demonstration parties for the districts of Ferozepore and Kangra, respectively. Again, there will be another travelling dyeing party. I may also draw the attention of the members to page 77 of the Memorandum on new expenditure. There they will find that a number of new activities will be started by the Department of Industries out of the Special Development Fund.

Lastly I may be allowed to make a reference to the question of indebtedness. Two of the members of the Opposition suggested that the appointment of conciliation boards would serve no useful purpose and that the true solution, according to them, of the debt problem was either to declare a moratorium for five years, or to wipe off all debts. According to one of them the State should take over the whole burden of debt, discharge it itself, and then realise it from the cultivators. Sir, so far as the appointment of conciliation boards is concerned I am glad to say that the whole House was in favour of that scheme and the province is going to have one conciliation board for every district during the course of the next year. With regard to the other suggestions that there should be a moratorium, or that all debts should be wiped off, I do not know how far the honourable members who made this suggestion will be able to carry with them members of their own party. I am not quite sure if they will receive the solid support of their own party for this proposal. The third suggestion was that the Government should take over these debts. Now the amount of debt is supposed to be full two hundred crores. Even if this debt were to be reduced by 50 per cent. interest on it even at 3 per cent. will amount to 3 crores annually. The gentlemen who made that suggestion did not realise what it would mean to the province and how difficult it would be for the Government to discharge this debt and then to realise it from the agriculturists. After all, even if the Government were to make up its mind and raise a huge loan of one hundred crores, I think the rate of interest would at once go up. Moreover let us not forget that it is not only the province of the Punjab which is so heavily indebted : Madras and Bombay are equally heavily indebted. If every Government were to go to the market for raising such huge loans, the result would be that the rate of interest would probably go up to 6 per cent. However, even if we are able to reduce the total amount by as much as 50 per cent., the interest, even at 3 per cent. would as I suggested amount to 3 crores. Who is going to pay that money annually. How is that charge to be met ? Can it be met out of our present revenues ? Certainly not. Somehow or other my friends do not scruple to say things which may, possibly, deceive the outside public but which cannot really stand the light of criticism or a real test of any kind. (*Diwan Chaman Lal :* Why not moratorium ?) Sir, what has appealed most to my honourable

friends of the Opposition is a very attractive theory of lightening the burden of agricultural taxation, imposing no tax on any other class and giving further amenities of life to every section of the population. These things can only be done through magic. The present Punjab Government does not claim to possess this power and, I am sure, the Opposition does not possess this power either. If my friends of the Opposition were to scrutinise the activities of Governments which have been established by Congress in other provinces, they would find that everywhere things are more or less the same as they are here.

A very bitter complaint was made by one of the members of the Opposition that people who come from outside and are suspected of having socialistic or communistic tendencies are at once arrested, sent to the Lahore Fort and are subjected to the most horrible, humiliating and revolting treatment. I repudiate that charge. The charge is absolutely unfounded.

My honourable friend Captain Muzaffar Khan was complaining about roads and communication in his own district. My honourable colleague on my left has told me that so far as the district of Mianwali is concerned, it has been treated as a backward district and a special grant is being made to it for the purpose of metalling roads; while one road, the road that leads from Mianwali to Khushab, has been placed on the list of roads which will be metalled by Government by itself. Of course, it will have to await its turn. Every road will be taken up in its own turn according to the order of urgency. How urgent that road is, is a matter which will be decided by the Public Works Department. But my honourable friend may rest assured that one of these roads has been taken over by the Public Works Department and for another road a special grant is going to be made.

My honourable friend Khwaja Ghulam Hussain suggested that the legislative effort of the present Punjab Government has been more or less a failure, and amounts practically to nil, there being only a few minor amendments undertaken in respect of the Land Alienation Act and one or two other bills of a minor character. I do not know what the honourable member means by minor amendments in the Land Alienation Act. That legislation is held in the highest esteem by the agricultural classes of this province, and whenever any amendment is made in it, they look upon it as more or less a blessing. Why my honourable friend has failed to appreciate the point of view of the agricultural classes passes my comprehension, because, after all, he is a lawyer and, as such, has to pass a good deal of his life in the midst of these classes. Another complaint that he made was that even in the sphere of administration, the Government has failed because there have been so many communal riots, and that the riots at Sher Khan, Amritsar and other places are an ugly blot on the administrative efficiency of Government, and that the Shahidganj question had been allowed to continue to tax the patience of everybody. That there were riots is perfectly true. These riots resulted in challans, and accused persons were tried by courts and were either discharged or convicted or acquitted. That is the usual course which follows in the wake of communal riots. For this outbreak of communal riots the Government is as sorry as anybody can be. In fact, this succession of riots is a matter for which every one of us ought to feel some responsibility. These communal riots are the result of a mentality which has been produced either by active instigation on the part of some or by

[Minister for Development.]

indifference and apathy on the part of those who ought to have taken a more commendable view of their responsibility. (*Cheers from the Treasury benches.*) There can be absolutely no doubt that if those people who hold responsible position in life had made up their minds to see that those communal riots did not occur, that communal tension ceased and that communal bitterness was relieved, they could have done a good deal to bring about these results. Let it be admitted to the shame of us all that we have failed in our duty. The Government did all that it could to relieve communal tension, to weaken it and even tried to remove it altogether as far as it lay within its power. But there are certain people abroad who are out to have these riots and who instigate unsophisticated villagers to come to blows and kill each other. These instigators are themselves quite safe in their own houses when actual riots take place. Everybody knows these facts. Even so, let me speak quite frankly and freely and say that even we in this House, have failed to take that degree of interest. (*Interruptions.*)

The last point to which I shall reply is the question of the separation of executive and judicial functions. It is certainly a very important question, but let the critics of the Punjab Government realise that

این گناہ است کہ در شهر شما نفوذ کنند

Has the Congress Governments separated the executive and judicial functions in their own provinces? Not a single Congress Government has done it. When they have all done it, it will be time for our Congress friends here to complain of our own attitude in the matter, not before.

**Mr. Speaker :** The question is —

That the demand be reduced by Rs. 100.

*The Assembly divided : Ayes 26. Noes 74.*

#### DIVISION LIST.

##### AYES

Bhagat Ram Choda, Lala.  
Bhagat Ram Sharma, Pandit.  
Bhim Sen Sachar, Lala.  
Chaman Lall, Diwan.  
Chanan Singh, Sardar.  
Duni Chand, Mrs.  
Gopi Chand Bhargava, Dr.  
Hari Lall, Munshi.  
Harjab Singh, Sardar.  
Kabul Singh, Master.  
Kartar Singh, Chaudhri.  
Kartar Singh, Sardar.  
Kishan Singh, Sardar.

Muhammad Abdul Rahman Khan,  
Chaudhri.  
Muhammad Alam, Dr. Shaikh.  
Muhammad Hassan, Chaudhri.  
Muhammad Iftikhar-ud-Din, Mian.  
Mula Singh, Sardar.  
Partab Singh, Sardar.  
Prem Singh, Mahant.  
Raghbir Kaur, Shrimati.  
Rur Singh, Sardar.  
Sampuran Singh, Sardar.  
Sant Ram Seth, Dr.  
Sohan Singh Josh, Sardar.  
Sudarshan, Lala.



## NOES:

- Abdul Haye, The Honourable Mian.  
 Abdul Rahim, Chaudhri (Gurdaspur).  
 Abdul Rahim, Chaudhri (Gurgaon).  
 Afzaalali Hasnie, Sayed.  
 Ahmad Yar Khan Daulatana,  
 Khan Bahadur Mian.  
 Akbar Ali, Pir.  
 Amjad Ali Shah, Sayed.  
 Ashiq Hussain, Captain.  
 Bhagwant Singh, Rai.  
 Binda Saran, Rai Bahadur.  
 Chhotu Ram, The Honourable  
 Chaudhri Sir.  
 Dasaundha Singh, Sardar.  
 Faiz Muhammad, Shaikh.  
 Faqir Chand, Chaudhri.  
 Faqir Hussain Khan, Chaudhri.  
 Farman Ali Khan, Subedar Major  
 Raja.  
 Fateh Muhammad, Mian.  
 Fazl Ali, Khan Bahadur Nawab  
 Chaudhri.  
 Faza Din, Khan Sahib Chaudhri.  
 Fazal Karim Bakhsh, Mian.  
 Gauba, Mr. K. L.  
 Ghazanfar Ali Khan, Raja.  
 Gopal Singh (American), Sardar.  
 Gurbachan Singh, Sardar Sahib  
 Sardar.  
 Haibat Khan Daba, Khan.  
 Hans Raj, Bhagat.  
 Harnam Dass, Lala.  
 Harnam Singh, Captain Sodhi.  
 Jagjit Singh Man, Sardar.  
 Jagjit Singh Bedi, Tikka.  
 Jahangir Khan, Chaudhri.  
 Jalal-ud-Din Amber, Chaudhri.  
 Jugal Kishore, Chaudhri.  
 Karamat Ali, Shaikh.  
 Khizar Hayat Khan Tiwana, The  
 Honourable Nawabzada Major.  
 Kishan Das, Seth.  
 Maqbool Mahmood, Mir.  
 Mubarak Ali Shah, Sayed.  
 Muhammad Akram Khan, Khan  
 Bahadur Raja.  
 Muhammad Azam Khan, Sardar.  
 Muhammad Faiyaz Ali Khan,  
 Nawabzada.  
 Muhammad Hayat Khan Noon,  
 Nawab Malik Sir.  
 Muhammad Hussain, Sardar.  
 Muhammad Hussain, Chaudhri.  
 Muhammad Nawaz Khan, Major  
 Sardar.  
 Muhammad Nurullah, Mian.  
 Muhammad Saadat Ali Khan,  
 Khan Sahib Khan.  
 Muhammad Sarfraz Khan, Chau-  
 dhri.  
 Muhammad Sarfraz Khan, Raja.  
 Muhammad Shafi Ali Khan, Khan  
 Sahib Chaudhri.  
 Muhammad Wilayat Hussain  
 Jeelani, Makhdumzada Haji  
 Sayed.  
 Mushtaq Ahmad Gurmani, Khan  
 Bahadur Mian.  
 Muzaffar Ali Khan Qizilbash, Sar-  
 dar.  
 Muzaffar Khan, Khan Bahadur  
 Captain Malik.  
 Muzaffar Khan, Khan Bahadur  
 Nawab.  
 Narendra Nath, Diwan Bahadur  
 Raja.  
 Nasir-ud-Din, Chaudhri.  
 Naunihal Singh, Mann, Lieutenant  
 Sardar.  
 Nur Ahmad Khan, Khan Sahib  
 Mian.  
 Pritam Singh Siddhu, Sardar.  
 Ripudaman Singh, Thakur.  
 Roberts, Professor W.  
 Santokh Singh, Sardar Sahib Sardar.  
 Shahadat Khan, Khan Sahib Rai.  
 Shah Nawaz, Mrs. J. A.  
 Sham Lal, Rai Bahadur Chaudhri.  
 Sikander-Hyat Khan, The Honour-  
 able Major Sir.  
 Singha, Mr. S. P.  
 Sita Ram, Lala.  
 Sundar Singh Majithia, The Hon-  
 ourable Dr. Sir.  
 Suraj Mal, Chaudhri.  
 Tara Singh, Sardar.  
 Tikka Ram, Chaudhri.  
 Ujjal Singh, Sardar Sahib Sardar.

**Mr. Speaker :** The question is :

That a sum not exceeding Rs. 89,66,600 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1939, in respect of General Administration.

*The motion was carried.*

## MOTION FOR ADJOURNMENT.

### FAILURE OF POLICE AT FATEHWAL.

**Mian Muhammad Iftikhar-ud-Din** (Kasur, Muhammadan, Rural) :  
**Mr. Speaker,** I beg to move—

That the House do now adjourn.

I move this motion with the main object, in fact the only object of drawing the attention of the Assembly and through it that of the public to the failure of the police to do its duty. I cannot call it anything else than a deliberate negligence, in fact a mischievous negligence on the part of the police to keep order and save the lives of the people. To prove that the police had been duly informed of the danger in that place, I have before me certain documents which will remove every possible doubt in the minds of the public. The notice given by the Congress Committee of Amritsar was deliberately neglected by the police. In the first place I have in my hand a poster which was circulated all over the district and which naturally reached the hands of the police also. This was done weeks before the meeting. After that there was a letter sent (although this is not usually done by the Congress committees), by the Congress Committee of Amritsar who feared trouble, to the Superintendent of Police, Amritsar, in these words :—

We have it on most reliable authority that the Sub-Inspector of Police, Mr. Shahab-ud-Din of Ajnala Police Station is going about Fatehwal and telling people particularly the badmash element there that he had been ordered by the Superintendent of Police, Amritsar, to ask them to make every effort to create rowdiness in the forthcoming public meeting fixed to be held there on the 13th of March, 1938. This is extremely unfortunate and unbecoming on the part of a police officer, in charge of the ilaqa, to adopt such a dirty course and to interfere into the legitimate activities of the Congress and also to involve your name in the same.

I, on behalf of the District Congress Committee of Amritsar, take the earliest opportunity to draw your attention to the same and hope that you will take immediate steps to stop the mischief and thereby save the untoward consequences which are likely to endanger the public peace and tranquillity of the district.

This letter was sent on the 4th of March and the meeting was held on the 18th of March. So 10 days were given to the police and the fact that this letter was properly delivered at the office of the superintendent of police can be proved by the signature of the man in charge in the office. Ten days before the meeting, Mr. Speaker, this letter was delivered to the superintendent of police. This is never done ordinarily because daily so many Congress meetings are held all over the province and even posters are not issued and some time they are not made known even by the beat of drum but, as we all know, the inevitable police reporter and a few constables always turn up. However, in this case posters were issued and this letter was sent to the superintendent of police telling him of the whole situation. This is not all. Later, a letter was received by one of the Congress workers

in the village Fatehwal from some badmashes in which they threatened to kill him. This letter was duly delivered at the police station, Ajnala, which is hardly a couple of miles from Fatehwal and here I have the certified police copy of this letter in which people have threatened to kill Ram Chandra a Congress worker of that village and this letter was delivered to the police two days before the meeting. This is another proof that the police knew that there was some special danger of the breach of peace at this meeting. All this is more than sufficient to prove that the police had been informed of the gravity of the situation. But this is not all. Then a special man came to see the Premier a few days before the meeting to tell him that certain badmashes were being prepared to attack the Congressmen and to disperse the meeting which was to be held on the 18th. He rang up the Premier and he was told to go and see his Secretary. He came and saw Sardar Ujjal Singh who was kind enough to give him half an hour and listened to his request and promised to send police aid.

**Premier :** What date was it?

**Mian Muhammad Iftikhar-ud-Din :** I think it was Saturday last. However the letter being a written document is a more important evidence. I do not know what conversation took place between Sardar Ujjal Singh and the person who met him, but the threatening letter which was received by the Congress worker and the other letter to the police are a sufficient proof that all this was expected and it was known to the Congressmen that these badmashes would come there. I must be allowed to point out to the House that questions were asked a few days ago with regard to the meeting which was held on the 15th February at Fatehwal when some trouble took place and a few arrests were made in connection with that. Afterwards three more Congress meetings were held there. The last meeting before the one in question was held on the 8th February. To see how much importance police attached to the meetings in this village the House must know that at this last meeting not only ordinary police was present, but Mr. Saunders himself was also present to arrest a few persons at that meeting in connection with the trouble that took place on the 5th of February. It is obvious that the police was all the time in touch with the developments there. The police was daily being informed by the Congress people of the likelihood of the badmashes attacking the Congressmen.

Now, to prove that it was not a question of Hindu-Muslim sentiments in that village and that it was not unwise on any Congressmen's part to hold meetings in a village owned by Muslims, allow me to point out that this village is totally owned by Sikhs and Hindus. There is no question of Muslims and Hindus. When I went to the meeting and I hope this will be admitted by another speaker on this side who was also present we found that all the time the rowdy element, which had collected outside the meeting pandal, were shouting Teja Singh's name, the man who was supposed to be their leader. Of course they were shouting slogans also, and very filthy slogans they were, against the Congress and the Congressmen. But this fact is worth remembering that there was no question of Hindu-Muslim sentiments with regard to this meeting and with regard to this village which is totally owned by Hindus and Sikhs. Before the meeting took place on Sunday, we had received information on Sunday morning from Amritsar that they were fearing that badmashes will go there and create trouble at

[Mian Muhammad Iftikhar-ud-Din.]

the meeting. The meeting went on with a few thousand people sitting inside the pandal and outside about 500 people were standing with lathis and chavis, some even with swords, trying to create a row and threatening people sitting by brandishing their weapons. The meeting went on. Of course it was not a quiet meeting at all, because there was so much noise going. From the time that I went there, and I was there for more than a couple of hours, not a single fiery speech was delivered. In fact that would have been most tactless on the part of anyone to do so, because it was already with greatest difficulty that we could make ourselves heard even to people sitting a few yards away from us and delivering fiery speeches would have created worse trouble, because the people who had gathered outside the meeting were prepared for anything.

**Premier :** And they got it.

**Mian Muhammad Iftikhar-ud-Din :** I hope the Honourable Premier will realize the seriousness of the situation and will allow me to explain the facts. The point is that in spite of all this information and in spite of the previous incidents in that area, not a single policeman was there not even the reporter, and the police station of Jandiala is hardly a couple of miles away from the place. This meeting went on for some hours and people were coming and going. The police knew of the developments at the meeting. But not a single constable turned up. This is what I would like this House to realize. I have nothing more to say. Needless to say everyone here is grieved at the death of the two persons and all resent it greatly. Nothing worse could have happened at any public meeting in this province and it goes against the interests of all the peace loving people of this province most of all those of the conveners of this meeting, because if such a thing goes on in meetings, whether those of the Unionists or other parties, it will become impossible to hold such meetings at all. The real question now is this, when we have been protesting against the presence of reporters at public meetings for all these years, and yet reporters have been sent to every single Congress meeting, why an exception was made of this meeting and no police was present there? This is a very significant fact. In every meeting we find a large number of policemen sitting outside the meeting to keep the peace or otherwise. I, therefore, cannot understand when all this information had been supplied to them, when all these requests had been made to the authorities, why no person was sent to this meeting. This is my only complaint and this I think is the cause of the death of the persons who died there and of the trouble that took place.

**Minister for Public Works :** But who killed the man?

**Mian Muhammad Iftikhar-ud-Din :** If I knew who killed the man the problem would be solved.

**Premier :** How can you know when you were not there?

**Mr. Speaker :** The honourable member's time is up.

**Mian Muhammad Iftikhar-ud-Din :** I hope other members from this side will bring further details to the notice of the House. But what I want to emphasise is this that it was a deliberate attempt on the part of the police to neglect this meeting. It was the police who had collected men from outside and they were sent there to create rowdiness.

**Mr. Speaker :** I have no power to extend the duration of speeches.

The motion moved is—

That the House do now adjourn.

**Mir Maqbool Mahmood (Amritsar, Muhammadan, Rural) :** Sir, this adjournment is in one respect unique of its kind. To-day my honourable friends opposite come to this House protesting why reporters or policemen did not greet them at a public meeting. But, if the facts connected with that incident were not as tragic as they are, this indeed would be a humorous occasion. But what are the facts? My honourable friend has referred to a certain meeting that was being held in Jandiala. Let me with your permission, take the House into confidence as to the main facts of this incident. On the 5th February, before this particular incident, an attempt was made by our friends of the Congress and the Socialists Party to hold a meeting in Fatehwal. That meeting fortunately or unfortunately was not allowed by the people of the village. There was a fight. (Voices : Question) and a challan was launched against some of our friends of the Congress who were responsible.

**Diwan Chaman Lall :** Does the honourable member mean to think it fortunate that there was public fight?

**Mir Maqbool Mahmood :** It is always an irresistible temptation to receive interruptions from my honourable friend opposite, but in view of the very serious and grave aspect of the question I would resist the temptation.

**Diwan Chaman Lall :** Be serious yourself. I am asking you to be serious. May I with your permission appeal to the honourable friend opposite to be serious about this matter and not to be facetious. He starts off in a deliberately facetious manner and then blames us of non-seriousness.

**Mir Maqbool Mahmood :** I will not waste my time over that interruption. But I ask the honourable members opposite to bear in mind that I fully realise the gravity of the situation and I feel confident that he will be as grave and serious as we on this side of the House feel.

Now, Sir, after that meeting there was a certain challan and in that  
 7 P.M. challan one Pico and Muhammad Shafi were two chief witnesses on behalf of the prosecution against the accused persons. A few days later, i.e., on the 13th March a meeting was held in the village by our friends opposite and it so happened that they held that meeting on a day which happened to be the tenth of Muharram. Our information is that the villagers there requested them not to hold the meeting then because it happened to be the tenth of Muharram, but it was not listened to. The meeting was held. We have heard from friends opposite that in the meeting there were certain interruptions. I am not going to waste the time of the House on that aspect of the matter—as to what is our opinion. I am sure there will not be two opinions on the question that the right of public speech must be respected by all concerned and I hope that leaders of all parties will join in setting up a convention that public meetings of all parties should be allowed to be held with decorum, dignity and tolerance

[Mir Maqbool Mahmood.]

which right of public speech deserves from all concerned. What happened there? According to my friend opposite the interruption was of a nature that they could carry on their meeting for four hours and conclude the meeting quite successfully and the interruption was of a nature that for these four hours with the brandishing of swords and *kulharis* not a single person was injured and even the *shamianas* remained intact. After that we hear from the other side, the preachers of non-violence—the great defenders of that faith—quietly dispersed. In the public statement which is issued by my friend opposite in his name and that of others, there is not a word condemning what followed. They have not even cared to mention that incident which followed. His followers, his friends, made a raid on the village and the innocent people there—the people who have nothing—

**Diwan Chaman Lall :** May I interrupt my honourable friend and ask him to enlighten the House as to how he knows that they were the followers of my honourable friend? It is a very serious charge that the honourable member is making and I ask him to give evidence.

**Mir Maqbool Mahmood :** It is obvious. I will give you chapter and verse.

**Diwan Chaman Lall :** Do you realise the seriousness of a charge made against an honourable member of this House that his followers, apparently under his instigation, were guilty of a crime of this nature? That is the charge that the honourable member is insinuating against an honourable member here.

**Mir Maqbool Mahmood :** I never made any insinuation. I hope the House will bear me out. I did not insinuate that my honourable friend opposite wanted this murder.

**Diwan Chaman Lall :** What do you mean by 'followers of my honourable friend'?

**Mir Maqbool Mahmood :** Followers may have been worked to a pitch that they were unable to be controlled. I hope my time will not be taken away by interruptions. The point that I was making was that in this incident seven persons were seriously injured with twenty or thirty injuries on each of them and two of them had actually been killed brutally. Our opinion is that one of the very prominent persons—I will not mention the name—held this unfortunate man and the other persons hacked, with swords and *kirpans*, his brain out of his head. (*Interruption*). (*Voices from the Opposition benches : Fabricated story*). After all it is not the angels from the blue who killed him. They were either our friends who are followers of the other party—the preachers of non-violence—(*Interruption*). (*Several members from the Opposition benches rose from their seats*).

**Mr. Speaker :** I call honourable members to order. They should not address each other; nor should they criticise each other. Honourable members please restrain yourselves.

**Mir Maqbool Mahmood :** I hope this time will not be taken away from my fifteen minutes. I submit that these innocent men are murdered, but who is responsible for it? It would either be the villagers or the other party which was there to excite the people against whom they have to appear as

prosecution witnesses. (*Interruption*). (*Voices from Treasury benches*: We are not going to be interrupted like this). I was pointing out that not a single person on the opposite side received a single injury. My friend opposite made capital of the fact that not a single constable was present on the particular day. I submit that this is a circumstance that is indeed unfortunate. I think that had it not been for the fact that it was tenth of Muharram and the police had been despatched to other places. I would have condemned the police for not taking action. Let us assume, for the sake of arguments, that the police knew something about this affair, if the story of my honourable friend sitting opposite is correct. What did they know? They knew that there was going to be rowdiness in the meeting as reported by my friend in the letter to the superintendent of police, or certain persons were going to be murdered? If they knew that their own men were going to be murdered, they need not have held a meeting that day and there would have been no difficulty. I submit that a murder is a murder and even if the person murdered happened to be a non-congressman, I appeal to the fair sense of friends opposite to get up and condemn, even if he has been murdered by Congressmen. I appeal with all the earnestness that I can command that on matters of this nature let us join together to create the right sort of atmosphere and condemn such rowdiness. What followed after that? The whole village was deserted and that atmosphere—that situation—was created not with sinister motives but by working on sentiments which could not be controlled. Here I, with your permission, make an earnest appeal to the Honourable Premier and it is that this incident happened in my district and I hope that he will rise to the occasion and his Government will before long make a statement or announcement that the dependents of those innocent persons, who have been killed, will be properly looked after and those who are responsible for the murder will certainly receive deterrent treatment after it is proved as to who are responsible for those murders. Simultaneously, I hope he will, if necessary, bring forward a legislation to see that the right of public speech is respected by all concerned. With these words I oppose the adjournment motion.

**Diwan Chaman Lall** (East Punjab, non-Union Labour): I had no intention of taking part in this debate, but the speech delivered by my honourable friend Mir Maqbool Mahmood compels me to take up the challenge that he has thrown at the Opposition. It is no earthly good my honourable friend waxing eloquent and talking about murders and the responsibility about the murders. He knows perfectly well that on this side of the House equally with any other person on the floor of this House we condemn violence of this kind. (*Hear, hear*). We say that it is not our creed, that it is the most heinous, most criminal thing for any man even to contemplate a crime of this nature. My charge against the Government and my charge against my honourable friend Mir Maqbool Mahmood is that he himself personally is a culprit in this matter. (*Hear, hear*).

**Mr. Speaker**: Order please. If the honourable Diwan Chaman Lall wants to make a charge against the Honourable Mir Maqbool Mahmood, in his public capacity and against his public conduct, he may give notice of a substantive motion for that purpose.

**Diwan Chaman Lall :** I am not moving a no-confidence motion against him.

**Mr. Speaker :** The conduct of a member of this House cannot be brought under debate except upon a substantive motion.

**Diwan Chaman Lall :** I am not bringing the conduct of any member into debate. I am stating a fact regarding what he has done and I am entitled to do so. If I am not entitled to do so, what is the reality of this debate ?

**Mr. Speaker :** If the honourable member wishes to attack the conduct of a member of this House, he has to move a substantive motion for that purpose.

**Diwan Chaman Lall :** Mr. Speaker, I beg to submit that probably you have not followed the trend of the argument that I am advancing against my honourable friend. What I am saying is that Mir Maqbool Mahmood himself was aware of the circumstances leading to this affair beforehand. Am I not entitled to say that ? Am I to wait for a motion of no-confidence to make that assertion ? (*Mir Maqbool Mahmood rose from his seat*). I am not giving way to my honourable friend. I will give way to him in time.

**Mr. Speaker :** You say that he was aware of it.

**Diwan Chaman Lall :** I say he was aware of it and he knew about it. I say that he consulted police officials beforehand. (*Mir Maqbool Mahmood again rose from his place*). Mr. Speaker, I am not giving way to my honourable friend just now. I will give him way in time.

**Premier :** On a point of order. My honourable friend has said that with regard to this affair Mir Maqbool Mahmood consulted the police. Is that the point ?

**Diwan Chaman Lall :** Yes.

**Premier :** That is a most grave and uncharitable charge. (*Voices from Opposition benches : We will prove more than that.*)

**Diwan Chaman Lall :** I am prepared to take that challenge and I shall prove it when the necessity arises.

**Mr. Speaker :** The honourable member may be aware and he may be able to prove it but not on the floor of this House except in accordance with the rules of procedure governing the business of the House.

**Diwan Chaman Lall :** The point of this adjournment motion is this : Was the police informed beforehand, that there was going to be trouble at the meeting, or was not the police informed beforehand ; and if the police was informed beforehand, what was the police doing ? We did not ask the police to give a reception to my honourable friend. We did not ask them to come for the purpose of receiving my honourable friend. We warned the police that there was going to be trouble created by men who belonged not to this party but to my honourable friend's party. These badmashes, or whatever you call them, are the real culprits and these badmashes threatened the honourable members and warned them against the holding of the meeting. When we informed the police beforehand and asked them to take action, where was your police ? What was the police doing ? Did not the police deliberately allow this state of affairs to arise ; what other conclusion can my honourable friend arrive at ? The only conclusion is



this that the police knew it perfectly well : my honourable friend has not denied that fact. Does he deny that fact that the police was informed ? Does he deny that ? I hold this letter in my hand which has got the stamp of the police station. The police were aware that this threatening letter had been received. They were aware of these other communications. Why did not the police arrive at this meeting to try to prevent any such untoward incident ? Why did they not come ? My honourable friend has not replied to this charge ? If my honourable friend wishes to give a personal explanation regarding what I have stated I will, for a moment, with your permission, sit down, before I proceed with my speech. I take it that the honourable member does not want to do so. Let me draw your attention to this fact. It has been alleged that the reason why the police did not arrive at the meeting was because there was Moharram and the police were engaged otherwise. It is possible that at the time of Moharram there might be trouble between the two sects of the Muslims ; but here was the case where in reality trouble was being threatened, not a probability but a reality. It was the duty of the police to proceed to the spot where trouble was being threatened. My honourable friend thinks that the police is kept for the sake of special technical duties. The police must consider themselves as servants of the people, and when people are being threatened and their lives are in danger it is the duty of the police to be present on the spot. They were warned beforehand and they were asked to be present and if any murder has been committed whose responsibility is it ? Is it the responsibility of the Opposition ? Is it the responsibility of the leaders of the Congress or is it the responsibility of the head of the police or the honourable the Premier ? There is behind my friend Mir Maqbool, sitting behind him, Sardar Sahib Sardar Ujjal Singh. Was he not warned of the incident and did he or did he not inform the people who went to him that every step would be taken in order to protect the people ? Did he say that and if he did say that then what happened to the police ? What was the Superintendent of Police, Mr. Saunders, doing when he was warned and here in this letter, which my honourable friend referred to, is a very serious charge against Mr. Saunders himself. The charge against him is that he himself was instigating the people to go and disturb the meeting. It was the duty of Mr. Saunders when he was made aware of the serious charge to exonerate himself if he could. It was his duty to be present on the spot. The charge we make against the police is a charge of neglect, of a very serious, of a very criminal neglect of duty ; and instead of my honourable friend over there trying to hush up the matter as far as the police is concerned—we are only concerned as far as the police goes—instead of trying to hush it up, my honourable friend ought to be the first in the field to state openly, and courageously that there was dereliction of duty on the part of the police and that such incidents will never occur again. My honourable friend should take the earliest opportunity to dismiss every one of those police officials who were responsible for this occurrence. But for the fact that the police neglected their duty, is it conceivable that the occurrence of the nature could have happened ? It is not possible when the police were warned about the possibility of a serious occurrence like this, and if the police had been present there was no possibility whatever of such an occurrence. The whole matter of the adjournment motion resolves itself merely to this that it is a censure of the Government for neglecting its duty to protect the lives

[Diwan Chaman Lall.]

of citizens of a particular village when the police had been warned that this incident was likely to take place and when the police should have been present doing their duty to protect the lives of the citizens. That is a censure of the Government through this adjournment motion. There is no question of any doubt whatsoever of the serious condemnation in the hearts of everyone against those who were guilty of the crime of murder. There is no question about that. But there is equally no question about the condemnation of the conduct of the police for their dereliction of duty and the condemnation of the Government for their seeking to protect the police in an incident of this particular kind.

**Mir Maqbool Mahmood :** Sir, my honourable friend over there has made a serious charge against me. I fully repudiate unequivocally every word of the charge brought against me. I may tell him that I did not know anything of the incident till I read in the papers. I had no talk with the police officers. After this I hope he will accept my statement and will withdraw the remarks made about me. He cannot invoke the privilege of the House—

**Diwan Chaman Lall :** I am quite prepared to make a public statement.

**Mir Maqbool Mahmood :** Then make it.

**Diwan Chaman Lall :** I will.

**Khan Bahadur Mian Mushtaq Ahmad Gurmani** (Parliamentary Private Secretary) (Urdu) : Mr. Speaker, the adjournment motion moved by my honourable friend Mian Muhammad Iftikhar-ud-Din reminds me of a well known persian saying :—

چہ دلاور است نزد کہ بکف چراغ دارد

(How daring is the thief who goes about with a torch in his hand).

The honourable gentleman accuses the police for not making arrangements at the Congress meeting held at Fatehwal, district Amritsar on the 18th of March, in spite of a warning issued by the local Congress Committee to the effect that there was a danger of public peace on the occasion. This was probably the first occasion in the Punjab that the Congressmen realised the necessity of police at their meeting though ordinarily the presence of police at Congress meetings is always detested. My honourable friend Mian Iftikhar-ud-Din has alleged that the Secretary of Amritsar Congress Committee warned the superintendent of police that there was a danger of breach of peace at the Congress meeting which was to be held at Fatehwal on the 18th instant and requested that adequate police arrangements should be made there. He himself admits that this was an unusual request. Does my honourable friend want to shift the responsibility for the bloodshed and rioting which took place at Fatehwal on the police, by bringing forward these accusations: Sir, our information is that the secretary of the local Congress committee wrote to the Superintendent of Police, Amritsar, complaining that the police sub-inspector of the ilaqa was instigating people of Fatehwal and surrounding villages to disturb the Congress meeting which was to be held at Fatehwal on the 18th March, and to hold a rival meeting there on the same day, and he apprehended that a clash might

occur between the rival meetings. The superintendent of police made inquiries into the allegations contained in the letter and found them untrue. It was ascertained that neither any rival meeting was being held at Fatehwal on the 13th March, nor the local sub-inspector was instigating the villagers to disturb the Congress meeting. The authorities did not, therefore, apprehend any danger of disturbance on the occasion. The 13th of March happened to be the 10th of Moharram and all the police reserve was required at Amritsar and other towns for Muharram duty that day. No police could, therefore, be spared to attend the Congress meeting at Fatehwal on the 13th of March. Moreover, when the police authorities realised that no rival meeting was to be held at Fatehwal on the same day and hence there could be no danger of any disturbance, they considered it unnecessary to send the police there. But after the lamentable tragedy at Fatehwal the Congress has aptly convinced that their meetings must be controlled by the police in future. Sir, there might have been some ground for complaint by the Congress Leader against the police if there had been any obstruction or disturbance from the side of the local villagers, but the facts are quite the reverse. All those who have been assaulted and murdered are the poor villagers, while not a single Congressman has received even the slightest injury. This shows that it were the Congressmen who were hostile and responsible for the disturbance and not the poor unarmed villagers. It has been further alleged that five hundred armed villagers tried to disturb the meeting and used abusive language and slogans, such as 'Teja-Singh Zindabad' and 'Congress murdabad'. This allegation is also repudiated by the fact that no Congressman received any injury and when the police reached the scene of occurrence accompanied by a magistrate they found the *shamianas*, Congress flags, mottoes, durries and the dais in undisturbed condition. Even if it is believed that anti-congress slogans were raised by the villagers, who is responsible for this? The Congress itself is to be blamed for giving this training to the people. The slogans of 'zindabad' and 'murdabad' are the invention of the Congress as also many other abusive and vulgar terms and slogans. These terms were unknown to the simple villagers. They learnt these things from the Congress workers. The Congress should thank itself for this unwholesome training. I cannot help repeating a persian line with a little alteration which aptly applies to the present case:—

— باد سجوم این همه آرزو تست

I am not prepared to use the word *باد سجا* for the Congress on this occasion.

**Dr. Gopi Chand Bhargava :** This is due to the teachings of your ministers.

**Khan Bahadur Mian Mushtaq Ahmad Gurmani :** Our ministers cannot be accused of preaching lawlessness and disorder or using vulgar language. It is the privilege of the Congress to teach disobedience of law and disrespect for authority. It is they who have a soft corner for the criminals and law breakers and not we.

[K. B. Mushtaq Ahmad Gurmani.]

I would now like to acquaint the House with some facts regarding the unfortunate happenings at Fatehwal. As the time at my disposal is very limited, I would place a few important facts, briefly before the House. Certain Congress workers arranged a meeting of the Congress in the village on a previous occasion. The local villagers objected to the meeting being held in their village with the result that the meeting was dispersed. At this the organisers of the Congress meeting threw a challenge to the villagers that they would hold another meeting there and see how they are stopped from holding a meeting in the village. The demonstration on the 13th of March was accordingly staged in a spirit of revengeful bravado. On the 13th of March which happened to be the 10th of Muharram the 'Congress Lashkar' led by their leaders from Lahore and Amritsar and armed with "lathies," axes and "chhavies" arrived at Fatehwal. A mule laden with arms was also brought with them by the visitors. They started the meeting under a *shami na* which had been erected for the purpose at a short distance from the village. It is reported that the Congress leaders abused the members of the present Government, the village officials and the local villagers and raised slogans against them. Some of the villagers protested against the demonstration and disapproved of the abusive language which was being used against them and their leaders, by the Congress speakers. They appealed to the Congress leaders to leave the place or to direct their followers to refrain from using vulgar slogans and abusive language in the meeting. At this they were turned out of the meeting. They left the meeting and stood at a distance from the pandal as disapproving spectators of what was going on. On hearing their leaders, themselves and their women-folk abused, they also raised the cries of 'Congress murdabad'. This gave the Congress 'Lashkar' a pretence and they rushed on these unarmed and unprepared villagers who fled in fright into the village. The assailants chased them into the houses, broke open the doors, climbed the roofs in search of their victims and massacred those whom they could catch. One of the Congress leaders, it is alleged caught hold of a poor villager while another cut him through with his *kirpan* on the roof of a house. Four or five others were also seriously wounded: One of the victims received many injuries, even more than 27 cut wounds. All this bloodshed and massacre was carried on the roof of the houses in full view of the remaining audience. One man was killed on the spot while four others were left nearly dead who are now in a precarious condition in the hospital. It is significant that the murdered man and another person seriously wounded were prosecution witnesses in cases against Congressmen. In the meantime when the leaders came to know that four or five men had been killed they bolted from the scene. On seeing the leaders running away the others also retreated from the village and took to their heels. The villagers became terrified and deserted the village. The police later reached the scene of occurrence and is trying to bring the panic-stricken villagers back to their homes.

The statement which was issued by the Congress leaders on their return from Fatehwal does not mention anything about these murders. Not a word of regret had been said with regard to the incident. I am surprised at the audacity of the honourable gentleman the mover of the adjournment motion who is accusing the police instead of accusing his own followers.

He has contented himself by including a half-hearted word of sympathy for the victims in his speech, which amounts to adding insult to injury. It reminds me of a verse by Ghalib which reads as follows:—

کی میرے قتل کے بعد اُس نے جفا سے توبہ  
ہائے اُس زرد پشیمان کا پشیمان ہونا

Instead of giving an accurate account of their misdeeds, the Congress leaders issued a statement to the effect that five hundred armed men imported from other villages had attacked and tried to break their meeting at Fatehwal. They further accused the police for not giving them any protection. If the alleged armed villagers had attacked the Congress meeting, my honourable friend would not have returned home to issue the statement and move this adjournment motion. One cannot help acknowledging that our Congress friends are past masters in the art of propaganda. The Urdu proverb—

اُلتا چور کو توال کو دانگ

aptly applies to them. Before I proceed further I must acknowledge the Honourable Mian Iftikhar-ud-Din's devotional zeal for Congress duty. On the sacred day of the 10th of Muharram (عشرہ) every Musalman engages himself to commemorate one of the greatest events of the Islamic history and the greatest tragedy in the history of the mankind, i.e., the martyrdom of that great Apostle of truth, Imam Hussain (peace be on him), but my friend's devotion to Congress duty overcame his duty as a Musalman and he led a Congress lashkar to Fatehwal to play "holi" with the blood of innocent and peace loving citizens of that village. Our Congress friends have invented a novel method of commemorating the tragedy of Karbala. After these tragic happenings at Fatehwal, it will be remembered as the Karbala of the Punjab, and the Congress will be responsible for giving it this title.

My honourable friends opposite have asserted that Congress workers were not responsible for the murders and bloodshed at Fatehwal. Then, may I know who committed these assaults and murders? Did the angels descend down from heaven to kill those innocent persons or did ghosts invade the poor villagers? Our Congress friends have amply demonstrated what their professions of non-violence mean. They have shown the Congress fascism in its true colour. When the villagers were opposed to the Congress, why did the Congress leaders decide to hold a meeting there knowing full well that the meeting would endanger the peace? When these assailants and murderers are brought to book and convicted, they will be turned as political prisoners and the apostles of non-violence right from Mahatama Gandhi down to the back benchers in this house will come forward to demand their release. I want to inquire from them whether these tactics and their sympathy for the criminals encourages violence and crimes or helps in eradicating them? If their present activities remain unchecked, no life and property in this country will be safe and will create a chaos. By mobilising the forces of lawlessness and disorder, do our Congress friends wish to turn India into another Spain? They must realise that their acts of terrorism and intimidation which are in direct contravention with their professions, will sound a death knell to the Congress. All responsible Congressmen should unequivocally condemn this outrage and should publicly

[K. B. Mushtaq Ahmad Gurmani.]

disown all those who indulge in these unwholesome tactics. Before I resume my seat I must sound a note of warning to the Government. It is the primary and fundamental duty of every Government, worth the name, to maintain peace and order in the country and to protect the life and property of its citizens, and if a Government cannot discharge this important duty efficiently and effectively, they have no right to remain in office. I demand of the Honourable Premier to assure this House and the people outside that he will take strongest measures to combat crimes of violence and ensure that the life, property and liberty of the citizens of this province will be adequately protected and safeguarded. The faith of the people has been greatly shaken in the administration after the unforgivable tragedy of Fatehwal, which can be rightly termed as the second 'chouri chora' in the History of the Congress, and the Government must take immediate steps to re-establish confidence in the minds of the peace loving citizens of the Punjab by assuring them that the Government will take strong measures to prevent the recurrence of such incidents.

With these words, Sir, I oppose the adjournment motion under discussion.

**Sardar Sohan Singh Josh** (Amritsar North, Sikh, Rural) (*Punjabi*)  
Sir, the police was informed more than once beforehand that breach of peace was apprehended.

**Mr. Speaker :** Repetition is not allowed.

**Sardar Sohan Singh Josh :** I want to make it clear that if we dispassionately think over the unfortunate incidents that took place at Fatehwal, we would easily arrive at the conclusion that all this was due to a conspiracy. It is a well known fact that Pritam Singh of Sargodha wrote a letter to the Superintendent of Police, Amritsar, some ten days before the holding of the meeting at Fatehwal, that trouble was likely to arise there, and if police arrangements were not made, serious disturbance was likely to take place. In reply the said officer assured him that he would make suitable arrangements to keep the situation well under control. I may point out to the honourable members that when an ordinary meeting of the Congress is held, elaborate police arrangements are made and even the C. I. D. reporters are sent there to report the proceedings. I fail to understand why the police did not take any precautionary measures in connection with this mammoth meeting, when they were already informed that the breach of the peace was apprehended. I cannot help submitting that all this was predetermined and the mischief mongers hatched up a conspiracy with the police for the apprehension of political workers.

My honourable friend Mir Maqbool Mahmood has remarked that this meeting was held by the socialists. I may inform him that the first as well as the second meeting was convened by the Congress. I may also add that Fatehwal is in my constituency. All of my workers went there and controlled the meeting so efficiently that it lasted for four hours, in spite of the attempts made by the badmashes holding chhavis in their hands to create disturbance. It will not be out of place to mention that the names of most of those badmashes were already recorded in Register No. 10 maintained

by the police. They attended the meeting with the sole purpose of creating trouble. It has been argued that they had gathered there to maintain the sanctity of Muharram and that they resented the holding of any meeting of the sort on that day. But I may submit that this was a Congress meeting. If any body did not like to attend it he might not have attended it. Nobody was compelled to do so.

Besides, I would submit with all the force at my command that Teja Singh and Shahab Din, Sub-Inspector, went round the village and persuaded the bad characters to loot the people and assault the women and do whatever they liked. They openly declared that Mir Maqbool Mahmood was their own man. He would save them.

**Premier :** I must protest against those wild allegations. I think it is very unfair to make those allegations against two persons by name, one of them being a sub-inspector of police. If he wishes to draw Government's attention to any fact, the honourable member should put in a proper complaint.

**Sardar Sohan Singh Josh :** I must say that the name of Shahab Din was mentioned in the letter. He created mischief, I mean Teja Singh and he incited the people to lawlessness.

**Premier :** I must again protest against those very wild and irresponsible remarks.

**Pir Akbar Ali :** May I know which party did the men who were murdered belong to ?

**Sardar Sohan Singh Josh :** Sir, my submission is—

*(At this stage the Premier stood up, but the honourable member did not give way.)*

**Mr. Speaker :** When the Honourable Premier stands up, the ordinary courtesy requires that the honourable member should give way. As to the point of order raised, it is not fair to name a particular officer.

**Premier :** My honourable friend is making serious allegation knowing full well that he is protected.

**Mr. Speaker :** It is not fair, I quite agree ; but the question is whether it is unparliamentary.

**Premier :** I beg your pardon. You will not find a single instance in the Parliament where an allegation of that kind is made against an officer and he takes his shelter behind the Parliamentary privilege.

**Mr. Speaker :** It is not proper, it is not fair. Nay, it is defamatory to make such remarks against an officer.

**Sardar Sohan Singh Josh :** Sir, I may also submit—

*(At this stage Pir Akbar Ali stood up to speak.)*

**Mr. Speaker :** It is unparliamentary on the part of members to stand up over and over again to raise points of order. That is not right.

**Sardar Sohan Singh Josh :** Sir, I was going to submit that a meeting in connection with rural reconstruction was to be held at village Chamvari. The deputy commissioner and Honourable Mir Maqbool Mahmood went there to attend it. But the political workers did not allow that meeting

[S. Sohan Singh Josh.]

to be held. The police took it ill and now they availed this occasion to wreak vengeance on them.

**Mr. Speaker :** The case is bound after all to come before a court of law. It is not *sub-judice* to-day, but shall be so before long. So, it is highly desirable that the honourable members should not discuss, if possible these details and make statements on their personal authority when they are not eyewitnesses.

**Sardar Sohan Singh Josh :** My submission is that it was a conspiracy by the police to which Honourable Mir Maqbool Mahmood was also a party to put the political workers in trouble.

**Mr. Speaker :** The honourable member is requested not to attack Mir Maqbool Mahmood.

**Pir Akbar Ali :** The honourable member should withdraw his remarks.

**Sardar Sohan Singh Josh :** I do assert that it was a conspiracy, because it was feared by the Unionists that if Socialists and Congress workers were allowed to continue their activities as before, a day will come when there will be no influence of the Unionists in the ilaqa. That is why this conspiracy has been hatched to bring the political workers to their knees.

The meeting lasted for full four hours and the Congress may claim credit for having behaved peacefully and orderly in spite of the great provocation from the non-congressites. The trouble arose when the meeting was over and the people had dispersed. A fight took place between two factions of the villagers, one belonging to Teja Singh who, as I have already stated, was in league with the police.

**Mr. Speaker :** No conspiracy is under discussion. The House is discussing that the police was not able to take and did not take any action and that consequently certain serious results have happened. That is what we are discussing. So the honourable member is requested not to refer to any conspiracy and not to bring in any names.

**Sardar Sohan Singh Josh :** Well, Sir, I may submit that all this was predetermined and the mischief mongers were in league with the police to bring the Congress into disrepute and to commit violence in which the police could easily lay their hands on the Congress workers who have a great influence in the country-side.

**Mr. Speaker :** That again is irrelevant. What we are discussing is why the police was not sent there to preserve order. That is the point and we are not concerned with anything beyond it.

**Sardar Sohan Singh Josh :** Now let us turn to what is going on there at present. The innocent people are being harassed, their houses are being searched and women are searched after putting off their clothes.

**Mr. Speaker :** Order, order. That again is not under discussion. The honourable member is again defending certain persons and I cannot allow that. Persons should be neither accused nor defended. The honourable member may discuss why the police were not sent to the spot.



**Sardar Sohan Singh Josh :** I cannot help observing that when the police was urgently needed for the protection of life and property of the people, the police was nowhere to be found but now when the worst has happened, the police has reached there in large numbers.

**Mr. Speaker :** That again is irrelevant.

**Sardar Sohan Singh Josh :** A few days earlier, the police had sent for all the badmashes of the area and had a talk with them in confidence. It is obvious, therefore, that there was a conspiracy going on between the police and the bad characters of the ilaqa.

**Mr. Speaker :** The House is not concerned with the conspiracy of the police.

**Sardar Sohan Singh Josh :** Besides, it is being urged in defence of the Government that elaborate arrangements were to be made in almost all the big towns on account of Muharram and for this reason no police was available for Fatehwal meeting. If that was the case how could the Government arrange to send the police there within half an hour after the trouble had arisen. As a matter of fact the police sub-inspector knew it beforehand that some trouble was likely to arise at Fatehwal but none the less no precautionary measures were taken.

**Mir Maqbool Mahmood :** On a point of personal explanation. My honourable friend who has just spoken (S. Sohan Singh Josh) has also insinuated that there was a conspiracy of certain police officers and others to bring about this affair and he went to the extent of saying that I was a party to that conspiracy. I beg to repudiate that insinuation and I request him either to withdraw it or to have the courage to make that statement outside the House.

**Mr. Speaker :** If the honourable member withdraws the latter part of his request, I will ask the other honourable member to withdraw his statement.

**Mir Maqbool Mahmood :** I beg to invite your attention to rule 29 which says that no member shall make personal references or utter defamatory statements. So I say that if my honourable friend accepts my statement and withdraws the remarks that he has made about me I shall be satisfied ; otherwise I am within my rights to ask him to make those remarks outside the House and I think that is parliamentary practice.

**Mr. Speaker :** After his refusal to withdraw the objectionable remarks, the honourable member might have thrown that challenge, but not till then. Those words, especially with regard to an honourable member of this House, are unparliamentary and I have already taken exception to them.

**Sardar Sohan Singh Josh :** What were those words ?

**Mr. Speaker :** The House knows them—those words in which he made an insinuation against the honourable member.

**Diwan Chaman Lall :** I think, Mr. Speaker, there is some misunderstanding. What the honourable member on this side said was that there were certain people in a village who were taking Mir Maqbool Mahmood's name. That is all.

**Mr. Speaker :** What did the honourable member say ?

**Sardar Sohan Singh Josh** : I said several things.

**Mr. Speaker** : What did he say about the honourable Mir Maqbool Mahmood ?

**Sardar Sohan Singh Josh** : (*Punjabi*) : "I said that Teja Singh was declaring "Mir Maqbool Mahmood is there to support us and therefore let no one entertain any fear on account of subsequent punishment."

**Mr. Speaker** : What words does the honourable member take exception to ?

**Mir Maqbool Mahmood** : I understand my honourable friend opposite to say that there was a conspiracy and I was a party to that conspiracy.

**Diwan Chaman Lall** : Nobody said that.

**Mr. Speaker** : Did the honourable member say that ?

**Sardar Sohan Singh Josh** (*Punjabi*) : I have already said what I have said.

**Mr. Speaker** : Will the Honourable Mir Maqbool Mahmood please say again to what words he takes exception.

**Mir Maqbool Mahmood** : I understood my friend opposite to make certain statements in Punjabi, which, paraphrased as correctly as I can, insinuate that there was a conspiracy about this matter by certain police officers and that I was a party to that conspiracy.

**Mr. Speaker** : Did the honourable member say so ?

**Sardar Sohan Singh Josh** (*Punjabi*) : I do not understand what the honourable member is saying.

**Mr. Speaker** : I know to what extent the honourable member knows the English language. Will he please say whether he admits to have said so or not.

**Sardar Sohan Singh Josh** : I know that he is in the conspiracy and I do not withdraw the words.

**Mr. Speaker** : As that is a charge against an honourable member of this House and as the honourable member says that he will not withdraw it, I direct him to leave the House.

*Sardar Sohan Singh Josh left the Chamber.*

**Mir Maqbool Mahmood** : On a point of order. My honourable friend Diwan Chaman Lall also made a similar statement and either his remarks be expunged or he may be requested to withdraw them.

**Diwan Chaman Lall** : Since the honourable member has drawn your attention to the remarks made by me, I stand by every word that I uttered and what I uttered is this and let my honourable friend listen. What I charged him with is that he had conversations with certain people before this incident and if he denies that I can prove it. This is exactly what I said. My honourable friend is very sensitive. Why is he so ? Is it a case of

چور کی قازح میں تنکا

He is very sensitive about these matters. He has no business to be sensitive. I say that he had conversation with people before this incident. I charge him with having had conversations.

**Mr. Speaker :** Every conversation with a person may not be objectionable. Question is what that conversation was about ?

**Premier :** Then why labour the point ?

**Mr. Speaker :** Unless the subject matter of the conversation is stated how can I express any opinion about it ?

**Diwan Chaman Lall :** If my honourable friend wants me to repeat it I am willing.

**Premier** (The Honourable Major Sir Sikander Hyat-Khan) : After what my honourable friend has said I do not know why we should labour the point. You will remember that when this adjournment motion was moved the other day I requested my honourable friends opposite not to press the motion because I had not received full details about this unfortunate incident and I said at that time that if the little information which I had received was true, it made me shudder to think of the future of this province. It is unfortunate, very unfortunate indeed that the information which I had received then is not only corroborated but has been amplified and it makes the case even worse. I am surprised that my honourable friend who was present himself at that meeting should have himself had the audacity of coming and moving this motion here. A gentleman or a person who is himself in a way involved in an incident of that nature should be the last person to come before this House and take advantage of his position as a member of this House to move an adjournment motion. If I had been in his position I would have hung my head in shame and not entered the sacred precincts of this Chamber.

**Diwan Chaman Lall :** May I interrupt the Honourable Premier ? It is a very serious statement that the Honourable Premier is making in regard to my friend and I want the Honourable Premier to make his position a little more definite. Is he charging my honourable friend with being a party to this incident ? Did he say that or something else ?

**Premier :** If my honourable friend had the patience to listen he would have learnt what I meant and what I was going to say. What I said was that my honourable friend was present at that meeting.

**Mian Muhammad Iftikhar-ud-Din :** And you said involved in this incident.

**Premier :** My honourable friend was present in that meeting and he comes here as a *peshbandi* to move an adjournment motion. My honourable friend should have had the decency to ask one of his other friends to make the motion.

**Mian Muhammad Iftikhar-ud-Din** Why ? I am not such a coward.

**Diwan Chaman Lall :** Mr. Speaker, the point is that my honourable friend the Premier said that the honourable member was involved in this incident. Is that his charge ? If that is not his charge I have no complaint against him, but if this is the charge then I wish to draw your attention to this particular phrase used by him and I want to request you to ask him to withdraw that phrase or to take the same action against him that you took against Mr. Josh.

**Chaudhri Kartar Singh :** On a point of order.

**Mr. Speaker :** What is the honourable member's point of order ?

**Chaudhri Kartar Singh :** I have a very important point of order. Should we understand from the speech of the Honourable Premier that Mian Iftikhar-ud-Din's name has been mentioned in any police report ?

**Mr. Speaker :** That is not a point of order.

**Premier :** My honourable friend was trying to be clever and he wanted to pump me out and get details. I am not going to give any information. What I wanted to say was that my honourable friend was present there and he was invited to attend that meeting. I did not say that my honourable friend was also involved in the subsequent events. That is not for me to say. It is for the investigating officer to say. What I said was that the honourable member should have had the decency to allow somebody else to move a motion of this kind. In that case he would have been a witness to come forward and make allegations.

**Diwan Chaman Lall :** Why did Mir Maqbool Mahmood speak ? He was also a witness.

**Premier :** My honourable friend must remember that I am always prepared to bear interruptions with equanimity and without in any way creating bitterness in this House, but my friend must remember that I have got only 15 minutes because that is the limit under the rules.

*(At this stage Mian Muhammad Iftikhar-ud-Din got up to speak.)*

I am not surprised that my honourable friend is restive and if I were in his position I would probably feel exactly like that. As I said, I have got plenty of information here which if I had the time I could give to the House. Naturally as a person who is responsible for law and order I cannot divulge at this stage any confidential information because it might affect the proceedings in a law court which are absolutely certain after what my honourable friend knows has happened and what I know about this incident. Their main argument was that the police had not attended the meeting to look after the Congress people. Now, he read out a letter from the Secretary of the Congress Committee. He also stated that that gentleman arrived here on the 12th and tried to interview me and that since he could not get hold of me, he got hold of my Parliamentary Secretary Sardar Ujjal Singh and that he had a long discussion with him and that he asked Sardar Ujjal Singh to see that police arrangements were made. He said nothing of the kind. What he told Sardar Ujjal Singh was that there

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was likely to be trouble in that village because there had already been trouble in that village before. He related various incidents relating to the meeting on the 2nd February and thereafter. I have with me the paper on which my friend Sardar Ujjal Singh, being methodical as he is, took down notes of that conversation. What he eventually said was—

“Saunders, Deputy Superintendent of Police, came there on 8th February, 1938, and arrested Congressmen on charge of wrongful confinement of some persons and causing hurt. Enquiry by Superintendent of Police, Amritsar, might be made.”

That is the request that he made. There is nothing whatsoever about the meeting and of police being sent. He said that he went to the Superintendent of Police. I made particular enquiries from the Superintendent of Police about that. That letter is there. It speaks for itself. He went to the Superintendent of Police and told him that they were going to have a meeting on the 13th and since there had been trouble in the village before, they anticipated trouble and that five hundred Unionists were likely to come and create disturbance in that meeting. He also said that they were likely to hold another big meeting and there might be a clash. The Superintendent of Police made enquiries and found that the other party had held a meeting two days earlier. Since the other party had held that meeting and since there was going to be no counter meeting, there was nothing to fear about that meeting because the meeting which, according to my honourable friend opposite, was announced by the Secretary of the Congress Committee was going to be a non-violent meeting and a meeting of persons who believed in non-violence as their creed, who do not lift their little finger if somebody came and abused them and attacked them. This was the position in which the Superintendent of Police was put and my honourable friend is aware that we have not got any police to spare. My friends are also aware that on occasions like Muharram there are riots and other troubles and police and other men that we can spare from the police stations and other reserves are used for that purpose. My honourable friends are also aware that there is trouble brewing in Lahore or it might brew. There is trouble brewing at Jullundur and other places during Muharram. We have had to get reserve in Lahore from other districts, i.e., from Amritsar, Kasur, Jhelum and other places.

**Sardar Partab Singh :** Police station is only two miles away.

**Premier :** Why should my honourable friends, when they knew that there was going to be trouble, hold a meeting on the 13th when it was difficult for the police to be spared? (*Uproar.*)

**Sardar Sampuran Singh :** Police never said that they would not be able to go. (*Interruption.*)

**Mr Speaker :** Order, order.

**Premier :** As I said, police did not anticipate any trouble. Why should they anticipate trouble from those who are innocent people and who believe in non-violence? That is why the police was not there. My honourable friend must have heard the mover of the adjournment motion. He said that a messenger came to see me and my Secretary and asked for help. He can take the word of honour of my Secretary that no such thing was said. All that was required of the Government or the Secretary was that the Superintendent of Police should hold enquiry with regard to certain arrests made by the Deputy Superintendent of Police and this was on the 12th. The meeting was held the next day and this incident happened I think in the afternoon. My honourable friend must be knowing the exact time because he was there. He must be knowing what happened at that very non-violent and peaceful meeting. (*Interruption.*) I am sorry if my honourable friends consider that I am trying to be sarcastic. Nothing of the kind. It is most unfortunate that this incident should have happened

[Premier.]

because it would not only shake the confidence of the people in the Congress but it also shakes the confidence of the people in the creed of the Congress.

**Diwan Chaman Lall :** Congress has nothing to do with it.

**Premier :** Yes, Congress has nothing to do with it after the incident. I would request my honourable friend opposite to use his influence and to see that those hooligans and *badmashes* who went armed with lathis, axes and kirpans to this meeting, are ex-communicated and that they are turned out of the Congress. (*Voices : They are not in the Congress.*) I need not give the whole information which is in my possession. But my information is that in the Punjab ninety per cent. of the *badmash* element has become a four anna member of the Congress. (*Voices : Question.*) (*Great Uproar.*)

**Diwan Chaman Lall :** May I—

**Mr Speaker :** He has made a statement.

**Diwan Chaman Lall :** What statement Mr. Speaker? He has charged the Congress with being *badmashes*. *Badmashes* if there are, they are sitting on those benches. He said that ninety per cent. of them are four anna members. I ask the Honourable Premier to withdraw those words. We are not going to permit the honourable member to proceed (*Great Uproar*). We will not allow you to proceed unless you withdraw that expression.

(*As there was great disorder Mr. Speaker adjourned the Assembly.*)

The Assembly re-assembled at 8-12 P. M., Mr. Speaker in the Chair.

**Mr. Speaker :** Ladies and gentlemen, the way in which a few minutes ago some honourable members behaved in this House was so unparliamentary, so undignified and so disorderly that I found it rather difficult to maintain order. And if I cannot maintain order what is the use of my remaining in the Chair? What the Premier said, if I understood him aright, was that recently some *badmashes* had become four anna members of Congress. Though it was not very dignified, yet it was not unparliamentary. The retort was that "*Badmashes* if there are, they are sitting on those benches" and this was intolerable. What could I do in these circumstances? All I could do was to call upon the honourable Diwan Chaman Lall to withdraw his words, resume his seat and preserve order. But he did not obey and there was a grave disorder and uproar in the House. I did not expect this and if the House behaves like that I shall be the last to remain in this Chair. If I am not listened to, and my orders are not carried, I consider myself unworthy of this Chair. During my Speakership, nay always, I wish to see you discussing matters in a most dignified and parliamentary way.

**Premier :** Sir, I am very sorry for all this 'hallu ballu'. As a matter of fact I think it was misunderstanding on the part of my honourable friends opposite. What I said was and which I am going to repeat again is this that my information is that 90 per cent. of *badmashes* have become four anna members of the Congress.

**Diwan Chaman Lall :** I am very sorry to interrupt my Honourable friend. If he is not going to withdraw—

**Mr. Speaker :** It is not objectionable. Allow me to explain why I do not hold it objectionable. A man may be a *badmash*, a dacoit, he may be a thief, he may be otherwise a very bad man but yet he may be a member of this or that political party. Where is the objection?

**Premier :** If my honourable friend.....

**Diwan Chaman Lall :** If my Honourable friend will permit me to say one word through you on this particular.....

**Premier :** If he will allow me to complete my sentence it will not be necessary for him to speak. (*Interruptions.*)

**Diwan Chaman Lall :** There can be no explanation.

**Premier :** What I said was that 90 per cent. of *badmashes* have become four anna Congress members. That does not mean that the Congress consists of 90 per cent. of *badmashes*. What I said was that they were simply trying to take shelter behind the Congress. If my honourable friend will read the report of the General Secretary of the All India Congress Committee he will know that he has also mentioned that fact in that report that undesirable persons were getting into the Congress and will try to get into the Congress. (*Interruptions.*)

**Mr. Speaker :** Please do not interrupt the Honourable Premier.

**Diwan Chaman Lall :** We cannot accept this interpretation and we do not wish to be a party to this.

(*At this stage Diwan Chaman Lall and some members of the Opposition left the House.*)

**Premier :** Sir, I knew perfectly well that my honourable friends opposite would not be able to stand the truth which we are going to tell them about this matter. I was trying to explain that they were absolutely in the wrong. When a press statement was issued by the people, who were present in that village during that meeting, not a word and not a syllable was mentioned about anybody being murdered or injured. When one man was butchered on the spot, my non-violent friends opposite took to their heels because they could not possibly help those people. I do not blame them. I told my honourable friend Mian Muhammad Iftikhar-ud-Din that they would be disillusioned if they think that everybody can be non-violent like Pandit Jawahar Lal Nehru or Mahatma Gandhi or like him or my other friends opposite. It is impossible to keep order when the trouble arises. Now, Sir, I think my honourable friends opposite will admit that I do not want in any way to shield the police and I can assure you that in spite of the fact that it was a Moharram day when this meeting was held by this non-violent innocent political party or persons it seems that they should have sent a few police-men there to keep law and order. (*Hear, hear.*) I take objection to that from that point of view. I knew that we were hard-pressed at the time and that we were short of men, but one or two policemen could have been spared if they had given the information to the nearest *thana* when the trouble arose. I am sorry to say that according to my information this thing was deliberate and planned. According to my information a mock marriage procession was held in that village that very morning and one of the ringleaders, who is involved in this incident of murder, led that mock procession. If those people wanted to hold an

[Premier.]

orderly meeting they would have not done anything like that. The trouble occurred a few weeks earlier and a case was going on in a law court, yet, those people selected this very village for Congress meeting on the Moharram day, when they definitely knew that the police would not be available. Does it not seem to be significant that they should select that very day and that very village where there was already a trouble before? All the persons who invited our Congress friends opposite were Congressmen themselves and those non-violent people were armed with lathis, axes and kirpans. When this trouble occurred, as my honourable friend Mir Maqbool Mahmood pointed out, one of those leaders, who was also leading that mock marriage procession in the morning, went after a man, climbed the roof of the house, held him down and with others butchered him with kirpans, and yet my honourable friends have decided to come here merely to save their faces and try to defend that kind of incident. It is very disgraceful. If that kind of thing is allowed, political life, not only in this province, but I can assure everybody that in other provinces as well, would be impossible. I knew that my honourable friends, who have left the chamber, would not be able to stand against the truth with regard to what actually happened. They thought that they would try to bluff the press and public outside by issuing a statement and moving this adjournment motion. Is it not significant that if other party also had been aggressive there would have been some injuries on the other side also, but not a single scratch. The shamiana was intact and everything was intact. Four innocent persons were seriously injured, two murdered and several people got no less than 20 injuries each on their bodies. I have nothing more to add but to say that still I will make further enquiries as to whether the police could not have spared a few men to be sent to the village. My non-violent friend Sardar Sohan Singh Josh, who has been very voluble today went to that village with another honourable gentleman from here. They were nearly lynched and it was the police who saved them in that village where they went to make enquiries. I must say, Sir, that in future if this kind of non-violence goes on, I am afraid that no meeting would be possible even for Congress people without the police. I would have to see that they should fix the time with the utmost care and make sure that the police is available before they hold such meetings, otherwise more people would be murdered.

**Mr. Speaker :** Question is—

That the House do now adjourn.

*The motion was lost.*

**Mr. Speaker :** It is extremely regretable that the honourable members of Opposition have left the Chamber. All I wish to say is that if some honourable members of this House continue to behave as they have behaved today, it will be impossible for me to carry on as Speaker. Under the circumstances the only course open to me is to resign my office. (*Voices : No, No.*) So long as the honourable members were behaving in a parliamentary manner and obeying my rulings and decisions I intended to continue sitting in this chair. But now I find that it is extremely difficult, nay impossible, to carry on my duties consistently with the dignity of the chair.



**Premier :** Sir, I am extremely sorry that it has been necessary for you to make these remarks. I can assure you that so far as we here are concerned, you can always, as before, rely on our fullest support. (*Cheers.*) As my honourable friends opposite are not here, it would not be, I think, proper for me to say anything about them, but I could feel from the very beginning when I got on my feet that it appeared that it was a weak case and perhaps they would, under one pretext or another, try to get out of this difficult position.

Unfortunately my anticipation and forecast came to be true. I told some one, even before this adjournment motion came up, that I anticipated some kind of demonstration today, because I felt sure that they made a great mistake in bringing forward this motion, and that I would not be surprised if some kind of demonstration is utilised to get themselves out of this difficulty. Instead of facing the facts they have staged this demonstration.

Be that as it may, what I want actually to tell you is that I am sure that when your message is conveyed to my honourable friends opposite they will, I think, support me in saying that we should all like you to continue in the chair and that you can rely on the support of both sides of the House and that we would continue as before to uphold the honour and dignity of the chair.

**Mr. Speaker :** The matter is a serious one and, therefore, requires very careful consideration. I am very sorry for what has taken place, but at the same time I am grateful to honourable members for wishing me so kindly to continue in the chair and promising their whole-hearted support in carrying on my duties. I am grateful to the Honourable Premier for what he has been pleased to say about me. I highly appreciate every word of his and before taking any further step shall consult him as well as the Leader of the Opposition. I need hardly assure you that I have not been a party man and have always tried to act impartially. I may have given wrong rulings. I may have erred in my announcements. But I never did anything wrong intentionally. I am thankful to you.

*The House then adjourned till 2-30 P. M. on Friday, 18th March, 1938.*

1917

1. The first of the three main branches of the  
theology of the church is the doctrine of God.

2. The second of the three main branches of the

theology of the church is the doctrine of man.

3. The third of the three main branches of the



1917

1. The first of the three main branches of the  
theology of the church is the doctrine of God.

# PUNJAB LEGISLATIVE ASSEMBLY

2ND SESSION OF THE 1ST PUNJAB LEGISLATIVE ASSEMBLY.

Friday, 18th March, 1938.

*The Assembly met at the Council Chamber at 2-30 P. M. of the clock. Mr. Speaker in the Chair.*

## STARRED QUESTIONS AND ANSWERS.

GRANT-IN-AID TO DAYANAND AYURVEDIC COLLEGE, LAHORE.

**\*2118. Master Kabul Singh :** Will the Honourable Minister of Education be pleased to state—

- (a) whether the local Dayanand Ayurvedic College receives aid from the Government ;
- (b) if so, what is the amount of it ;
- (c) whether the Government are aware that the names of all the students of the said college have been struck off the roll and the college has been closed for three months ?

**Mrs. J. A. Shah Nawaz (Parliamentary Secretary) :** (a) No.

(b) Does not arise.

(c) I have no official information ; but I have read about the matter in the papers.

PURCHASE BY THE MUNICIPAL COMMITTEE, BHAKKAR, OF A COPY OF THE AUTOBIOGRAPHY OF PANDIT JAWAHAR LAL NEHRU.

**\*2119. Munshi Hari Lal :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether a copy of the Autobiography of Pandit Jawahar Lal Nehru was ever purchased by the Municipal Committee, Bhakkar, Mianwali district ;
- (b) whether the Government objected to (i) the cost being met out of the municipal funds and (ii) the book being kept by the committee, if so, reasons for the same ;
- (c) if the answer to (b) be in the affirmative, (i) who was required to pay the cost of the book (ii) and whether the book is still in the municipal office ; if not, where it is ?

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

(b) No.

(c) The cost was met by the Municipal Committee and the book is in the municipal library.

**Lala Deshbandhu Gupta** : What is the policy of the Government regarding the purchase of books by the municipalities ? Does Government maintain any list of books out of which municipalities might have to purchase ?

**Parliamentary Secretary** : Not that I am aware of.

**Lala Deshbandhu Gupta** : Are they free to purchase books for the library ?

**Parliamentary Secretary** : Yes.

NUISANCE CAUSED BY THE EXISTENCE OF PRIVATE LORRY STANDS  
IN VARIOUS DISTRICTS.

**\*2120. Sardar Hari Singh** : Will the Honourable Minister of Revenue be pleased to state—

- (a) the number and nature of private lorry stands at Ludhiana, Amritsar, Lahore, Ferozepore, Gujranwala, Sialkot, Gujrat, Jhelum and Rawalpindi ;
- (b) whether at various times since 1935 the Punjab Motor Union and some other bodies have drawn the attention of the Government to the nuisance caused by the existence of these stands to the general public ;
- (c) if so, whether any action has been taken so far by the Government ; if not, reasons for the same ?

**The Honourable Dr. Sir Sundar Singh Majithia** : (a) The term "private stand" has been used on various occasions in at least four different senses :

- (i) A stand on a privately owned site, as distinct from one on Government or municipal land ;
- (ii) A stand which has not been approved under Rule 53(a) of the Punjab Motor Vehicles Rules, 1931 ;
- (iii) A stand administered by one or more private vehicle owners or corporations of owners, as distinct from a stand controlled by the municipal body in whose jurisdiction it is situated ;
- (iv) A stand established and administered by one or more individual owners or companies not by the local Union.

Before considering whether it is possible to collect any figures, I shall have to ask the honourable member to make it clear in which sense he is using the term.

(b) Yes. Complaints have been made regarding what are called private *addas*.

(c) As the honourable member is perhaps aware, it was held by the High Court at Lahore in 1934 that the authorities have no power to interfere with a stand located on private land. The Punjab Government understands that provisions are likely to be included in the new Central Bill which will enable provincial Governments to make rules dealing with the matter.

DEMOLITION OF THE ROOF OF A MOSQUE IN POLICE LINES,  
LYALLPUR.

**\*2121. Khawaja Ghulam Samad :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that the roof of a mosque situated in the Police Lines, Lyallpur, was recently demolished; if so, by whom and at whose instance;
- (b) whether it is a fact that the Sikhs walked about in the mosque with shoes on and climbed up on an almirah containing the Holy Quran with shoes on;
- (c) whether Government is aware that a strong sense of resentment is prevailing among the Muslims for this act of Sikhs and the Sikh officer;
- (d) whether any inquiry has so far been held in this case by the Government and the steps Government proposes to take in this matter as a result of that inquiry?

**Sardar Sahib Sardar Ujjal Singh (Parliamentary Secretary) :**

(a) No. All that was done was to trim an overgrown creeper planted along the sides of a prayer platform. The head-constable who had the work carried out (at the suggestion of the Deputy Superintendent of Police, a European), was a Muslim.

(b) and (c) No.

(d) Government have ascertained the facts in order to reply to the present question. The honourable member's inquiry seems to have been based on a garbled report which appeared in a Lahore newspaper in January last. The propriety of action against the newspaper will be examined, but as it has since published a contradiction it will probably not be considered necessary to take severe action.

COMMUNAL REPRESENTATION IN THE NUMBER OF CLERKS IN THE  
OFFICE OF SUPERINTENDENT, CATTLE FARM, HISSAR.

**\*2122. Khawaja Ghulam Samad :** Will the Honourable Minister of Development be pleased to state—

- (a) the total number of clerks community-wise in the office of Superintendent, Cattle Farm, Hissar, and the number of such clerks community-wise as have been employed by the present Superintendent of the said farm during 1937 up to date;
- (b) the number community-wise of out-door labourers employed in this period at the farm;

[Khawaja Ghulam Samad.]

- (c) whether it is or it is not a fact that sometime back instructions were issued to the Superintendent to recruit in service of the said farm members of agricultural tribes only and especially the Jats ?

**The Honourable Chaudhri Sir Chhotu Ram :**

(a) Total number of clerks	..	..	..	14
Hindus ..	..	..	..	9
Muslims ..	..	..	..	4
Sikh ..	..	..	..	1
Total				14

During the year 1937 up to date one Hindu and one Muslim, who had already been working as apprentices, were appointed by the present Superintendent.

(b) Number of out-door permanent labourers on 1st January, 1938..					451
Hindus ..	..	..	..	235	
Muslims ..	..	..	..	196	
Sikh ..	..	..	..	1	
Christian ..	..	..	..	1	
Vacant ..	..	..	..	18	
Total ..					451

Number recruited during the year 1937	..	54
Hindus ..	..	27
Muslims ..	..	27
Total		54

(c) No.

**Lala Duni Chand :** Is it true that questions of this kind tend towards communalism ? If so, will the Honourable Minister deprecate this tendency on the part of the Unionist members who put such questions ?

**NON-AGRICULTURIST MEMBER OR PRESIDENT OF DEBT CONCILIATION BOARDS.**

\*2123. **Khawaja Ghulam Samad :** Will the Honourable Minister of Development be pleased to state whether there is any non-agriculturist member or president of any debt conciliation board in the province ; if so, how many in each category ?

**The Honourable Chaudhri Sir Chhotu Ram :** *First part.*—  
Yes.

*Second part.*—

President	..	one.
Members	..	nine.

POSTING OF EXECUTIVE AND REVENUE OFFICERS OF HISSAR DISTRICT.

**\*2124. Khawaja Ghulam Samad :** Will the Honourable Premier be pleased to state whether it is a fact that it has been the practice of the Government in the past to post a good number of non-Muslim officers to a district the Deputy Commissioner of which happens to be a Muslim and *vice versa* ; if so, the reason why this practice has been departed from, so far as the Hissar district is concerned, when the Deputy Commissioner and the majority of officers under him belong to one community ?

**Sardar Sahib Sardar Ujjal Singh (Parliamentary Secretary) :** The practice is to avoid a marked preponderance of officers of any one community in a district whoever the deputy commissioner may be. This practice has been followed in Hissar.

AMENDMENT OF RULES re INSPECTION OF LORRIES.

**\*2125. Khawaja Ghulam Samad :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that the Lorry Owners' Association, sometime back, applied to the authorities to so amend the rules regarding inspection of lorries as to make such inspections necessary only once a year and not after every quarter of a year as at present ; if so, the action if any, taken on that application ?

**The Honourable Dr. Sir Sundar Singh Majithia :** The particular representation mentioned is not traceable. In regard to the merits of the matter the honourable member is invited to refer to the reply given to question \*980<sup>1</sup> put by the honourable member for Kangra and Northern Hoshiarpur (Sikh) Rural Constituency in the January session.

DEARTH OF DRINKING WATER IN HISSAR DISTRICT.

**\*2126. Khawaja Ghulam Samad :** Will the Honourable Minister of Education be pleased to state whether it is a fact that there is a dearth of drinking water in the rural area of the Hissar district ; if so, the steps Government proposes to take to remove the hardship ?

**Mrs. J. A. Shah Nawaz (Parliamentary Secretary) :** Yes.

Two grants have already been made by Government for the provision of water supply in the villages of Hissar—

(a) In March 1936 a grant of Rs. 14,000 for the construction of a *pucca* tank at Baragudah.

(b) In 1937 Rs. 20,000 for the improvement of water supplies in 55 villages.

[Mrs. J. A. Shah Nawaz.]

A more comprehensive scheme including the following works has since been sanctioned by Government :—

			Rs.
Large <i>pucca</i> tank .. ..	2	29,580	
Small <i>pucca</i> tanks .. ..	6	30,000	
Kunds (small underground tanks)	16	48,000	
Enlargement of <i>katcha</i> ponds ..	63	22,000	
Deep borings .. ..	2	2,000	
Smaller borings .. ..	4	2,000	
Repair to <i>pucca</i> tanks .. ..	3	7,000	
<i>Pucca</i> khals .. ..	4	2,000	
Khals for canal water .. ..	..	3,420	
Total ..			1,45,000

A grant-in-aid of Rs. 98,914 will be given for these works as soon as the Government of India grant for rural reconstruction is received. The works will be taken in hand as soon as the money becomes available.

The question of supplying canal water to certain villages of Hissar where no other source of water exists is under consideration.

#### BUND IN NORTH OF SADHAURA TOWN, DISTRICT AMBALA.

**\*2127. Khawaja Ghulam Samad :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether the construction of dam in the Nakti Naddi flowing on the north of Sadhaura, district Ambala, will be completed before the next rainy season ;
- (b) whether any expert opinion has been secured regarding the dam as noted in answer to my question No. \*1622-B<sup>1</sup> with respect to the dam ?

**Shaikh Faiz Muhammad** (Parliamentary Secretary) : I regret that the answer to this question is not yet ready.

**Lala Deshbandhu Gupta :** Does the Honourable Minister know that the public has contributed towards the construction of this bund, and that this matter has been pending for a long time ?

**Parliamentary Secretary :** I thank the honourable member for giving me that information.



## RELIEF TO HISSAR AND GURGAON DISTRICTS.

**\*2128. Khawaja Ghulam Samad :** Will the Honourable Minister for Revenue please state what action the Government proposes to take to afford relief to the Gurgaon and Hissar districts and to adopt effective measures to prevent famine in these districts during this year ?

**The Honourable Dr. Sir Sundar Singh Majithia :** Famine conditions in Gurgaon and Hissar district are caused by the failure of monsoon which is a matter outside human control. Although owing to deficient rainfall in these two districts there is considerable privation, it cannot be said that famine conditions exist at present. A statement showing the action taken by Government to afford relief in the two districts is laid on the table.

*Statement showing the relief measures adopted in the Gurgaon and Hissar districts on account of scarcity caused by deficient rainfall.*

## GURGAON DISTRICT.

1. Rupees 50,000 have been distributed as taccavi for fodder.
2. Concession rates for the import of fodder from certain railway stations have been sanctioned.
3. All villages with co-operative societies are being encouraged to take loans from their banks for fodder and lending institutions have been instructed to be sympathetic in their demands.
4. A sum of Rs. 5,65,000 has been suspended against the total land revenue demand of Rs. 8,13,000 for kharif 1937. If necessary, further suspensions and remissions will be granted.

## HISSAR DISTRICT.

1. Rupees 53,800 have been distributed as taccavi for seed and Rs. 76,200 are being distributed as taccavi for fodder.
2. Concession rates for the import of fodder from certain railway stations have been sanctioned.
3. Rupees 9,465 are being utilized for excavation of village tanks to afford relief in the form of labour, and Government is considering the local officers' recommendation for a further sum of Rs. 10,000 for gratuitous relief to men and women in the form of labour and spinning centres.
4. A sum of Rs. 4,20,000 has been suspended out of the total land revenue demand of Rs. 8,01,000 for kharif 1937 and a sum of Rs. 41,000 out of the demand for previous years has been remitted.

## POLICE OFFICIALS TRAVELLING IN LORRIES.

**\*2129. Khawaja Ghulam Samad :** Will the Honourable Premier be pleased to state whether complaints have been received that certain police subordinates travel in lorries without paying fare ; if so, the steps to be taken by the Government to stop the practice ?

**The Honourable Dr. Sir Sundar Singh Majithia :** The honourable member is invited to refer to the reply given to question \*2041<sup>1</sup> put by the honourable member for the Kangra and Northern Hoshiarpur (Sikh) Rural Constituency in the present session.

## IRRIGATION IN HISSAR.

**\*2130. Khawaja Ghulam Samad :** Will the Honourable Minister for Revenue be pleased to state—

- (a) whether it is a fact that canal water is supplied to the public of Hissar after the Government Cattle Farms are adequately irrigated ; if so, reasons for the same and the action the Government intends to take in the matter ;
- (b) whether the irrigators of Hissar have to pay full rates of *abiana* notwithstanding the fact that insufficient water is supplied to them to irrigate the whole area of land for which *abiana* is paid ;
- (c) whether any distinction is made in the matter of canal water supply between villages inhabited by Muslims and those inhabited by non-Muslims in the Hissar and Rohtak districts ;
- (d) the steps the Government proposes to take to redress the grievances of the residents of Hissar and the villages of those *mauzas* in which Muhammadan population predominates ?

**The Honourable Dr. Sir Sundar Singh Majithia :** (a) No distinction is made between the Government Cattle Farm, Hissar, and the public in the supply of water.

(b) *Abiana* is charged only on the area in which canal water has been actually used. No instances of serious shortage of water in Hissar district have so far come to light.

(c) No distinction whatever is made between villages inhabited by Muslims and those inhabited by non-Muslims in the supply of canal water either in Hissar or in Rohtak districts.

(d) Does not arise.

**Khawaja Ghulam Samad :** Have the Government received any complaint to the effect that the Cattle Farm is given preference over the zamindars in the supply of water ?

**Minister :** So far as I recollect no such information has been received.

## SCARCITY OF WATER IN AMBALA DIVISION.

**\*2131. Khawaja Ghulam Samad :** Will the Honourable Minister for Revenue be pleased to state—

- (a) whether the Government has ever taken steps to find out the causes of scarcity of water in Ambala division ; if so, what are those causes ;
- (b) the steps the Government proposes to take to remove the alarming scarcity of water in the said division ?

**The Honourable Dr. Sir Sundar Singh Majithia :** (a) and (b) Will the honourable member specify more clearly what information he seeks to enquire and to which portion it particularly refers.

**SCHEME FOR THE SUPPLY OF DRINKING WATER TO RURAL AREAS  
IN HISSAR DISTRICT.**

**\*2132. Khawaja Ghulam Samad :** Will the Honourable Minister for Education be pleased to state whether any scheme for supplying drinking water in the rural area of Hissar district is under contemplation of the Government; if so, when it is expected to get ripe and the steps, if any, the Government has adopted to expedite the scheme?

**Mrs. J. A. Shah Nawaz (Parliamentary Secretary) :** The attention of the honourable member is invited to the answer given to question No. \*2126<sup>1</sup>.

**Khawaja Ghulam Samad :** That question was about Hissar only and this is about the division.

**Parliamentary Secretary :** I have nothing to add to the reply given to question No. \*2126<sup>1</sup>.

**KACHA ROADS IN AMBALA AND KARNAL DISTRICTS.**

**\*2133. Khawaja Ghulam Samad :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the total mileage of kacha roads in the Ambala and Karnal districts, respectively;
- (b) the total mileage of metalled roads in the said districts;
- (c) whether construction of metalled roads between Shahabad and Brara; Mullana-Ambala-Jagadhri, Shahzadpur, and Naraingarh, in Ambala district, and those between Jhajjar and Rewari, Mehm and Gohana in Rohtak and Gurgaon districts, and Hansi and Bhiwani, in Hissar district, is under contemplation of the Government; if not, reasons for the same and the action the Government intends to take in the matter?

**Shaikh Faiz Muhammad (Parliamentary Secretary) :** (a) 304 miles in Ambala and 681 miles in Karnal.

(b) 145 miles in Ambala and 178 miles in Karnal.

(c) The road development programme is still under preparation and the Punjab Government is, therefore, not in a position to furnish the required information at this stage.

**Lala Deshbandhu Gupta :** May I know if the information is withheld or it is not available?

**Parliamentary Secretary :** There is no question of withholding. The whole question is under examination and unless it has assumed some form, it is difficult to give any information.

**Khawaja Ghulam Samad :** With regard to part (c), is any action being taken to maintain these roads? Is any scheme under the contemplation of Government?

**Parliamentary Secretary :** I have already stated that the whole road development programme is under the consideration of the Government and all the roads to be metalled are under consideration and at this stage it is difficult to give a definite answer.

**Lala Deshbandhu Gupta :** How long will the consideration take ?

**Parliamentary Secretary :** It is difficult to give a definite idea but the honourable member may rest assured that every attempt is being made to expedite the matter.

**Chaudhri Kartar Singh :** Will Government treat all the districts on the same footing in the matter of roads ?

**Parliamentary Secretary :** It depends upon the requirements of each district and the amount of traffic on the roads.

**Chaudhri Kartar Singh :** Is it a fact that the Government intends constructing roads on the other side of the Ravi ?

**Parliamentary Secretary :** I may inform the honourable member that Dera Ghazi Khan is the most unfortunate in that respect.

**Chaudhri Kartar Singh :** Am I right when I say that Government wants to give preference to the other side of the River in this matter ?

**Mr. Speaker :** That is an argument.

**Chaudhri Muhammad Abdul Rahman Khan :** The road from Phillaur.....

**Parliamentary Secretary :** I do not think it arises out of my answer.

**Mr. Speaker :** Yes, it does not. The next question please.

#### LOANS FOR INDUSTRIAL PURPOSES.

**\*2134. Khawaja Ghulam Samad :** Will the Honourable Minister of Development be pleased to state—

- (a) whether there are any funds in the hands of the Government to give as loans to the owners of factories and other industries which are already in existence in the province ;
- (b) if so, what is the total amount of such funds ;
- (c) whether such loans are advanced to the starters of new industries also ;
- (d) what are the terms under which loans are granted for industrial purposes ?

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

(b) A budget provision of Rs. 8,00,000.

(c) Yes.

(d) The attention of the honourable member is invited to the provisions of the Punjab State Aid to Industries Act, 1935 (Punjab Act V of 1935) and to the rules made under it, published as Punjab Government Notification No. 42-L & L. 37/2766, in Part I of *Punjab Government Gazette*, dated the 29th January, 1937.

**Lala Deshbandhu Gupta :** Have the Government since revised their policy or do they follow the same old policy of 1935 in regard to the giving of loans for industries ?

**Minister :** The law was passed in 1935 and rules were made thereunder not very long ago.

**Lala Deshbandhu Gupta :** May I know whether the rules were made by the present Government or by their predecessors ?

**Minister :** No revision has taken place since they were made.

**Lala Deshbandhu Gupta :** Do Government propose to revise them ?

**Minister :** If I am convinced there is need for revision, I will revise them.

**Lala Deshbandhu Gupta :** Did Government go into the question to find out whether there was any need for it or not ?

**Minister :** I see no need for revising the rules or for going into the question of a need for such revision unless I am convinced of the necessity for such a course.

**Lala Deshbandhu Gupta :** Are Government taking any steps to get convinced or not ?

**Minister :** No steps are needed.

**Pandit Muni Lal Kalia :** How is the Government going to be convinced in this matter ?

**Minister :** If Government receives representations from various quarters suggesting that there are certain defects or that there is need for improvement, then I may get convinced ; not otherwise.

**Pandit Muni Lal Kalia :** Has not the Government so far received representations on this point, that financial assistance is needed so far as industries in the province are concerned ?

**Minister :** No.

**Pandit Muni Lal Kalia :** From Ludhiana ?

**Minister :** I am not aware of any representation to this effect.

**Khawaja Ghulam Samad :** Will it not be in the public interest if Government revises these rules and gives loans generously to the industrial classes. Will not that help in eradicating unemployment ?

**Minister :** I have nothing to add to the answer I have already given.

#### GRANT OF PROPRIETARY RIGHTS OVER NAZUL LAND IN VILLAGE BHABRA.

\*2135. **Khawaja Ghulam Samad :** Will the Honourable Minister of Revenue be pleased to state whether the question of granting proprietary rights to the residents of village Bhabra in district Lahore over the nazul lands in the said village which has been under consideration of the Government, has since been decided ; if so, the decision arrived at in the matter ?

**The Honourable Dr. Sir Sundar Singh Majitha :** *First part :* Yes.

*Second part :* The original lessees or their heirs have been given the option of purchasing the land at a price ranging between Rs. 250 and Rs. 400 per

[Revenue Minister.]

kanal according to the situation of the land and the purchase money is to be paid either in a lump sum or in instalments, *plus* usual rates of interest, extending over a period of not more than five years. Those who do not wish to purchase the land will be permitted to renew their leases until the next settlement but there will be no option to purchase and Government will be entitled to resume the land at any time subject to payment of such compensation as Government considers reasonable. Rent, which has yet to be fixed, will be determined having regard to the agricultural value of the land and not to its building site value.

GRANT OF LAND ON HAVELI PROJECT FOR SHEEP AND GOAT  
FARMING.

**\*2136. Khawaja Ghulam Samad :** Will the Honourable Minister of Revenue be pleased to state whether the Government is contemplating to reserve any rectangles of land on Haveli Project for the purpose of goats and sheep farming ; if so, to whom such rectangles shall be granted ? Will the Honourable Minister please lay on the table the terms under which such rectangles shall be granted ?

**The Honourable Dr. Sir Sundar Singh Majithia :** *First part :* No.

*Second part :* Does not arise.

CATTLE ROBBERY NEAR VILLAGE KISHANGARH.

**\*2137. Khawaja Ghulam Samad :** Will the Honourable Premier be pleased to lay on the table the report of inquiry instituted by the British and Bikaner Magistrates in the case of robbery of cattle in village Kishangarh, Police Station Hissar, mentioned in question No. 1041<sup>1</sup> (starred) and state what steps the Government intends to take to stop recurrence of such events as mentioned in the said question ?

**Sardar Sahib Sardar Ujjal Singh** (Parliamentary Secretary) : I regret that the answer to this question is not ready.

BEEF SHOP AT CHOHA SAIDAN SHAH.

**\*2138. Rai Bahadur Mr. Mukand Lal Puri :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that one Jeewan, son of Allah Ditta, butcher of Pind Dadan Khan on making an application and on being permitted by the Deputy Commissioner, Jhelum, opened a shop for selling beef at Choha Saidan Shah, a few months ago ;
- (b) whether it is a fact that the opening of this shop has created a great deal of excitement amongst the Sikh and Hindu inhabitants of the locality and amongst the Hindus and Sikhs of the

Punjab, on account of its proximity to a Hindu place of pilgrimage and on account of its location at a place where thousands of Hindu pilgrims pass and stay during the annual fair at that place (Katas Raj) ;

- (c) whether the Government is aware that expression has been given to this feeling by a large number of Hindu and Sikh *sabhas* and associations in the Punjab and North-West Frontier Province by means of resolutions passed by them protesting against the opening of this shop ;
- (d) whether it is also a fact that the Hindus of Choha Saidan Shah observed a *hartal* from 14th to 30th January, 1938, as a protest against the opening of this shop ;
- (e) whether Government is further aware of the fact that even after the announcement made by the Revenue Assistant, Jhelum, under orders of Deputy Commissioner, Jhelum, on 18th December, 1937, to the effect that no licence for a slaughter house at Choha Saidan Shah had been given, beef continues to be sold at the said shop ;
- (f) whether Government is aware that on account of excitement and uneasiness at this matter there is a danger of the breach of peace at the place ;
- (g) if the answer to the above be in the affirmative, steps if any, that the Government proposes to take to prevent the wounding of the religious feelings of the Hindus and Sikhs and to remove this danger to public peace ?

**Sardar Sahib Sardar Ujjal Singh** (Parliamentary Secretary) : (a), (b), (c) and (d) Yes.

(e) Yes. The announcement was made on 3rd December 1937.

(f) and (g) There is no immediate danger of a breach of the peace, but the communal tension has caused Government considerable concern and every effort has been made to reach a settlement agreeable to both parties. I think I may say that if a satisfactory agreement is not reached Government will insist on *status quo* being preserved.

**Lala Duni Chand** : Does the Government intend settling this question before the situation becomes unmanageable and riot and blood-shed follow ?

**Parliamentary Secretary** : Government is keeping a careful watch over the situation and is allowing the inhabitants to come to a mutual agreement amongst themselves.

**Khawaja Ghulam Samad** : May I know the population of this village community-wise ?

**Parliamentary Secretary** : I am sorry I cannot reply that question off-hand. I want notice.

**Diwan Chaman Lall** : If reply to part (c) is 'yes', why is the license granted and why has not Government taken action to put an end to this trouble ?

**Parliamentary Secretary :** I have already stated that Government is allowing the people to come to a mutual agreement. It is not advisable to enforce any arrangement by executive order in a matter like that and Government is keeping a careful watch. If no agreement is brought about by the inhabitants then Government will insist on the *status quo*.

**Diwan Chaman Lall :** May I ask the honourable member whether it is a fact that without a license a shop like this cannot be opened ?

**Parliamentary Secretary :** I believe that is so.

**Diwan Chaman Lall :** If the shop has been opened without a license, is not the law being defied in keeping the shop open ? If the law is being defied what action is being taken ?

**Parliamentary Secretary :** One butcher started selling beef, to which objection was taken. Government is trying to bring about compromise failing which *status quo* will be restored.

**Diwan Chaman Lall :** May I ask the honourable member to direct his attention to the question, whether Government is taking any action if the shop has been opened without a license ?

**Khawaja Ghulam Samad :** Is it a fact that the Muhammadans have been enjoying this privilege from times immemorial ?

**Parliamentary Secretary :** There was no such privilege so far as I am aware.

**Diwan Chaman Lall :** May I ask the honourable member to reply to my question ?

**Mr. Speaker :** Apparently he has answered it by silence.

**Diwan Chaman Lall :** May I ask whether after the announcement by a Government official on the spot that no license had been granted, any steps have been taken to implement the assurance given to the population ?

**Parliamentary Secretary :** I have already stated that in a matter like that Government has got to proceed very cautiously and Government is therefore giving time to the people to come to an agreement.

**Khawaja Ghulam Samad :** I have not received any reply to my question.

**Parliamentary Secretary :** I have stated that I have no knowledge of such privilege.

**Lala Duni Chand :** Is it true that the question had been requiring solution for many months and the position has been allowed to drift ?

**Rai Bahadur Mr. Mukand Lal Puri :** Does the Government think that a compromise amongst the two communities is possible over the heads of local officers who are instrumental in granting this license ?

**Chaudhri Kartar Singh :** Is it a fact that before this an English deputy commissioner refused to grant a license ?

**Parliamentary Secretary :** I am not aware of it.

**Pir Akbar Ali :** Will the honourable member kindly state whether a licence is required in such cases ? No, that is not required.



**Mr. Speaker :** Is that a question or an answer ? (*laughter*).

**Khan Muhammad Yusuf Khan :** Is it or is it not a fact that the Muslims of the place have been enjoying that privilege of opening a shop from times immemorial ?

**Parliamentary Secretary :** I am not aware of it.

**Rai Bahadur Mr. Mukand Lal Puri :** Will the Government consider the advisability of asking the deputy commissioner to notify this place under the rules framed by the Government under the Punjab Laws Act relating to sale of beef ?

PUNITIVE POLICE POST AT VILLAGE BUREWALA, DISTRICT  
SHEIKHUPURA.

**\*2139. Shrimati Raghbir Kaur :** Will the Honourable Premier be pleased to state—

- (a) under what peculiar circumstances the punitive police was posted in village Burewala, district Sheikhupura, in 1935 for 2 years against a levy of Rs. 10,000 ;
- (b) whether the Government is prepared to place relative papers before this House in justification of this police picket and such an exorbitant levy ;
- (c) whether it is a fact that the said punitive police administer and investigate cases in 20 other villages of the zail concerned besides Burewala since their appointment ;
- (d) if the answer to part (c) above be in the affirmative, why a proportionate levy has not been recovered from the other 20 villages which have been administered by the said punitive police ;
- (e) whether it is a fact that in spite of one Bahadur Singh's offering free accommodation for the said punitive post for about two months an expense of Rs. 250 for the erection of a house at Government cost and Rs. 25 per mensem as rent to be paid to one Amar Singh were incurred by the Government ; if so, reasons for the same ;
- (f) whether the Government proposes to withdraw the said punitive police post ; if not, why not ?

**Sardar Sahib Sardar Ujjal Singh (Parliamentary Secretary) :** (a) and (b) The post was imposed on account of the bad record of the villagers for thieving, rioting and illicit distillation. A statement is laid on the table summarising the state of crime in the village in the years immediately prior to the imposition of the post. In 1934 the village was given an unequivocal warning that unless there was an improvement special measures would be taken. The warning was disregarded, to the extent that in August 1935, nearly 50 persons had to be sent for trial as the result of a mass attack made by the Mazhbis of Burewala on the people of a neighbouring village. To prevent a repetition of such acts of lawlessness it was considered necessary to locate police in the village, and it was decided that the cost should be borne by the inhabitants.

[S. S. Ujjal Singh.]

(c) and (d) The criminal activities of the people of Burewala were not confined to their own village, and the additional police were required to report and assist in the investigation of cases throughout the jail in which the village lies.

(e) There is nothing on record to indicate that any offer of free accommodation was made.

(f) The force was withdrawn on the 31st December last, on completion of the two years' term for which it was imposed.

#### *Crimes in Burewala.*

1927.

Fourteen cases were reported, including four burglaries, one excise case, one Arms Act case and 2 riot cases involving 14 persons.

1928.

Seven cases were reported, including one case of murder and one excise case.

1929.

Ten cases were reported, including four burglaries and 2 riot cases involving 19 persons.

1930.

Four cases were reported, including 3 burglaries.

1931.

Ten cases were reported, including 3 burglaries and 2 riot cases, involving 10 persons.

1932.

Ten cases were reported, including 3 burglaries, one case of attempted murder and 4 excise cases.

1933.

Nine cases were reported, including one burglary, one murder and one riot case, involving 6 persons.

1934.

Twenty-three cases were reported, including five burglaries, 2 excise cases and 5 riot cases involving 45 persons.

1935.

Up to the end of August, 15 cases were reported, including 2 burglaries and nine excise cases.

During the same period, 16 hurt cases were reported from the village and in 40 instances offenders concerned in cases under Chapter XVII of the Indian Penal Code were traced to the village of Burewala.

#### REPRESENTATION ON BEHALF OF HARIJANS OF VILLAGE CHHAJJEWAL.

**\*2140. Pandit Muni Lal Kalia :** Will the Honourable Minister for Revenue be pleased to state whether it is a fact that representations on behalf of Harijans of village Chhajjewal, tahsil Jagraon, district Ludhiana, have been recently made to the Deputy Commissioner, Ludhiana, alleging ill-treatment of them by the lambardars of the village because they refused to give *begar* for the officers who came to the village ; if so, action, if any, that the Deputy Commissioner has taken in the matter ?

**The Honourable Dr. Sir Sundar Singh Majithia :** : Yes. Inquiries were made through the tahsildar before whom the parties declared that the dispute had been amicably settled and that the Harijans had no grievance against the lambardars.

## ADJOURNMENT AND RE-ASSEMBLING OF THE ASSEMBLY— POINT OF ORDER.

**Dr. Gopi Chand Bhargava** (Leader of Opposition): I want to rise on a point of order. Day before yesterday you were forced to adjourn the House on account of great disorder in the House. When you adjourned it I went to your room to explain the matter, but you were not there. After that I left for my house. But I understand that a meeting of the Assembly was subsequently held and the adjournment motion was put to the House and certain remarks were made. I want your ruling on this point: when you had adjourned the House, how could it be in session again without due notice to all the members? And if the House could not meet because there was not sufficient notice, will you please consider the question of expunging all that happened or is reported to have happened at that meeting, if anything is reported at all?

**Mr. Speaker:** A point of order can be raised with regard to a matter under discussion of the House or which is to be taken into consideration immediately. A point of order with regard to a matter which took place on the 16th instant is too late. It cannot be raised; but in fairness to all concerned, I may say that had this objection been taken on that day, when the proceedings were re-started on my return, I would have considered and decided it immediately. But it was not raised in time. The next point is that I adjourned the House. Yes, I adjourned it, though I should have suspended its sitting. But I do not think I acted wrongly, inasmuch as under the law and rules in force, I could suspend its sitting or adjourn it. I must admit, however, that in hurry I missed to mention the time for which I was adjourning it or suspending its sitting. I may add that I meant to suspend its sitting for the restoration of calmer atmosphere in a few minutes; and when the Secretary of the Assembly pointed out my mistake, I asked him to ring the bells and this was done within two or three minutes of my leaving the chair. On my return to the Chamber I observed that the Government benches were almost full and in a minute or so several members of the opposition also came in. Upon this the proceedings were restarted without any objection from any side of the House; and as no objection was raised the House sat for a few minutes and was then adjourned to the next sitting day.

As to the suggestion to expunge the proceedings of those few minutes, the power of expunction rests with the House, not with me. But I think we should drop this matter and proceed with the business of the day.

**Premier:** May I say a word?

**Mr. Speaker:** If the Honourable Premier wishes to make a statement he is welcome to do so.

**Premier:** Yes, Sir. I want to make a statement so far as I am concerned. You are aware that there was a great deal of unnecessary resentment from the other side on some remarks which I made the other day.

**Mr. Speaker :** It seems the Honourable Premier is going to re-open that question.

**Diwan Chaman Lall :** The matter is already opened by the statement that the indignation on this side of the House was "unnecessary."

**Premier :** That is what I am going to say that from my point of view it was unnecessary. What I said was tried to be confused but, however, I think it is only fair to me that I should take back the words that I used and instead of the words that I used that day I would say—

**Mr. Speaker :** Discussion is again going to take place.

**Premier :** I would merely say that some undesirable persons may have gone into the Congress fold.

**Diwan Chaman Lall :** As the Honourable Premier withdraws the expression used by him, I am quite willing to withdraw the expression that I used.

**Mr. Speaker :** That is the spirit in which I expect all honourable members to work in this House.

#### DEMANDS FOR GRANTS.

##### POLICE.

**Minister for Revenue :** I beg to move—

That a sum not exceeding Rs. 1,14,95,000 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1939, in respect of Police.

**Mr. Speaker :** Demand moved is—

That a sum not exceeding Rs. 1,14,95,000 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1939, in respect of Police.

**Sardar Hari Singh (Kangra and Northern Hoshiarpur, Sikh, Rural) :**  
I move—

That the item of Rs. 1,08,800 on account of Total A—Superintendence (Voted) be reduced by Rs. 101.

This is to discuss and criticise the general character and conduct of the Police and to suggest improvements in its working. Mr. Speaker, the other day when I wished to ask for leave of the House to discuss a definite matter of urgent public importance, viz., the kidnapping scare caused by the kidnapping of children in this premier town of the Punjab, you advised me to raise this matter when the demand for police expenditure was placed before this House. Therefore, I deem it necessary to discuss this matter before I begin my regular attack on the police administration of the province. The facts of the case are as follows:—

In the first week of March, probably on the 6th, two school children—both brothers, and sons of one Lala Ram Gopal—went to school and they never returned home. The cruel hand of the kidnapper wrenched them from the loving bosom of their parents. About the same date another boy was reported missing. Probably he too was the victim of the crime of kidnapping. Later on, on the 18th of March, an attempt was made to kidnap two Sikh boys, both brothers, belonging to, I suppose, Krishna Gali. It is reported that a Sikh posed himself as police sub-inspector and challenging the boys said, "You badmashes, pick-pockets, come along,

I shall take you to the thana and punish you there." The boys were seated in a tonga, taken to the Zoo and then to Arjan Nagar. There the boys raised an alarm. Some people from the neighbouring locality came to the rescue of the boys and then the kidnapper who had taken them away made good his escape. Another incident happened recently. The son of a certain record keeper in the district court was coming back from school. It is reported that two pathans came upon the boy. One of them got hold of the boy and the other tried to gag him. The boy shouted and the passers-by in a tonga came to his rescue and the pathans made good their escape. This is the fourth attempt to kidnap boys. So far three boys have been kidnapped actually and no one knows anything about them and all these cases happened in the busy streets of this premier town of the Punjab. The police force of my honourable friend, who is smiling, is almost sleeping over the matter. If this thing had happened in London or in the capital of some other civilised country, the whole machinery of Government would have been brought into operation to bring the culprits to book to check the crime but here our Government is taking the matter not very seriously at all. Things of this nature are happening in the streets of Lahore. Abominable crime is being committed. We have received reports of similar incidents from other towns of the province. Only to-day I read in a paper a report of the kidnapping of boys in Rawalpindi. My submission is that there seems to be an organised conspiracy; there seems to be a gang at work in the various towns of the Punjab, particularly in the capital city of the Punjab but the Government is not doing its duty (*Premier*: Not one gang but several gangs). He knows it better though he is not in league with the gangs. Commenting on this kidnapping scare a prominent newspaper with which the Finance Minister is connected wrote—

If such things were to happen in any European country it would create a first class sensation. The whole machinery of government would have been put in operation to trace the boys and run the culprits to earth. Wireless, aeroplanes, everything would have been called into requisition by the police in their hunt for the miscreants. In the present case one is not aware what steps the custodians of law and order have taken to find the boys, but there is no evidence that anything beyond bringing the normal machinery into operation has been done.

This is the comment of the paper which is not hostile to the present Ministry at all and which takes a dispassionate view of things. May I ask the Honourable Minister in charge of law and order what his answer is to the question? (*Premier*: You will get it). He says he will give an answer to the question in his speech. Imagine the feelings of the mothers of small kiddies who have been eternally separated from their bosoms. Imagine the feelings of the children if they are at all alive in the dens of the kidnappers. Who knows their fate and who can know the feelings of the mothers of the kidnapped children. I suppose none can imagine. The question arises what might possibly have been the fate of the kiddies who have been kidnapped. Have they been sacrificed at the altar of some barbarous superstitions, the medieval superstitions, or have they fallen victims to the lust of cannibals? What else is their fate? These are the questions I wish the Minister in charge of police to answer.

Then, Mr. Speaker, before I begin my regular attack on the police administration of the province, let me tell my friend the Minister in charge that I do say it not in a captious carping spirit of destructive criticism but

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in a spirit of genuine help and co-operation, so that he may become alive to the gravity of the situation, though I do think that as a member of the Police Enquiry Committee which was appointed in the year 1926, he already knows the truth of the allegations which I am going to make, so that he may become fully alive to the seriousness of the situation in the country-side and take steps, radical steps, to uproot and eradicate the evils that are present in the Punjab police force. Let me say at the very outset, and I say so without fear of contradiction, that corruption, widespread corruption, torture, employment of third degree methods in investigating crime, abusive and filthy language, these are the traditional virtues of the Punjab police force. I say this without fear of contradiction and I use the word 'virtue' in an ironical sense and not in its literal sense. As regards corruption even the warmest champions of the Punjab police force cannot deny the existence of widespread corruption in the force. No one can stand up and say 'no you are talking rot, the Punjab police is honest and only a few individuals may be corrupt.' Who does not know that the police muharrir in a rural police station would not take down the report of the person in whose house a theft has been committed without his palm being greased—without taking illegal gratification? Again who does not know that the police sub-inspector would not proceed with the investigation of crime unless he is given a handsome bribe? Again who does not know that when crime takes place in the country-side the suspects of the ilaqa and even some respectable people are gathered together by the police investigating officer? They are given threats and when money is extorted from them they are let off. Who does not know that these things happen daily in the villages of the Punjab? Do they deny the allegation that there is widespread corruption in the police force? I suppose by their silence they agree that there is corruption and that corruption is rampant in the police. Will my friend tell us what he has done, what is being done and what he proposes to do to eradicate corruption from the police force of the Punjab? They are not taking this matter seriously. Is this matter to be laughed at? Is this not a matter of disgrace to be ashamed of?

**Khan Bahadur Nawab Muzaffar Khan :** Do you want interruptions? We do not want to interrupt when you are speaking.

**Sardar Hari Singh :** I am not referring to the honourable member. I am referring to the light-hearted manner in which certain members of the Ministry are treating it. I was submitting that the gravity of the situation is not being realised by my friends opposite. The honourable member is taking these allegations quite light heartedly, in a jocular spirit. I ask him to state what steps he proposes to take to eradicate corruption. As far as I know the attitude of the Government in this matter is highly deplorable. When questions are put—and interpellations have been put—as to what the Government propose to do to eradicate corruption, the answers given are that the people are at fault and that the people make the police corrupt, police is not to blame. If there is corruption in the police, if a sub-inspector of police takes bribe and if the police travel free of charge in lorries, it is said that it is the lorrywalas and it is the people of this province who make them corrupt by giving them bribe. The Honourable Minister

for Revenue in the course of discussion in this House said, 'You people make them corrupt and it is not the fault of the police.' Is it your attitude, is this the mandate with which people have sent you to occupy the Treasury benches in this House? Instead of solving the problem of corruption yourself, you say that its solution lies with the Opposition, who has no power to eradicate this evil. Have you no power to do so?

**Mr. Speaker :** I would request the honourable member not to address the Ministry or any individual member of the cabinet direct.

**Sardar Hari Singh :** I am addressing the Chair.

Compare their attitude in this matter with the attitude adopted by Dr. Khan Sahib, the Premier of a neighbouring province, in the matter of corruption. What does he say? He says :—

"We have come to this House unconditionally to carry out our policy. Conditions are put forth by those who do not want to work."

Conditions are put forth by those who do not want to work with regard to eradication of corruption. Further on he says and mark these words :—

"If corruption remains, it will mean that this Government is also corrupt. I myself will be held responsible, if I am not able to abolish corruption in my department. I do not believe in flimsy excuses of those people who say that it is only the patwaris, naib-tahsildars and other officials who are responsible for corruption. I say that the highest official in the department is responsible."

That is a declaration by a man who wants to work for his people, who wants to serve his people and the popular head of a popular Ministry. Further on he says :

"If there is corruption in any department, the guilt of corruption lies on my neck."

My next count in the charge sheet against the police is that methods of torture are daily employed by the police while investigating crime and later on I propose to read out an extract from a judgment of the highest tribunal in this province to prove this. It is a pronouncement of the highest tribunal of the province who has got a vast experience of criminal administration in this province. Then, Sir, I do maintain that the Punjab police, with some honourable exceptions, is inefficient in removing the menace of crimes. During the last decade crime figures have been mounting up. Here is a police report which says that in the figures of crimes for the last 10 years, since 1926 up to 1935, there is a rise in the number of reported crimes from 44 thousand to 51 thousand, that is, a rise of 7 thousand. (Premier : What is the rise in population?) My honourable friend says 'What is the rise in population?' Does he want that crimes should increase in the same ratio in which population increases? As regards murder, which is a major criminal problem in the province, figures are staggering. In the year 1926, there were 600 murders and year by year this figure has been mounting up till in the year 1935 we have a staggering figure of 829 murders. In this connection the Government has made a confession in the report which says that the steady rise in the numbers of murders during the last 10 years was discussed at length in the report for the year 1934 and that the Governor in Council considered that no solution has yet been found for this major criminal problem of the province. This is a valuable confession by the Government and I think the present Ministry

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adheres to this confession. But no solution has been found for this problem in the province. What steps are they devising to tackle this problem? Do they plead their inability to tackle this problem? I really admit that this problem is more a social problem than anything else. But who is going to take lead in reforming the society. If it is not the popular Government, as it is called, then who is to take the lead? I put this question to the popular Ministry which is here with the mandate of the electorate of the province. The same report makes also a mention of kidnapping. The crime has been going on for the last 12 years and it has not been put down with strong hands by the Government.

I want to say a few words also with regard to counterfeit coins which are in circulation in the province. If you go with certain rupee coins in your pocket, say, to the railway booking office or to a shop or to a certain other place to buy something or to do some transaction, you will find that at least 25 per cent. of the coins in your pocket are rejected by the men behind the window or counter. Only the other day when I went to the Treasury to have my travelling allowance for the last session, besides currency notes given to me, I was given a very white shining rupee. I wanted to buy something with it. When I went to the railway station and wanted to buy a ticket the rupee was rejected, though it was a very white and shining rupee given to me by the Government treasury.

I may be allowed to say that the Punjab police, as I have already remarked, has developed billingsgate to a fine art. When the police is so discourteous to the public how can it expect the public, decent persons, to come forward in order to help it? In the United Provinces there has been a wonderful transformation in the psychological make-up of the police. Only the other day a lawyer friend of mine happened to go to the United Provinces. When he got off at the railway station he met a European officer and he told the European officer that he wanted to go to a hotel and asked him if he knew of the hotel. That European officer without telling my friend his name or designation seated my friend in his car and took him to a hotel. When that officer had set my friend down at the hotel, he told him that he was the Superintendent of Police, and also said that wonderful transformation had taken place in the police in the United Provinces which, as you know, is a Congress province. (A voice: He was probably pulling your leg). But what change has taken place in the police in the Punjab? Is there even 1 per cent. change in the police mentality? I maintain that the police mentality has seriously deteriorated since my friend opposite took charge on the 1st of April. The Indian police was originally created not for the service of the people, not for the purpose for which the police existed in England and other free countries, but for the purpose of keeping down the Indian nation under the iron heels of an alien bureaucracy. That character of the Punjab police continues. Formerly it was used to keep up the prestige of the alien bureaucracy. Now the Punjab police is being used for political purposes, for the support of the Unionist Party, for putting down political activities which may be calculated to lower the prestige of the Unionist Party and increase the prestige of the Congress. I can do no better



at this stage than quote the words of Mr. Leonard Matters, M. P., on Indian Police. These words most aptly apply to the Punjab. He says :

"The Indian Police."

I should say the Punjab police—

"Is the second line of defence of British Imperialism."

Further on he says :

"The functions of the Police in India."

I should say the Police in the Punjab—

"Are 95 per cent. political, repressive and punitive, and only 5 per cent. protective and defensive of the people."

Mr. Speaker, I understand that the Punjab police is nothing else than an agency to underpin the Unionist Raj in the province. Mr. Matters continues :—

"No wonder that the people of India should look upon the Police as their enemy and refuse to even report thefts to them—lest in the end things turn worse than being robbed."

This applies wholly to the Punjab police. If a theft or burglary takes place, the poor villagers do not go to report the matter to the police. He says :

اک سہن لگ کئی • ہون پولیس دے ہتھوں

درستی سہن کیوں لوادان

The police would not begin the investigation of the crime unless illegal gratification is given to the police. Mr. Speaker, no wonder therefore that the Punjab police lacks the support of the public and respectable peoples are not going to support the police when these characteristics continue as of old.

I want to give a concrete case of police extortion in an out of the way village in Hoshiarpur district which has the honour of giving a majority of Members of the Legislative Assembly to the Opposition benches. The story which I am going to tell you relates to police *zulam* at Sahungra about which I had also given notice to move a motion for adjournment of the House at the last session and which at your suggestion I withdrew so that it could be discussed at the budget session. The story that I am going to tell you is a page torn from medieval history. Sympathetic as you are to the woes and sufferings of the peasantry of this province, when I tell you the story you must be prepared for many a nervous shock. (A notice : Take Sal Volatile or Tincture Digitalis). I know that you take these things very seriously. Here is the story of extortion. Ram Singh, a certain person of that village had been an absconder for a certain number of years. Ram Singh belonged to the village Sahungra. May I pause, Mr. Speaker, for a little while till the talk on the Treasury benches is finished, as my words are specially addressed to the Premier ? Well, I was telling the facts which have been gleaned after careful investigation at the spot by three honourable members of this House though they belong to the Opposition. We visited the village on the 12th November to make inquiries regarding the complaint of police *zulam* at the village. We were accompanied by certain other friends. We collected the whole village and there we had spontaneous

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statements made by the villagers in the presence of the police. We carefully sifted that evidence and cross-examined the witnesses that were brought before us and we came to certain conclusions. These are the allegations that the people of the whole village, the zamindars and the kamins, made before us. We were told that on the 31st of August last the Superintendent of Police, Hoshiarpur, the Chota Sahib (the Deputy Superintendent), the Sub-Inspector, Garhshanker, and twelve constables went to the village in the evening. The villagers were collected in the takiya there. These policemen were going to be posted in the village not by way of punishment but to catch the absconder. The Deputy Superintendent told the policemen in the presence of the Superintendent: *In logon ko tang karo.*

ان لوگوں کو تنگ کر ان سے مشقت لو

That is a serious allegation against a gazetted officer made by the people of the village and these words of the man were the cause of the whole trouble that ensued later on. The superintendent and the deputy superintendent left the village. The sub-inspector of police and the twelve policemen collected in the village again at a place known as Changan, and told the villagers: 'You people shall have to bear all the expenses in connection with the maintenance of these twelve constables in the village as long as they are here in your village, and unless you willingly agreed to the proposal, you shall be disgraced and your women shall be dishonoured.' I make this remark with a sense of serious responsibility and the poor villagers had no other option than to bow to the threats of the thanedar who is a god in the countryside. They agreed. They collected Rs. 60 there and then, those poor people. It is a very small village and there are only 12 *dheris* or small divisions in that village, each contributing Rs. 5. This was an illegal exaction for the maintenance of the police. Four times during the next two months, till the 1st November last, they collected similar amounts, totalling Rs. 240. Not only that, even the kamins were made to pay their share of the contribution for the maintenance of the police and here are the figures. Kohars of the village Rs. 19; chamars Rs. 16; weavers, Muhammadans probably, Rs. 5; carpenters Rs. 15; goldsmiths Rs. 14; telis, the poor oil crushers Rs. 3; total Rs. 72. The whole total of the village comes to Rs. 312 and in the course of two months this was squeezed out by the police of my friend from the poor villagers illegally for the maintenance of the police. We collected these facts, took evidence—myself, Sardar Mula Singh who is the sole representative of the scheduled castes on this side of the House and S. Harjab Singh. We went to the village and took down statements and we believe this evidence and our conclusions to be incontestably true. We have no reason to disbelieve the story which was told before us by one and all of the village. Not only that. Begar was taken from the scheduled castes, seven of whose representatives sit behind my honourable friend. Fodder was taken from them for the horses of the police without a single penny being paid for it. Then on the 21st October eight mounted policemen were also sent to the village. A sub-inspector of police accompanied them and here again a heart-rending dialogue took place. The sub-inspector

said to the villagers after collecting them, 'you people shall have also to pay for the maintenance of 8 more mounted police in connection with Bam Singh absconder.' The people by this time were deprived of their scanty earnings and they told to the face of the sub-inspector, the lambardars including, that they could no more bear any burden in connection with the police :

جے تسی سادھے نے ہور بوجہ پاوئے تان اسی پنڈ چھک جاوان گئے۔

The policewalas came down on them and said.

جے تسی پنڈ چھک جاوئے تان اسی پنڈ نوں اک لا دیاں گئے۔

That is a most serious allegation. Money was extorted under the threat of burning down the village. Have you ever heard of such *zulam* in any civilised government except perhaps in old, old days of 12th or 13th century of pathans? The story does not finish here. On the next day, the 13th of November, we saw the deputy commissioner. We offered him our papers, laid the whole case before him. He was surprised no doubt to hear these incidents happening in a village in his district. We promised him our fullest co-operation to get at the facts; we asked him for an independent magisterial enquiry into the matter. We told him plainly that we did not depend upon the policemen who were themselves the accused. We told him not to send our papers to the superintendent or the deputy superintendent of police because they themselves were involved as per the allegations made in our statement. The deputy commissioner said, 'I shall keep your papers with me and I shall return them to you later on.' But those papers have not yet been returned to us, though I have written several letters to that gentleman. He has not even answered my letters. I have seen him several times and he is putting off returning the papers. On the very next day, the 14th, I and Sardar Harjab Singh, even without getting the permission of our party—perhaps being thus guilty of a breach of party discipline,—saw the Honourable Premier at his residence on Zafar Ali road.

**Premier :** I hope every member will follow that rule.

**Sardar Hari Singh :** I used the word 'perhaps' deliberately. We saw the honourable member at his residence and laid the whole case before him. We did it in a spirit of genuine co-operation.

**Premier :** I hope that was not a breach of discipline.

**Sardar Hari Singh :** The Honourable Premier can draw his own inference. I was submitting that we did it in a spirit of genuine co-operation. There was a case of extortion by the police, police *zulam*, in a certain village. We wanted to lay the whole case before him. We did not try to exploit the situation to *badnam* Government. Otherwise we would not have seen him. We did not rush to press; we did not make any speeches regarding this incident until only recently. You will be surprised to hear that that meeting which took place between us has been completely washed out of the memory of my honourable friend opposite, the Premier. In answer to a supplementary question which I put sometime ago whether certain Members of the Legislative Assembly had seen him in this

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connection, he said perhaps Master Kabul Singh had seen him or somebody else had seen him at Jullundur.

**Premier :** I am afraid my honourable friend is now saying something which is not correct because I did not say anything of the sort. What I said was that some members did come to see me.

**Sardar Hari Singh :** At Jullundur ?

**Premier :** No, at my house here. But there are hundreds of people who come to see me. I wish they would not.

**Sardar Hari Singh :** I refer him to the proceedings so that he may refresh his memory. But this is a minor matter. Later on, I submit, he promised that he would send a telegram to the district authorities to make an independent enquiry into the matter.

**Premier :** Who promised ?

**Sardar Hari Singh :** My honourable friend himself.

**Premier :** I could not have said that at all. I must have only promised that I would make enquiry into the matter.

**Sardar Hari Singh :** Very well. Take it like that. There is not much difference between tweedledum and tweedledee. Let us take it that he promised to make an enquiry and not send a telegram. I want to say that we made independent, impartial, dispassionate inquiries in a spirit of helping my friends opposite. We did not rush to the press, we did not do any propaganda against the Government; yet what is the result ? After four months—our friends opposite are never tired of saying, 'bring specific instances of police *zulum* to our notice and we shall enquire'—no action has been taken. Here is a test case. Rupees 812 have been extorted out of the poor people and a certain theory has been propounded in a certain answer. It was not a final answer of the Government. It said that perhaps the police got provisions on credit and the money is going to be paid. This reply goes to the very root of things. Answers are placed before us without a proper independent enquiry. This is the theory propounded by the deputy commissioner when we first saw him in this connection. He said possibly policewallas got rations on credit and the money was to be paid later on.

**Premier :** Why do you refer to what the head of the district does ?

**Sardar Hari Singh :** That is the theory that the deputy commissioners propounds and that is the theory underlying the answer given to the question a few days ago. May I put my honourable friend a question ? Is every poor man's household a provision store where provisions can be obtained on credit to be paid later on ? Certainly not. I can well imagine my friend opposite getting up and explaining things, but I challenge him to appoint a committee of independent and impartial members of this House to go into this matter and I am prepared to accept the findings of that committee. I am not prepared to accept the report of people who are themselves accused in the matter. It has been reported that deductions have been made from the pay of the police constables who were involved in order to make payments to the villagers. The villagers might receive the payment, but the story should not end there. Here is a case of patent

corruption and I shall see and the House shall see and the public shall see how my honourable friend opposite deals with this case and gives an earnest of his *bona fides*. Many a time my honourable friend opposite gets on his legs and says 'as long as the present ministry is in their seats it will not allow murder and rapine in the province.' That is a good and a noble sentiment. We admire it, but here is a case of corruption. Let him now say that as long as they are there on the Treasury benches, they will not allow corruption of this kind to go on, they will punish the guilty.

Now I have to say something with regard to police reporting in the province. Since the present ministry took office on the 1st of April last, there have been 29 prosecutions on the ground of alleged objectionable speeches in this province, and in one district alone of this province, namely the district of Hoshiarpur there have been more arrests and prosecutions on the basis of alleged objectionable speeches than in the other ten provinces of India and the centrally administered areas put together during the course of these months. What is the cause? Why is it that there should be 30 arrests, a record even for the bureaucracy, but for the civil disobedience days? What is the cause of one-fourth of the arrests taking place in one district alone? There are two causes. He may not agree with me. It is the bureaucratic and reactionary mentality of the Government and secondly—I think certainly that is the greater cause—misreporting by the ill-trained, uneducated or half-educated police reporters who without sufficient equipment are let loose upon the public of the province to play with their liberties. That I think is the main cause and I want my honourable friend to enquire into this matter in his own interests and in the interests of the province and to improve police reporting in the province so that neither he nor his Government nor the people of the province and his political opponents may be put to unnecessary trouble for no fault of their own, but for the fault of the petty police constable getting a miserable pay of Rs. 15 or 18 a month. I challenge him that he himself will not be able to give a faithful account of my speech.

**Premier :** I am not a shorthand writer.

**Sardar Hari Singh :** 99 per cent. of his police reporters are not shorthand writers either. Perhaps only one out of hundred or one out of a thousand speeches that come to him for sanction of prosecution is in shorthand and the rest are all in long hand. Look at the police reporter reporting speeches of the public speakers. Pay Rs. 15 or 18 a month, education vernacular final or matriculation at the most, no shorthand, a single petty constable taking down the report of speeches for hours at a stretch. He does not get fatigued. Now try to compare that reporting with the reporting in our Assembly. Here are reporters getting Rs. 400 a month or so. Each of them takes notes for ten minutes at a time to avoid fatigue and to give a faithful reporting. He knows shorthand well and knows his job. He takes reports in shorthand and transcribes it in long hand and sends the report to us for correction and we find that in certain places even his report is distorted. But the police reporter only gets Rs. 15 to Rs. 18 a month and he knows no shorthand. This is a distressing state of affairs and I would ask the Honourable Premier to kindly look into the matter in the interests of all concerned and to improve the efficiency of reporting agency, to make it reliable.

**Premier :** I have already promised that.

**Sardar Hari Singh :** Let us see. In this connection I want to bring to the notice of the honourable members of this House a specific instance of police misreporting and fabrication of reports of a public meeting. A case under section 302 read with section 115, Indian Penal Code was started against S. Balwant Singh Dukhia of Hoshiarpur who was the chairman of the great Punjab Political Conference held at Garhdiwala. It was alleged in that report by the police reporter, who was a police head constable I suppose, that S. Balwant Singh had used these words. 'People, if you want swaraj, I have got a simple scheme. That is this. Kill all the officials and children of the Englishmen whom you come across and then the Englishmen will run away and you will get swaraj.' Not even a demented fellow could make such a statement from a platform and yet perhaps my friend and the district authorities believed this story to be correct and sanctioned his prosecution. The magistrate gave him the full dose, i.e., three years' rigorous imprisonment. The case went to the sessions court where the accused was acquitted honourably. The sessions judge wrote in the judgment that the head constable was guilty of deliberate and false statement. I want to know from my friend opposite as to what action he has taken in this matter.

**Premier :** Which case is this ?

**Sardar Hari Singh :** That of Sardar Balwant Singh Dukhia. As regards the third degree methods employed by the police to extract confessions and investigate crimes, who could be a higher authority than the Chief Justice of the Punjab High Court ? In a wellknown case known as *Crown versus Kiroo*, the judgment of a Division Bench of the High Court is very illuminating.

**Premier :** May I request my honourable friend to give some other instance because that case is still *sub-judice*.

**Sardar Hari Singh :** Mr. Speaker, I want your ruling on this point.

**Mr. Speaker :** I did not quite follow what the Honourable Premier said.

**Premier :** An enquiry was held with regard to the remarks passed by the High Court and I believe that the police recorded a case under the relevant sections against those officers. I suggested that it would not be desirable to discuss that case in detail because I would not be able to say anything which may prejudice the case. I have seen the report of the enquiry officer in the matter. This case might have to go to a court of law and we should not anticipate or prejudge what is going to happen in a court of law.

**Sardar Hari Singh :** I want your ruling on the point. I want to read extracts from the judgment of the High Court.

**Premier :** I have made a request to the honourable member.

**Mr. Speaker :** The Honourable Premier is quite clear. He has left it to the honourable member to accede to his request or not.

**Sardar Hari Singh :** But it is public property. It has gone to press.

**Premier :** I said that I leave it to the honourable member's good sense. Everybody has seen that extract and so far as I am concerned, I have already said that we have registered a case against those officers and I have now got the report of the enquiry held as a result of various remarks of the High Court. The case may have to go to a court of law and therefore I think it will be embarrassing if we try to discuss in detail the merits of what happened. You can merely refer to that particular case.

**Sardar Hari Singh :** It is public property.

**Premier :** It is. That is what I say. I do not deny it. What I am saying is that we are instituting a case against those officers.

**Sardar Hari Singh :** But where is the harm? Why is he afraid?

**Premier :** I never said that there is any harm. The honourable member can read out the judgment of the High Court again.

**Diwan Chaman Lall :** What the honourable member wants to do is to cite instances of the type of things happening in the Punjab and he wants to read the judgment of the High Court.

**Premier :** I do not object to that so long as there are no comments.

**Sardar Hari Singh :** My object is not only to draw the attention of the House to this particular case but the remarks which apply generally to the police force of the province and I think he would have no objection at all if I read those remarks :—

"The inference to be drawn is that the police thought they had nothing to conceal, or that torturing suspects was to them normal procedure. It is often contended in this court that the "interrogation" of suspects in this province in the manner proved in this case is frequently employed. The fact that torture was used openly in this case appears to us to give some foundation for this grave charge, and is a most serious criticism of those whose duty it is to see that the police carry out investigations in accordance with law. Though we have in this Court had to comment on this practice where it has been proved, the difficulty of proving such offenses is extreme."

"It is only in an isolated case like this where there is a reliable witness not afraid to give evidence, where the fact of torture can be proved. We are satisfied that this method of 'investigation' does exist; it is a disgrace to the police force, and a dangerous obstacle to the administration of justice which it brings into open contempt."

There could be no greater authority on the existence of torture in the police force than this judicial pronouncement. In another speech delivered by the Honourable Chief Justice at the Second Annual Dinner of the Punjab Civil Service Association (Judicial Branch) held at Nedou's Hotel on the 27th February, remarks were made on the subject of criminal justice in the province. He said—

"While both in the High Court and in the district courts the administration of civil justice was satisfactory, the same could not be said of the administration of criminal justice. Cases of deliberate production of false evidence to procure convictions; the forcing or inducing confessions from suspects during the investigation of crimes; false recoveries; and the habit of villagers implicating innocent persons who are their enemies, made the administration of justice in criminal matters a most anxious and difficult task."

The press report further says :—

"His Lordship hoped Government would seriously consider the whole question, and, with the assistance of all concerned produce at an early date some remedy."

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The House would be delighted to know the remedy that my friend proposes in this matter. We were informed in reply to a certain question the other day that the Government would take action in cases of proved torture. The malady is widespread and it requires drastic action. That attitude would be like the attitude of a health officer who was requested to devise measures to cope with an outbreak of an epidemic when shoals of people were dying and he said that he would take action to cure the patients who were proved to be suffering from the disease. People were dying in shoals and he would not take drastic action to prevent the malady spreading further. The action of the Government is like that of the health officer shirking to cope with the menace of epidemic and telling that action would be taken only in proved cases. The whole case of corruption, torture and malpractice by the police requires investigation at the hands of a competent enquiry commission. Let my friend if he is sincere, and I think that he is sincere, to improve his police force, appoint an independent enquiry commission to go into the whole case of corruption and malpractices and then devise measures, after the commission has submitted its report and recommendations for improving the efficiency of the police, its training and its morale. He should do whatever he can to improve matters to the best of his ability.

**Mr. Speaker :** Demand under consideration, motion moved—

“ That the item of Rs. 1,08,800, on account of total A—Superintendence (Voted) be reduced by Rs. 101.”

**Sardar Sahib Sardar Ujjal Singh** (Parliamentary Secretary) : Sir, I would not make an attempt to reply to all the points which my honourable friend Sardar Hari Singh has raised during the course of his long speech. In the very beginning he made the charge that Government was sleeping over the matter of kidnapping of children (*Sardar Hari Singh* : The police) Yes, and the responsibility of the Government for that purpose. Perhaps my honourable friend does not know that this problem has had the special attention of the Government during the last two years (*hear, hear*). Government in 1935 created a special staff to deal with this problem when it came to know that there was a gang of kidnappers who were making life not only in this province but also in the neighbouring provinces unbearable. The special staff which the Government appointed consisted of one inspector, two sub-inspectors, three prosecuting sub-inspectors, 4 assistant sub-inspectors, 5 head constables and 6 constables. This special staff during the course of 1936 found 154 kidnapped children. Altogether the special staff has been able to restore to their parents 188 children (*hear, hear*). (*Sardar Partab Singh* : When were they found out ?)

**Mr. Speaker :** The honourable member has not given way.

**Premier :** The honourable member was not here when he made his speech or else he did not listen to him.

**Lala Deshbandhu Gupta :** May I ask the honourable member to which year these figures relate?

**Sardar Sahib Sardar Ujjal Singh :** I have already stated that during the year 1936, 154 kidnapped children were found by the police and altogether 188 children have been found and restored to their parents.

**Lala Deshbandhu Gupta :** In the same year?



**Sardar Sahib Sardar Ujjal Singh :** Since the staff was appointed.

**Sardar Partab Singh :** May I know when the special staff was created?

**Mr. Speaker :** The honourable member was not here when he spoke.

**Sardar Sahib Sardar Ujjal Singh :** With the help of that staff 91 persons have been prosecuted and 62 of them have been convicted and 8 have been discharged. With regard to the recent scare in Lahore Government is feeling a deep concern over it and not only the Lahore police but this special staff also is devoting special attention to this matter and I believe that within a short time this gang of kidnappers will be found and brought to book (*hear, hear*).

My honourable friend has levelled a wholesale criticism against the police. My Honourable leader the Premier will reply to the points which he has raised. I would only submit one or two observations. The police in this country has always been the target of criticism. This wholesale condemnation of the police may have had some justification so long as the police was the agent of a foreign bureaucracy but with the advent of provincial autonomy the attitude of the public should undergo some change. This change of attitude on the assumption of responsibility has been well demonstrated by the appreciation by the United Provinces Government of its police force when that police even had to resort to firing at Cawnpore during the last labour troubles. I must frankly admit that there is considerable room for improvement not only in the methods of investigation but also in the behaviour of the police towards the public and above all in the honesty of the police force. This problem of corruption is not peculiar to this province nor is it confined to this department. Government attaches the greatest importance to the solution of this problem. But my honourable friends must realise that this is not easy of solution. Government in 1926, as most of the members know, appointed a committee known as Lumsden Committee to investigate the problem of corruption and other problems connected with the police force. That committee went thoroughly into the matter. They took evidence of all those who were interested in this problem and who were anxious to find a solution for it. They have given certain reasons for the prevalence of corruption. The first and foremost reason for the prevalence of corruption is the lack of public opinion, the attitude of the general public towards corruption. A corrupt official is not ostracized, he is not shunned by society. If the public were to adopt hostile attitude towards dishonest officers I am sure, the solution of the problem will be within sight. The second reason is that dishonest officials cannot easily be punished because judicial proof against them is difficult to be obtained. It is for these reasons that even when cases are started against dishonest officials some of them are let off. The third reason is that unless there is sufficient and careful supervision over the rank and file and subordinate officials there can be no check to corruption. Lastly, specially in the Police Department, there is great attraction for corruption. Wherever there is vast amount of power corruption is bound to creep in more especially when the rank and file are paid a low salary. Now, Sir, that committee went thoroughly into the matter and after giving careful consideration came to the conclusion that whatever remedies they might suggest, those remedies

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will only prove palliatives and not true remedies until public opinion was focussed on this problem. They stated that the chief desideratum was the establishment of a more healthy public opinion on the subject of bribery. So long as the attitude of the mind of the public opinion remains what it is towards dishonest officials, it is very difficult for the Government to stamp out corruption. Government tried to recruit educated people and thought that by that method probably some check would be put to corruption. But Government has got to admit with great shame that even with the advance in education there has been no stop to corruption. As a matter of fact until education means something more than mere passing of examination—and more emphasis is laid on the formation of character—it will be very difficult to stamp out corruption. Sir, the Government is doing its best within the means at its disposal. Honourable members know that constables are paid a low salary. The Government would lose no opportunity in raising their salaries if funds were available; but where are the funds to come from? There are 21,000 constables and head constables and if even a small additional salary is given to the constables, it will involve a great burden on the exchequer of the province and my honourable friends opposite will be the first to criticise the Government for increasing the expenditure on the police. The Government, however, on the recommendation of that committee have substituted new investigating officers instead of head constables in the form of assistant sub-inspectors. In this year too, honourable members will have noticed that 50 new assistant sub-inspectors have been appointed and as funds permit, the Government will go on increasing the number of these investigating officers. Government lays great emphasis on the supervision of the rank and file and also on the training of constables. Instructors have been appointed in Police lines for training constables and new central training schools have been opened, one in Sialkot and the other in the western range. The Government has not been slow to punish those who have been found guilty of corruption. In the year 1936, for which the figures are available, Government dismissed 7 officers and 9 others for charges of corruption; and for other offences 6 officers and 112 men were dismissed; and departmental action was taken against 46 officers and 392 men. I do not, in any way, mean to suggest that the Government is satisfied with this state of affairs. The Government is giving its most anxious consideration to the improvement of the police force. The Government realises that it is the one class of Government servants that comes in closer contact with the rural population, and it cannot but make every endeavour to remove the grievances of rural population in this connection. But, in this matter Government has a right to expect the co-operation of the public. Criticism is always welcome. It not only serves as a corrective, but, as authors of the report pointed out, it serves as a stimulant, but like all other stimulants if it is taken in excess it will prove dangerous. In this matter, if the criticism is based on ignorance or prejudice, it defeats the object it has in view. My honourable friends are welcome to put forward any constructive suggestions and the Government would be only too prepared to give thorough consideration to those constructive suggestions. (Voices: Question.) But a wholesale criticism of the police force in season and out of season is not going to improve efficiency or to check corruption.

I do not wish to deal with other points, but I would only request my honourable friends that they should change their attitude towards the police force. The Government is as anxious as the honourable members are, to improve the police force as much as possible. The Government is anxious that the police should consider themselves as servants of the people and should behave in a manner so that every peace loving citizen may run to them for help. I would appeal to my honourable friends that they should not condemn the police force in season and out of season. They must also realise that the police have at times acted with great heroism and great impartiality at great personal risk and the police force should not be demoralised by irresponsible and unhealthy criticism. (*Cheers*).

**Chaudhri Muhammad Hassan** (Ludhiana, Muhammadan, Rural) : Mr. Speaker, It was with great reluctance but with full responsibility that at the last Simla session I made certain suggestions and observations with regard to the functions of the police in the Punjab. On this occasion with greater reluctance but with fuller responsibility, I would like to make a few observations, because I know that it is not in the power of this Government to reform the police. It is beyond their power. It is my charge against them. On the last occasion—it was probably the 22nd of July—I was asked by the Honourable the Premier that I should furnish him a list of the charges against the head of the police in my district.

**Mr. Speaker** : Please do not mention his name.

**Chaudhri Muhammad Hassan** : I tried my best to acquaint the Government with all the charges that I had in my possession, but in spite of the fact that all those charges had been thoroughly substantiated, no action was taken. A resolution was then passed in a public meeting consisting of about 14,000 people and the President of that meeting inquired from the audience as to whether there was any one who disagreed with the resolution which was about the corruption of a police officer. And no one disagreed. The resolution was passed on the 20th of August, 1937, when the Honourable the Premier was at Ludhiana that particular night. I remember to have gone to Simla on the 22nd of August in connection with a meeting of the Board of Industries and there I acquainted the highest police officers with the excesses that were being committed in the name of law and order in my district. I furnished him with a list of charges against the police officer of my district. (*A voice* : Who was he? Why do you not mention his name?) I can give his name, but I have been told not to give out his name. I find that that gentleman is not at present the head of the Police Department. He was probably the officiating Inspector-General of Police at that time. He has left India. I am surprised that he did not take action. The Honourable the Premier went there. It was probably on account of the official etiquette that he had to take tea with the superintendent of police who was charged and against whom allegations were made by about 14,000 people in a general meeting. But the after-effects of the tea party and the dinner were that the news spread in the town and among the rural population that the Ministers when they come on inspections or on tour and stay and take tea or dinner with the officials, no action is likely to be taken against them, and I find that beyond transferring that officer from that district no action so far has been taken. This state of affairs is deplorable.

[Ch. Muhammad Hassan.]

It must be within the memory of the honourable members that the wife of one Barkat, motor driver, was raped on the 18th of February, 1938, by six persons. I shall name them at the proper time. I shall have no hesitation in naming them if I am compelled to do so. The Honourable Premier and the Parliamentary Secretary sitting in front know very well that after making a thorough inquiry into the case, the police including the head of the police in the district and his boss, the Deputy Inspector-General, have failed to discharge their duties properly so far as this case is concerned.

**Sardar Sahib Sardar Ujjal Singh** (Parliamentary Secretary): Immediately that man Barkat Ali came here I took down his complaint and sent it on to the superintendent of police for official investigation. I told him that the matter would be thoroughly investigated personally by the superintendent of police.

**Chaudhri Muhammad Hassan**: Mr. Speaker, the case was registered on the 14th of February 1938, as far as I know, under section 154 of the Criminal Procedure Code. After a case is registered it is the duty of the police to collect evidence and to put the case before a court of law. It is for the court of law to believe or disbelieve that evidence. An identification parade was held unfortunately when the deputy superintendent of police was presiding over it, but in that parade that woman identified four of the accused. Two of them were not present. Again another identification parade was held in the presence of a magistrate, 1st class, and again she identified two real culprits. But so far nothing has been done. I would not care, had that occurrence taken place recently, but you should understand that after having registered the case under section 376 of the Indian Penal Code, the Karnal police has not thought it fit to arrest the offenders up till to-day. Is the police performing its functions satisfactorily? I have recorded the statement of the man—the aggrieved party. He went to the Deputy Inspector-General and would you believe me that the Deputy Inspector-General asked him to persuade his wife not to name two notables who were involved? Is that honest? I have no reason to disbelieve him. I am thoroughly convinced of his grievance against the police. Then last evening I wrote a letter to the Inspector-General of Police asking for an interview in order to acquaint him with the facts of the case. At 1 P.M. to-day he wrote to me—and I am very thankful for his reply—that he regretted very much that he could not see me and that if I was dissatisfied with the investigation, the proper authority to apply to was the superintendent of police and the deputy commissioner. He did not even realise the importance of the case. My friend the Inspector-General probably forgot for the time being that it was the same man who had applied to him more than twenty times that the investigation was not being properly conducted. In the circumstances, the Unionist Government cannot congratulate themselves on siding with the police and praising them.

I want to make some constructive suggestions. Have you ever realised, has the Unionist Government ever realised, the mischief that has followed the amendment of the rules to the effect that the superintendent of police can dismiss a sub-inspector of the selection grade although he has not the power to enlist or recruit a constable in the special grade? What is the mischief?

It is this, that if unfortunately the head of the Police Department in a particular district is corrupt all officers whether honest or dishonest are bound to please him and become corrupt as a result of the amendment of the police rules. Have they ever realised that ill-paid servants of the Police Department are entirely at the mercy of their superiors? The Unionist Government must remember that the only thing which the police ought to do in a civilised country is to somehow or other obtain the confidence of the public. I want to put them this question: Have they changed the mentality of the police during the last eleven months? Have they anywhere asked the police officers to redress the grievances of all those people who feel aggrieved at the hands of the police? I know that they profess lip sympathy with the zamindars of the province. But I find that what is practically happening in the province is that we on this side of the House have received about twenty complaints from all over the province, from various districts against the police, urging that more than three or four or five months ago they applied to the superintendents of police in various districts and yet their grievances have not yet been redressed. Is it a thing that the Unionist Government can feel proud of? This is something of which they should feel ashamed, and they should not boast of having achieved anything during the last eleven months. They have failed miserably. They are not true to the salt that they eat and they are not the true representatives of the public whom they profess to represent.

One more instance I would like to give. I find in my district a sub-inspector of police who is at present posted at Khanna and was promoted to the post of inspector of police in the Ferozepore district. Against this sub-inspector the Sessions Judge of Ferozepur remarked very recently that in a particular case he is also concerned in the mis-behaviour as alleged by the friends and relations of the accused.

That sub-inspector when he was in charge of Khanna police station in 1935 took fancy to a cow of American breed. It was unfortunate that that sub-inspector was sent to the same thana in the year 1937. When the owner of the cow refused to part with that cow a case under section 406 was registered and on application by the president of the Municipal Committee, Pandit Shiv Ram, the conduct of the police sub-inspector was the subject of an enquiry. The inspector enquired into this matter and ultimately applied to the court of law to cancel that case. The case was cancelled but what happened to the sub-inspector? Absolutely nothing. He is there in that thana and several complaints are pouring in from the people of the villages against him. The superintendent of police has not moved in the matter. Another important thing is this. I put a question that two constables, Sohan Singh and Thara Singh who were kept at the house of the superintendent of police, on account of some sort of negligence or misbehaviour at his house when he was away, were dismissed. They were recruits. I have sent in some questions and they have not so far been admitted by you, Mr. Speaker.

**Mr. Speaker :** They have been allowed.

**Chaudhri Muhammad Hassan :** I am told that the questions have been admitted. There is nowhere provided in the Punjab police rules that the superintendent of police is to exact private service from

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**Premier :** Five persons of repute.

**Chaudhri Muhammad Hassan :** Yes, and if I say that 14,000 people were present and passed resolutions, these 14,000 people are not reputable or respectable! And there was only one discordant voice. The Honourable Premier was there.

**Premier :** It depends on whether they understood what the resolution was.

**Chaudhri Muhammad Hassan :** He should have taken the trouble of explaining it when he granted interviews on the following morning and asked them whether they understood the implications of the resolution. That would have been something. But to sleep over the allegations is a serious thing on which any minister or any Government cannot be congratulated.

**Premier :** Which particular allegation is the honourable member referring to?

**Chaudhri Muhammad Hassan :** The Parliamentary Secretary has noted it down and the Honourable Premier can know it from him. Transfer from one district to another is no punishment. Probably the Honourable Premier knew much about that particular officer because he belonged to his own district and his place of residence was a few miles from his own home. I understand that the Police Department in this province still consider themselves to be the rulers and not public servants as defined by the Indian Penal Code. My friend will have to change the mentality of the department of which he has the charge. He has to take drastic action. He will have to see that the police here behave like the police in other civilised countries.

I find that in my district corruption is rampant. My honourable friend should try to eradicate it. It is very simple. But it has become a question of their taking notes on the Treasury benches and after the session is over, probably nothing is done. They make over the enquiry to some

officer. I remember having once an interview with the Deputy Inspector-General. He said that until you make an organised effort to eradicate corruption there is no good. We are prepared to make an organised effort. I suppose my honourable friend, the Premier, wants that there should be an organised effort to eradicate corruption.

**Premier :** Honest and genuine effort.

**Chaudhri Muhammad Hassan :** It is very difficult to define what 'genuine' means. So far as I know it, I have already said it—the Honourable Premier was not here at that time—I have received thirty complaints and I consider them very genuine unless somebody comes forward and says they are not genuine. Then my honourable friend said during the last Simla Session that some disgruntled persons make these allegations. As soon as one makes a complaint against an officer that officer tries to implicate him in false cases and reports against him to the Inspector-General or the Deputy Inspector-General that he is not of good character and so on. I have got no faith in the members of the Unionist Party or in the Premier that they will take any measures to eradicate corruption or to improve the Police Department in any one particular way.

**Premier :** Then why waste your breath?

**Chaudhri Muhammad Hassan :** Simply to tell you, to tell the people of the Punjab, that the Premier is drawing his pay from the public exchequer and therefore it is his duty and responsibility to eradicate corruption, simply to remind him of his own duty, simply to tell him to his very face that all his assurances have proved fruitless and that he has done nothing so far as eradication of corruption or the improvement of the Police Department is concerned. For this reason I have stated in opening my speech that I am making these remarks with full responsibility and alleging certain things, misconduct and misbehaviour of the Police Department of which he is in charge. Then I have submitted the story of that poor man and I remember that when I took that man to the Honourable Premier the words that we heard from him were that we are 'Khudai Fauzdar'. So I say with full responsibility that his department is not working satisfactorily, that no improvement is carried out. Now it does not take a minute to understand what has happened so far as that party is concerned. I do not know how far it is correct. But telegrams or telephonic messages are being sent by the members of the Punjab Government to the very superintendent of police against whom there are serious allegations.

Then Sir, I find that whenever questions are asked in the Assembly about the conduct and behaviour of police officials the answers are evasive. They somehow or other must screen offenders in their departments. I must say that it may be possible for you to ignore the grievances of the people for another two or three years, but time is not far off when you will have to care. In the Congress Committee of this province, and it was at my suggestion, they have decided that they should open history sheets of corrupt officers and then they will file complaints in the courts of law. Time is not far off when the attention of the judges of the High Court will be invited and then my learned friend will not have any hesitation in seeing that times have changed and are changing rapidly and that he should not lag behind. I was glad to hear from him that we in the Punjab have been giving lead to other

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provinces, but I was ashamed to find that this province so far as police is concerned, has not even followed the Congress ministries. Congress ministries have changed the mentality of the police officers. This province so far has not done anything in this direction. I am reluctant to refer to the Fatehwal case, but I trust it will not be improper for me to make a general reference to it. The allegation against the Congress Party was that 90 per cent. of badmashes have become four anna members of the Congress ..

**Mr. Speaker :** Please do not refer to the debate of the current session.

**Chaudhri Muhammad Hassan :** Very well, sir, I find that so far as this province is concerned, 95 per cent. of the badmashes have joined the Unionist Party with the expectation that they will get some reward.

**Mr. Speaker :** Such words have been withdrawn by the Honourable Premier and by Diwan Chaman Lall. So, I request the honourable member to withdraw his words.

**Premier :** Let him say, we have no objection.

**Chaudhri Muhammad Hassan :** In view of the withdrawal of these remarks by the Premier this morning and in view of your ruling I withdraw these words. In this case of Fatehwal it is admitted on all hands that it was a Muharram day, it is also admitted that the superintendent of police and the district magistrate were informed that a political meeting was going to be held and that they apprehended a trouble at the hands of the assistant sub-inspector of police in charge of the Jandiala police station. It is also admitted that the trouble arose after the meeting had dispersed (*hear hear from Official benches*). It is also admitted on all hands that so far as the Congress creed is concerned, it is non-violent.

**Premier :** That is not admitted now.

**Chaudhri Muhammad Hassan :** It may not be admitted by the Honourable Premier, but it is admitted everywhere in this country. He may be a single exception, but it is a fact that Congress creed is non-violent.

**Premier :** Congress creed is certainly non-violent. It does not necessarily mean that every congressman in this province is non-violent.

**Chaudhri Muhammad Hassan :** I said Congress creed is non-violence. It is admitted even by the Honourable Premier that Congress creed is non-violence. Now to determine whether it was Congressmen who indulged in violence or non-congressmen, is a matter for the courts of law and I am sure that even my Honourable friend will agree that it was non-congressmen who were violent.

**Premier :** Oh! you are now leaving them in the lurch.

**Chaudhri Muhammad Hassan :** My honourable friend is always smiling and everyone thinks that what he says has been taken to heart and that he will do his best, but I find that in spite of his assurances and smiles, in spite of good words and all what he says he has never been charitable enough to remove the grievances of the people of the province. I find that whenever there is a complaint against a police officer, it is sent to the very same officer for enquiry and the result is that a report is made that the allegations are false and that they are not substantiated and they are



by congressmen. I ask, is it a sin to hold a different political view from what he holds? If he sincerely believes that all congressmen should co-operate with him so far as the welfare of the people of the province is concerned, I do not see the reason why he does not attend to the complaints that are placed before him by members of the House on this side. So far as the police in England is concerned, several committees have been appointed from time to time to enquire into and report as to the grievances of the public against the police. It is for this reason that the police of that country is now claimed to be the best and one that makes no mistake. I see that the police of our province is the worst and so far as this province is concerned very drastic action should be taken in order to change the mentality of the police and so far as low paid servants of the police are concerned it is the duty of the Punjab Government to secure public confidence in them and to come to the rescue of the people of the province, in order to assure the public that the police are their sympathisers and their faithful servants and that they do not want to squeeze money out of them and that they should be adequately paid. Things are drifting from bad to worse and have so drifted since the assumption of office by the Unionist Government. As I said before it has shown no improvement on the bureaucratic Government that was its predecessor. It is not a matter of pride for the members of this Government to say that they have done this and they have done that. They have done nothing absolutely so far as the department of police is concerned. I told you on the last occasion that when a deputation wanted to see the Inspector-General of Police, they were not allowed by his personal assistant to go before him and lay their grievances before him so that they might seek redress.

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

Probably the Inspector-General considers himself concerned only after the superintendent of police and the Deputy Inspector-General have been approached and only in case they do not do any justice. Probably he thinks it is no part of his duty to come to the rescue of the aggrieved and find out some solution for the redress of the grievances of the poor people of this province. A policeman should feel his responsibility and realise his duty of looking after the welfare of the people of the province, but if he thinks that it is his duty to make money and to strike a bargain then it is the worst thing that can be imagined. The state of affairs so far as the Police Department is concerned has deteriorated. Things, as I submitted before, are steadily going from bad to worse. My honourable friend has not found any solution so far as that aspect of the question is concerned. He has done nothing since the assumption of office by his Government so far as assistant sub-inspectors and head constables and sub-inspectors are concerned. Whatever he has done, he has done for the members of the Indian Police Service and it is no matter of pride for him, for the low paid servants of the police are in a majority and they all belong to this province, while the members of the Indian Police Service mostly are foreigners. They do not come into close contact with the people in this province, they do not know their minds, they do not know their civilization, they do not try to know their grievances. It is deplorable that my honourable friend has not devised any solution so far to acquaint these police officers with the grievances of the poor

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so that they may take steps which are conducive to the welfare of the people. With these remarks I support the motion moved by my honourable friend Sardar Hari Singh.

**Raja Ghazanfar Ali Khan :** (Parliamentary Secretary): I had no intention of taking part in this debate, but as the honourable member from Ludhiana has made certain remarks about one Barkat a motor-driver and as I know something about this affair, I feel it my duty to bring to your kind notice the real facts of the case. Day before yesterday evening when I just went out of this hall, the Honourable Leader of the Opposition was talking to a person about his grievances regarding the police. Dr. Gopi Chand asked me to convey to the Honourable Premier that this Barkat, motor driver, alleges that his wife was raped and a First Information Report was recorded about the 15th of February last, but nothing had been done because the allegation was against a certain influential person. Immediately after that I brought this fact to the notice of the Honourable Premier who asked me to 'phone to the Home Secretary Mr. Askwith, to enquire as to

5 P.M.

why delay was taking place and to instruct that police should take prompt action without caring for the fact whether the men involved were big men or small men (*hear, hear*). I took the motor-driver with me and it was in his presence that I 'phoned up the Home Secretary. He said that everything had been noted down by him and he was going to take immediate action in the matter. I was feeling that the motor-driver would inform some of the honourable members who were taking interest in his grievance—whether real or unreal—and they would be pleased with what the Honourable Premier had done in the matter, but to my great regret I found that they were rather disappointed that the Premier had taken early action and this had deprived them of an opportunity of making a little political stunt out of the small affair (*hear, hear*). I explained this to my honourable friend who has just now resumed his seat but to my great regret he thought that the Premier should have acted differently. Should the Premier have issued orders straight away that the superintendent of police should be dismissed and the Deputy Inspector-General should be degraded and that more prompt action should be taken? If his main point was that the police should do justice in that particular case, he should have been satisfied that the Premier's orders were conveyed to the Home Secretary and he had promised to make immediate enquiry and to see that necessary action was taken against the culprits.

**Chaudhri Muhammad Hassan:** I never said that the superintendent of police should be dismissed.

**Munshi Hari Lal :** On one point I want to put questions to the Parliamentary Secretary.

**Deputy Speaker :** No question is permissible.

**Lala Deshbandhu Gupta :** The Parliamentary Secretary concerned has no objection.

**Raja Ghazanfar Ali Khan :** I have no objection.

**Deputy Speaker :** It is no use prolonging it.

**Pandit Muni Lal Kalia :** What is the order that is being followed as to the speakers who are taking part in the debate ?

**Deputy Speaker :** I have got a list in my hand from this side and another list from the other side and I am exercising my discretion from among those who are mentioned in the list.

**Pandit Muni Lal Kalia :** My submission is that the last speaker was from the Unionist benches and the other one should be from this side of the House.

**Deputy Speaker :** Order, order.

**Mian Abdul Rab** (Jullundur South, Muhammadan, Rural): Mr. Deputy Speaker, I am not one of those who condemn the policy of the Government or any department of the Government as a whole nor do I belong to that category of people who are in the habit of levelling charges—well-founded or ill-founded. Neither do I belong to that group who sing songs of praises of the Government in season and out of season. (A voice: Question:). You will hear the answer. All that I wish to place before the honourable members of this House are simple facts as I observe and as other friends of mine observe. Let me first of all deal with the much talked of subject of corruption which has been the subject of discussion in this House not only during the three days of the general discussion of the budget but also on the opening day of the discussion of the demand for General Administration. For any human being to claim any system to be perfect is impossible. All that can be done and all that is possible is to reduce the vices, to reduce the defects to a minimum degree and that too can only be done by repeated and successive efforts. So far as corruption is concerned, much has been said by the Opposition benches and by my friend representing the Ludhiana rural constituency. My friend was also pleased to remark about the police corruption, during the first day of the discussion on demand for General Administration. It is hardly necessary for me to remind the honourable members of this House of a circular issued by the present Ministry that any five independent persons of respectability, may complain against any official whose honesty is challenged, whose honesty is in question and enquiry shall be held. Mr. Deputy Speaker, mark the word "shall." That was the only possible course that the Government could adopt—asking the public to complain against the officials who were corrupt or against whom there was any grievance. It may be argued on behalf of the Opposition, and in fact it was argued on behalf of the Opposition by my honourable friend representing Ludhiana rural constituency, that it is unfair on the part of the Government to throw the responsibility on the shoulders of the Opposition and on the shoulders of the public for initiating proceedings against officials—against dishonest servants. I fail to understand this argument advanced by my learned friend. Unless and until there is a complaint, unless and until there is evidence to support that complaint, how is it possible for the Government to punish its officials? So far as my opinion goes, there is nothing in the hands of the Government to know whether a particular official, whether a particular servant, is honest or

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dishonest. In order to achieve that stage, in order to come to that conclusion and in order to have that ideal state, my friends on the Opposition benches and we on this side of the House shall have to wait till some instrument is made by some scientist—(A voice: Engage C. I. D.) and supposing a C. I. D. official is corrupt—and that instrument is hung over the head of an official so that one may be able to know whether that particular official is honest or dishonest, just as there are instruments to judge whether a particular quantity of milk or ghee is pure or adulterated. Or, let us all pray to the Almighty that it may give magical powers to the Unionist Ministry to judge whether a particular official is honest or dishonest. (Hear, hear). Let me admit for a moment and that too for the sake of argument, that the Government can know from one source or the other that a particular official is honest or dishonest. The question then arises as to how to punish that officer. Unless there is evidence to support that claim, unless there is something to substantiate the claim of dishonesty, he cannot be punished. Supposing a man is punished without any cogent and definite proof, the Opposition will come forward to-morrow and say that that particular man has been convicted though there was no evidence against him. After all the maxim of law, is, "let ten guilty persons escape rather than one innocent person be hanged". We cannot punish officers on mere suspicions, on mere rumours. (Hear hear.) My friends on the Opposition benches desired to suggest that no evidence is necessary, that no complaint should be asked for and no public co-operation should be desired. They wanted to suggest that the Government should initiate the proceedings, that the Government should provide the evidence and that the Government should punish its officers. May I, Sir, with your permission, quote an Urdu verse? It is as follows:—

خود ہی مجرم خود ہی شاہد خود ہی منصف تھہرے

اقربا میرے کریں خون کا دعویٰ کس پر

All that the Government can do is to make searching enquiries at the time of recruiting public servants and at the time of enlisting its officers and further to keep a watchful eye. Supposing, God forbid, the Congress Ministry come into power in this province, even then that will be the proper course: no other course is possible for any constitutional Government to adopt. Government can only keep a watchful eye over its servants and invite the co-operation of the public to make complaints and to support those complaints: then and only then it is possible to bring to book any dishonest official. I have no hesitation in admitting straightaway that there is no doubt that in the Police Department there are certain dishonest and corrupt officials but still I maintain that we should follow the proper course to achieve the desired results. It is true that no Government can be successful and is not worth the name which do not consider it their duty to eradicate corruption: but let the Opposition members co-operate with us (hear, hear). Let the Opposition members try to change and train the mentality of the public. They have not done it. My honourable friends, the members of the Opposition, to shirk the responsibility, say that it is the duty and responsibility of the Government only. They claim to be the real

representatives of the public and they claim to be the real friends of the poor; let them come forward. Let it rest with the Government to change the mentality of its officials: let us and the Opposition members train and change the mentality of the public. The public mentality should be so changed that officials could not be corrupt and should not have the courage to ask for bribe. Let that state of affairs be brought about.

Before resuming my seat, Sir, I want to say one or two things more. It was argued the other day by Chaudhri Muhammad Hassan that the Ministers go about to consolidate their own position, to speak against the Congress and do not ask the people to lay their grievances before them.

**Pandit Muni Lal Kalia :** On a point of order, is the honourable member speaking to the point?

**Mian Adbul Rab :** Let me tell my honourable friend that I am developing an argument. May I narrate my own experience before the honourable members of this Assembly? Our Honourable Minister Chaudhri Sir Chhotu Ram, who I am sorry is not in his seat now, had an opportunity of visiting my constituency and he went there with an open mind. He invited grievances from the public and as a matter of fact he received representations there. This is my experience. I do not know why my honourable friend said that the Ministers go outside but do not ask the public to state their grievances. After all in order to carry out their programme and to follow their policy it is very necessary that the Ministers should have their position and the position of their party consolidated. To condemn the police as a whole is not very desirable. I may mention about one police officer with whom I had an opportunity of talking and also of seeing his work in my district. He is Khan Obeidullah Khan, Inspector of Police, Jullundur. Those who condemn the department as a whole should see his integrity and his devotion to duty. His honesty stands unchallenged and unquestioned. May I point out one thing more? It has been argued and a challenge has been thrown to the members of the Unionist Party to go to the voters and ask them whether they are satisfied with their work. Sir, I am not in the habit of throwing challenges. Let my friends go to their constituencies and ask their voters the simple question, whether their voters and constituents endorse their policy of wholesale condemnation of the Government in this House? I am sure if they go and ask this simple question the reply to that would be an emphatic 'no.'

Sir, before I take my seat I would like to refer to one point which has been argued by my friends Chaudhri Muhammad Hassan and Sardar Hari Singh, the mover of the cut motion, that the police is very harsh during their investigations. I will give them one example from the area to which I belong. It is in the thana known as Shahkot, in the Jullundur district. There was a sub-inspector, a few months back, who was on the verge of retirement. I do not propose to mention his name. What was his habit? Whenever any man was brought to him in connection with any investigation he used

to ask کیون جناب عالی آچے چوری کی ہے۔

He was known in the ilaqa as "janab-i-ali thanedar". He used to ask the offenders whether he had committed the theft. The offender would

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naturally say نہیں حضور میں نے چوری نہیں کی

and he used to say اچھا جذاب عالی تشریف لے جائیں

This thanedar remained there for about two months and the result was that the number of thefts in that ilaqa were doubled. I wanted to show that some times the Police have got to be harsh.

Before I close my speech, I would appeal to the honourable the Leader of the Opposition, who I am glad is in his seat, not to allow his party members to make speeches condemning the Government wholesale. Let us unite together and let us work in co-operation. Let the Government have the credit for whatever good it does. I think the Leader of the Opposition is a man with a high sense of responsibility; he is a man of unquestionable ability and he, I am sure, will keep in view the appeal I am making to him and will not allow his party members to address this House in an irresponsible manner and make wholesale condemnation of the departments of the Government. Let us co-operate and if we have done anything good give us the credit. If there are certain defects, suggest constructive measures. I am sure the Honourable the Premier will bear me out that we will have no objection in carrying out those suggestions. With these words, Sir, I oppose the cut motion. (cheers).

**Lala Duni Chand** (Ambala and Simla, General, Rural) : Sir, this is a subject about which I know a good deal, but in order to enable other members to express their views on this subject I shall be comparatively brief. A great philosopher, feeling aghast at the wickedness of the world and the wicked deeds committed in the world, once said 'I wish a comet were to fall to destroy this world so that the wicked deeds that are committed in this world may be ended.' The question of the working and general conduct of the police is a great problem and I submit that it requires a drastic remedy. Unless the entire outlook of the police is changed, unless the general attitude of the high police officers and the general conduct of the rank and file undergoes a great change, there is no hope of any reform in the police administration. This is the department with which we come in contact very often. Sir, I personally believe that unless the Government changes and an altogether new regime is established in this country, there will not be any appreciable improvement in the working of the police. It has been suggested that mere criticism would not do. What is needed is constructive criticism. I am pointing out some of the serious shortcomings of the police and I shall make a number of suggestions. To begin from the top, let me make my suggestions. We have got an Inspector-General of Police, and we have got 3 Deputy Inspectors-General of Police. I have got no particular grievance against them and I have nothing particular to say against them. I assume that they are very responsible and good men. What is the attitude that they should adopt towards the subordinate police officers? I would very much wish and I would suggest that these high officers should go about in the province more frequently. They should approach the people direct. They should not give any opportunities to the subordinate police officers concerned to know about their movements. Without letting them know anything about their movements, they should

try to go to small towns and villages and they should call upon the people to speak about their grievances regarding the working of the police. I am perfectly sure that they will get any amount of material that they want. I know that the entire State of Denmark is rotten and it will not be difficult for those officers to know the real facts and the real data.

Another suggestion I would like to place before those high officers is this, that whenever any serious cases are brought to their notice they should apply their minds to understand those cases. I understand that from the files of those cases it will be easy for them to detect many cases of corruption and many cases of oppression. These are the suggestions that I would like to place before those high officers through the Honourable Premier. If he takes a good deal of work out of those high officers, they will be able to place very valuable material at his disposal.

Now, Sir, the other point I beg to place before the House is that every superintendent of police in charge of a district should be called upon and should be accounted for to give a true account of his responsibility. He should be made to understand that he exercises supervision and control over the entire police staff. If he does that, a good deal of reform and a good deal of good can be done in that direction. I know of many districts in which the superintendents of police are not exercising any control or any supervision worth the name. I would like to cite an instance in my own district. I know a good deal about the police administration in that district. Practically the Superintendent of Police in that district has given free hand to every sub-inspector and assistant sub-inspector of police to deal with the people in any manner he likes and to do anything he likes. Complaints against those sub-inspectors have been made duly signed by a large number of people and sent to the superintendent of police. Nearly all of them have been thrown into the waste-paper basket. However, it is dinned into our ears that if five respectable men are coming forward to make any complaint, that complaint will receive serious consideration of the Government. I know for a fact that not only 5, but many more respectable persons have complained about corruption and oppression of many kinds and wrong doings on the part of police officers, but no action is being taken. I give an instance. A complaint was made in my district against a sub-inspector to the effect that early in the morning at about 4 or 4-30 A.M., he took into his head, in a state of drunkenness, to go to a village. He went there and dragged 30 or 40 persons from their houses, beat them and wrongfully confined them. A criminal case was brought against them. I was interested in that case and I went to that village myself, and recorded the statements of zamindars, agriculturists, non-agriculturists, money-lenders and all sorts of people. I have got 30 or 40 statements in my possession. I can hand them over to the Honourable Premier for any action he may be able to take. Nothing was done in this case. A criminal complaint was filed against that sub-inspector. I know it for a fact that all kinds of influence and all kinds of pressure were brought to bear upon the complainants and even I was approached not by any ordinary man but, by some important judicial officers, to drop this matter. He agreed to pay compensation to the complainants and also said that it should not be in black and white in the court. I request the Honourable Premier to listen to my next 2 or 3 sentences before leaving the Chamber. That very

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sub-inspector on the night of the 5th and 6th of this month went to a small town Molana and ordered the Secretary of the Congress Committee, whom I know personally, to come down from his house. He came down and as soon as he came down the sub-inspector began to beat him. He is the son of a very highly respected gentleman—one of the most respected in the Ambala district. This young man asked the police official "what sin have I committed that you are beating me?" But he went on beating him mercilessly. As I have said before I know this young gentleman personally, he belongs to a most highly respected family. The only crime that that young man had committed was that he happened to be the Secretary of the Congress Committee of Molana. The information was immediately sent to me and to the Deputy Commissioner, and I believe to the Honourable the Premier also. As soon as that information came to me I sent a short notice question but I have not heard anything about that question. At one time I was inclined to raise the question by moving an adjournment motion but I dropped the idea for the time.

I have given two instances. Here is another instance. There is a sub-inspector at Chandigarh station. Lest I should be considered communal, I might mention that both these sub-inspectors happen to be Hindus and one of them was recommended by one of the present Ministers. I have got about twenty written complaints to the effect that he has taken bribe in such and such case. I sent a list of questions to the Assembly Office, but curiously enough all those questions were disallowed because they were defamatory. We send questions regarding the conduct of the police and we are told that the questions being defamatory are disallowed.

Similarly there are other complaints. I said something to the Honourable the Premier when he was pleased to go to Ambala. I said that so far as the supervision and control of the Superintendent of Police in the Ambala district is concerned, there is no supervision. Complaints have been made against the Superintendent of Police for the last eighteen months by responsible and respectable men. (*A voice*: To whom?) To the Deputy Commissioner, to the highest officers of the police and probably to the Honourable the Premier also.

There is one Pandit Amar Nath, pleader. He has been sending any number of complaints supported by facts and figures. He has been striking his head against the wall for the last eighteen months, but nothing has been done. With regard to the superintendents of police, I want to say one thing and that is that undoubtedly a good many of them are quite nice and responsible men but there are a number of them who are not believed to be nice and who are taken to be corrupt; yet no action is taken against them. I think Chaudhri Muhammad Hassan has done a great service by giving proof of his moral courage. I know all that is happening. You are personally convinced that what I have said is true. The Honourable Premier knows all about the Ludhiana district. Ludhiana district has given us one Honourable Minister—a very able Minister. Ludhiana district has given us the Honourable the Deputy Speaker. Ludhiana has also given five members who belong to the Opposition. (*A voice*: Five erring honourable members). They have been approaching



the Honourable the Premier. They have been representing to the authorities what has been happening in the Ludhiana district. Can Mian Abdul Haye be ignorant of what is happening in the Ludhiana district? I put that question to him. I am sure he knows everything about it. He is in close touch with everything that is happening in Ludhiana district. What has he done? Can he not come forward to give evidence? If the Honourable the Premier is deficient in his knowledge about Ludhiana, can he not supply that information to him? What moral justification have you not to accept the word of half a dozen of the members of the Opposition? In so far as the sense of responsibility is concerned, I do not say that you are not responsible, yours is a responsible government, but I can tell you that we are equally responsible. It is with the greatest sense of responsibility that I have said what I have said. I shall be the last man to utter a single word which is not supported by facts.

I leave it to you to make an inquiry about the conduct of the superintendents of police. I cannot give exact figures, but you will find that some of them are sharing the ill-gotten monies extorted by their subordinates. People go to the sub-inspectors and they say: What are we to do, how can we get on when we have to pay so much every month to our officers? I think every police station is required to pay a certain amount to the superintendents of police who are corrupt. I do not say that they are all corrupt. But how can there possibly be any reform in the police administration of the district when the heads are men of that sort of character?

**Premier :** All those generalities are very well, but my honourable friend is a lawyer and he knows perfectly well that the information that he gets is either hearsay or second-hand information and naturally he would not expect me to take action on that information without making an official inquiry into the matter. Could he suggest any constructive method whereby I could improve the inquiring agencies? I am sure he would not like me to take action without first making inquiries.

**Lala Duni Chand :** You have got the Criminal Intelligence Department, a well informed and very intelligent department. That department digs out even the most secret information about things that are done by revolutionaries in the darkest closets. Cannot the Honourable the Premier requisition the services of that most intelligent department? I make one concrete suggestion.

**Premier :** Supposing I requisition their services—how does he know that I do not when it is necessary for me to do so?—supposing I do so, I cannot possibly conscientiously take action on the mere report unless I make a regular investigation according to law and procedure. If I did that sort of thing, my honourable friends will come forward and say, here is *zulum*, here is autocratic rule, these men are being dismissed without any legal procedure.

**Lala Duni Chand :** I will give the whole procedure for the enlightenment of the Premier. This is what he should do. In the first place he should write a strong letter to the Inspector-General of Police saying, "I believe morally that there is a good deal of corruption in the Police Department, you should depute members of the Intelligence Department to

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report regarding the conduct of the superintendents and the deputy superintendents of police." He should get that information. Then he should go into that information, or appoint somebody else to go through that information. After the gentleman appointed by him has gone through the record, he should find out which of the officers are enjoying particularly bad reputation and are known to be bribe takers. Let him make a selection of a dozen men of the worst type. Then he should appoint some members of the Criminal Intelligence Department to find out proof of corruption against those officers against whom he has already got the report of the Criminal Investigation Department, namely that their reputation is bad. Let him adopt this procedure and I am perfectly certain that he will get good many cases in which he will be in a position to punish the police officers including the superintendents departmentally and in some cases he will be able to start criminal prosecutions.

I have suggested that procedure. The Honourable Premier must have got a number of highly respectable and highly reliable men at his disposal. I leave it to him. Let him appoint a dozen reliable men, men of unimpeachable character, men who want to do something to the country. Let him entrust this work to them and let them go about and collect the information. What more do you want? Almost from each village affected I can get dozens of men who can give statements to the effect that such and such a man has taken bribe on such and such an occasion and such and such a thing has been done. Any amount of information can be got. I will make another suggestion. Let him take advantage of the bar associations. Let him refer this question of corruption to the bar associations, regarding the police and also regarding judiciary. Every bar association if called upon by the Honourable Premier will be able to give any information on this matter. I give him another suggestion. In every district there are certain men who enjoy particularly good reputation. There are men who are incapable of being purchased by anybody at any cost. There are men who will not utter a falsehood for the sake of anything. Let him employ those men. He can easily do it. I may inform the Honourable Premier, that some years ago when the late lamented Sir Fazl-i-Husain was a Minister he offered me an appointment to me. He said that he was going to appoint a number of panchayats all over the province and he asked me to take charge of those. As I was doing better things I wanted to be excused. So men of that kind can be found in every district. The Honourable Premier will not find those men in the ranks of the Unionist Party because it is all the slavish people that are gathered round the Unionist Party. You may discard Congress members also. But there are other people. Now I have made certain concrete suggestions. I have answered the Honourable Premier. Let him accept those suggestions and he will find a good deal of material to deal with corruption if he is really so minded.

Now there are certain things about the police. To begin from the beginning there is the lodging of the first information report. Then there is the investigation stage and then the stage of putting the case in a court of law. May I inform the Honourable Premier what things are done in connection with the various stages? It is in very few cases that a person who goes to the police station can have his report recorded without delay.

Persons who go with reports of murders, with reports of dacoities, with reports of theft, are made to wait for many hours. May be in 2 or 3 or 5 per cent. of cases the reports are recorded without payment. But in 95 cases out of hundred the head constable in charge has to get something. His palm has to be greased. Very many difficulties happen. The Honourable Premier, though not a lawyer, must be aware of these things. The first information report is the bed rock or the very foundation of criminal prosecution. Most cases are spoiled in their initial stages. The offenders against whom a man goes to make a report go to the police station beforehand. They pay the man there and he makes any kind of report. I know many cases in which an accused named by the person who made the report is not mentioned at all. I also know of cases in which the names of persons not given by the aggrieved party are given in the report. So I was saying that the first information report is the very foundation of criminal prosecution. In the very beginning a good many cases are spoiled.

**Premier :** I am going out on an urgent business and my secretary is taking notes.

**Lala Duni Chand :** The Honourable Premier may take note of my earnestness. Then there is the investigation stage. The Honourable Deputy Speaker has got a very large criminal practice. He knows all about investigation, how it is conducted, through how many stages it passes and so does the Honourable Mian Abdul Haye. As soon as a report is received, if the investigating officer has not received any money, he goes and collects a large number of all sorts of people indiscriminately, particularly all the substantial people of the village. He keeps them round him for days and days without telling them what offence they have committed. The process of elimination goes on. In the beginning say a hundred men are called in and 25 are eliminated; then another 25 are eliminated and so on. The Honourable Mian Abdul Haye knows it very well by what process they are eliminated. Sir, a good many of them have to part with their hard earned money, notwithstanding that they are absolutely innocent of any crime.

**Raja Ghazanfar Ali Khan :** What is the remedy the honourable member suggests?

**Lala Duni Chand :** I have already submitted many. Perhaps the honourable member was not here at that time. As he has put a pertinent question the remedy that I can suggest is, get the information regarding investigation of every serious crime, get information from the villages, as to how many people were called by the investigating officer and how many of them were made to part with their money and you will get this in almost every important criminal case. That is the suggestion that I make. I am responsible for giving that kind of information regarding Ambala district. He will get full information regarding every case, provided that he is serious enough and is earnest to do everything in his power. But if his sympathies end in smoke, there is no use of my troubling myself and troubling other people. The Congress has done one good thing. It has created a sense of courage, a sense of responsibility among the people. I go about in my constituency and I tell the people, "be truthful, do not make any false allegations against anybody, but have the courage of saying

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the truth and whenever the Ministers or Parliamentary Secretaries or deputy commissioners come, have the courage to tell them what is happening in your place." You can get any amount of information. Even a powerless man like myself is approached in the form of petitions by hundreds of people.

**Minister for Education :** I hope the Congress will have the courage to tell us everything about Fatehwal.

**Lala Duni Chand :** I was going to touch this question. So far as that most tragic occurrence is concerned, I am at one with the honourable members on the Treasury benches. I deplore sincerely the death of two persons. What happened at Fatehwal is this. A party was put up, I am not going to say by whom.

**Deputy Speaker :** I request the honourable member not to go into the facts of that incident.

**Lala Duni Chand :** The other party is making an attempt to prejudice the case of a large number of people who are already under arrest and of those who are going to be arrested. I shall be the last person to prejudice the case either for the prosecution or for the defence.

**Deputy Speaker :** I would request the honourable member to leave that incident alone.

**Lala Duni Chand :** If there is any organization or party in the country that really wants to serve the people as opposed to the Congress I shall be glad to respect it. I am sure there are a large number of people in the Congress who want to serve the country in their own way. I would respect any organisation that may be created or is in existence that has similar intention of serving the people. I know that at present there is no such party or organization. Let them create that organization. If there is no such party what is the meaning of three or four or five hundred people coming and trying to create disturbances.

**Deputy Speaker :** The honourable member is not speaking to the motion.

**Lala Duni Chand :** I was telling my honourable friend Raja Sahib that people have been awakened and they have got the courage to bring true facts to the notice of the Government and authorities concerned. There was a time when everyone was demoralized. They were oppressed and they did not have the courage of carrying their tales of woe to higher authorities.

**Raja Ghazanfar Ali Khan :** Chaudhri Sir Chhotu Ram also says the same thing.

**Lala Duni Chand :** If my honourable friend Raja Sahib or any one else wants to do any service to the people, let him get information from the people. Whenever any complaint duly authenticated and in writing but not anonymously is made, let there be a body of half a dozen people or two or three or four to go carefully into every such complaint and let some action be then taken on it. I do not mind if Government takes any action against those people who make false reports. My experience of thirty years during which I practiced as a lawyer, even after

that I am to some extent in close contact with the litigating public, is that our people have not up to this time acquired the art of making false complaints against officers of Government. They may develop that habit later on, but at present they do not have it. I know some people make complaints against their enemies, but there are very few cases in which people have made false reports against Government servants. You should, therefore, start with the presumption that no complaint duly authenticated is made without reason and that there is something in it. Hundreds of complaints are made and nearly cent. per cent. of them are dismissed and a few of them that are considered do not lead to anything. What happens in these cases? I know that not only they are dismissed, but sometime prosecutions are started against the people who make real and true complaints. All over the Punjab one of the important functions of the police is to harrass and to persecute the Congressmen. I know in my own district, complaints came to me made by those people whom I know to be thoroughly reliable and respectable. I approached the Deputy Commissioner and he stated that the complaints have been forwarded to proper persons for enquiries. These complaints are sent to those very people who are accused and against whom complaints are made. I put my point of view before the District Magistrate and asked him what was meant by this procedure. Complaints are made but we are told that they have been found to be unfounded. If you are not to accept the opinion of every Congressman as reliable, you must be prepared to accept someone's opinion. There must be some reliable persons even among the non-congressmen. If such men make complaints after due enquiry, at least accept their statements. Can there be a Congressman more honourable and more respectable than Dr. Gopi Chand, the Leader of the Opposition? But look at the treatment that has been meted out to him. He went to a place to make ordinary enquiries in connection with certain happenings. He came back with the report about those happenings and expected the Honourable Premier to do something about it. But what was the reply that he received? It was that Dr. Gopi Chand had been guilty of a sort of treason and he had tried to establish a parallel Government and that the Premier was not going to allow that to be done. This is the treatment that has been meted out and I am perfectly sure that everyone who endeavours to do the same will be treated in the same way. The truth of the matter is that you are carrying on this wretched administration, the administration of the Police Department, in order to keep your hold on the ignorant people of this province. Police is one of your bulwarks of defence.

**Minister for Education :** You wanted the assistance of the police the other day at Fatehwal?

**Lala Duni Chand :** I shall always be prepared to go to the police in order to put the police to shame. In fact I am one of those people who will go even to the humblest constable and ask him to do his duty. I do not feel any shame in it. I need not recount my experiences. They have been very sad, and I do not want to enter into them. I was submitting to the Honourable Minister for Education who represents the Honourable Premier now in the House in his absence, that Congressmen are being prosecuted all over the province, they are being harrassed and being subjected.

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to all sorts of indignities and humiliations. (*Minister for Education : Question*). The Honourable Minister said the other day that we may sometime take their places. If so, is this the kind of treatment that the Government is meting out to us? I am perfectly certain that if the Congressmen are allowed to do their legitimate work and in their own way, there would be no trouble. The trouble arises only from the fact that some unwise members of the Treasury benches have taken into their heads that they can meet the righteous propaganda of the Congress by starting counter propaganda. They are absolutely mistaken. Unless, as I have said, you start some organization with similar principles and creed you cannot get the allegiance of the people. I was submitting that generally all wrongs are being pinned to the Congress. My last word to the Treasury benches is to take cognizance of certain facts. Let them satisfy themselves about the truth of the complaints regarding the police administration. If they are satisfied, they should try to set them right. I warn the Unionist Government that their fall may

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not be due to the efforts of the Congress but very probably due to the fact that in the course of their regime they will be unable to give any relief to the people from the high-handedness of the police. Their fall may be due to the fact that they have not brought about any kind of change, any new orientation in the general attitude of the services and the general attitude and the conduct of the rank and file. If my words are weighed properly, I hope that they will find a good deal of valuable material in those words and if they have any inclination to serve the people, my words will give them sufficient material to serve the people.

**Pir Akbar Ali** (Fazilka, Muhammadan, Rural) (*Urdu*) : Sir, I rise to oppose Sardar Hari Singh's motion.

**Deputy Speaker** : The honourable member should speak in English. (*Hear, hear*).

**Pir Akbar Ali** (*Urdu*) : Sir, It is not in my power to withhold myself from expressing myself in *Urdu*. I want to speak in the language in which I can express myself fully. Secondly, my honourable friends behind me demand that I should address the House in *Urdu*.

**Deputy Speaker** : The honourable member is a B.A., LL.B., and an Advocate.

**Pir Akbar Ali** (*Urdu*) : Am I not permitted to speak in *Urdu* ?

**Deputy Speaker** : Order please. The honourable member should speak in English.

**Pir Akbar Ali** : I have not been able to understand why I am ordered to speak in English. Very well, I submit to your ruling. Friends sitting behind me wanted me to speak in my vernacular but I will bow to your order, though friends on the other side who are objecting to my speaking in vernacular are allowed to speak in vernacular in spite of the fact that some of them are B.As., and M.As. They are allowed to speak even in Punjabi, not to say of *Urdu*.

I appreciate the activity of the present Government in improving the whole police service. I submit that it is not an easy task for the present Government to eradicate corruption or other defects in the service in such a short period and it would be expecting too much from them if they want that the services should be purified in such a short period. It is simply impossible. It is, I think, beyond a man's capacity to do that. I admit that there is corruption not only in the Police Department but in every department. It is not only in the Punjab but in every province of India—not only in India but in every country of the world. There is corruption and nobody can deny that. I will say that the man who says that there is no corruption in any country of the world, is ignorant of facts. Corruption will remain but the Punjab Government has succeeded better than other governments in purifying its services. That is what I can say. There is now no corruption in the higher services such as the superintendents of police, deputy superintendents of police, etc. There is less corruption than before amongst the subordinates. I cannot say that there is no corruption, but what I can say is that conditions are better than before. Corruption is there but who is responsible for that? I would submit that the Opposition have not allowed Government to attend to services. They are keeping them busy over things which are not so necessary and they are taking the time of the Government and keeping them busy in very unimportant things. It is necessary, however, that some measures should be adopted whereby improvement in the service may be effected. It is necessary that the pay of the constable should be raised to rupees 20 which is but a living wage. If it is raised to that, I hope the constables will be less corrupt than they are at present. As to other members of this service I think that they are given sufficient pay and there is no necessity of increasing the pay of officers ranging from assistant sub-inspector to superintendent of police. I have to say one thing about the additional police. The district police is improving in the discharge of its duties but the additional police is an irresponsible police. I think that additional police is not required and there should be no additional police in addition to the district police. Some police force, called the mounted police, or mobile force, is retained in the Ferozepore district in two tahsils, Fazilka and Muktsar. I should be excused when, I say that while the Government thinks that this police is provided in the interest and for the welfare of the people of those ilaqas, this police is of some other sort. It is said that they are to prevent dacoities. I submit that they themselves are the dacoits and they themselves are responsible for some of the dacoities. It is a fact that so many proclaimed offenders have been arrested by the police but I would respectfully submit that they have been arrested not by this additional police but by the district police. Wherever proclaimed offenders are arrested they are arrested by the district police. I admire and appreciate the *bona fides* of the Government that they have retained that police on the report of subordinate officers who want themselves to be kept in the tahsils. Had the Government known that they are not useful for preventing offences or dacoities, they would not have allowed that police to continue there. I would submit, for the information of the Government, the real causes of dacoities in those tahsils where this police is posted. Ferozepore district is surrounded by various states. From those states ammunition and arms are easily imported to the Ferozepore district. I know that some

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of the railway employees have been supplying ammunition and arms to the offenders. To meet that, the Government should be liberal in granting gun licenses to the residents of Ferozepore district. What is the state of affairs in the Ferozepore district? These persons are not allowed to keep cartridges containing big shot. They are only allowed to keep cartridges which are suitable for bird shooting. These dacoits keep big cartridges with them. They can shoot and do everything, for they know that these persons are not allowed to use big cartridges; otherwise they dare not enter the villages if they know that guns along with high class ammunition are in possession of the villagers. Dacoities take place because these dacoits know that the villagers do not possess guns and if they do possess guns they do not possess the right sort of ammunition.

In the Fazilka tahsil there is a police station and within 20 miles of its jurisdiction there is no road. The first duty of Government, when it spends Rs. 56,000 on this post, is to spend some money on the construction of roads. It should metal the road from Ferozepore to Fazilka, from Fazilka to Malout, from Abohar to Usmankhera, from Abohar to Sitohgunno, from Baghpurana to Nathana and from Jalalabad via Muktsar, Doda, Kot Khai to Giddarbaha. Giddarbaha is the headquarters of a 1st class magistrate with section 30 powers but there is no pucca road or a metalled road up to Kot Bhai where there is a police station. If there had been a metalled road then the villages in the jurisdiction of Kot Bhai would be better controlled. There is no motor road or pucca road within an area of 20 miles. If these roads are metalled I confidently believe that dacoities would be stopped in that ilaqa. I submit again with all the force at my command that the retention of the mounted police would add to the offences: it will not in any way decrease the offences. Sometimes they create circumstances to justify their existence. I will not name the village nor the offenders but I will state before you the story of this mounted police in that ilaqa. Once they went to a village at about 12-30 in the night and entered a house. The inmates of the house suspected them to be dacoits. The policeman asked them to come out. The owner of the house replied, "I will not come out, you are dacoits, and unless you are accompanied by the lambardar or the chaukidar, I will not come out." But the policemen insisted. The owner of the house suspecting them to be dacoits fired at them. Then the police went to the house of lambardar and along with him called out those men and told them that they had offered resistance to them and demanded Rs. 1,000. The compromise was at Rs. 120. I know all these things myself because I am myself unfortunately a lambardar. In the major part of the Ferozepore district no fowl is to be found in the villages. Not only that, every good animal there, may be a horse, a camel or a buffalo, is considered by the police to be their own property. No zamindar is allowed to keep a good cow. If there is a good cow or other animal they will say why this man has a good cow: it is our right. Somehow or other they must have it. When it becomes dry they send it back to the owner. He should feed the cow and the young but it should be considered their property. Sometimes they are a bit considerate and they send Rs. 20 if the cow is worth Rs. 100. I would submit that now we are in safe hands; because the present Ministry know all these things (A voice:



And still they do not do anything). I will not be as irresponsible as some of you may be. I was submitting that because the Ministers know all these things they are trying to remove all these grievances : they are doing their best. Let us all co-operate. My friends on the Opposition say that they have hopelessly failed : I should say that they have wonderfully succeeded. Those people have failed who in spite of preaching non-violence are committing murders. The Government are doing their best but they have not had sufficient time to attend to these things. We should all co-operate to remove all these things and to eradicate all the evils which we find in the province. The remedy which I have suggested for eradicating crime in Fazilka is the construction and metalling of roads. The Honourable Minister over there perhaps does not know this because he has not had sufficient time to go to Fazilka where in some places within an area of 10 miles there is no school. If he has time to tour through the Fazilka tahsil he will find the truth of my statement. It is not necessary to retain the police there. The remedy is not the mounted police : the remedy is education and more schools. If honourable members will kindly see page 56 of the Memorandum they will find the reason given there. I am submitting that that reason is not correct. The remedy is that people should be educated, there should be metalled roads and Government subsidies should be given.

Now, Sir, one gentleman from that side was pleased to remark that the police are discourteous. To that my honourable friend Chaudhri Abdul Rab has already given a reply. I have to submit that because the police have to deal with bad criminals, they cannot be very courteous. My honourable friend will support me that when he is sometimes cross-examining a person who is not very decent, he has to be discourteous. The police have to live in the atmosphere of criminals. In dealing with a crime, they would not say to the criminal —

” آچے چوری کی ہے بتا دیجئے

زندہ رہو خوش رہو بتا دیجئے“

After all they have to deal with those persons.

One more thing which I want to submit before the House is that on the one hand my honourable friends want to condemn the police and on the other they say that the jurisdiction of the police should be increased. There is one cut motion by some honourable member to the effect that offences under section 498, Indian Penal Code, should be made cognizable. Now, Sir, only the day before yesterday complaints were made in this House that the police failed to reach the village of Fatehwal in order to keep peace there, and because of the failure of the police to reach there in time such a bad thing happened. I cannot understand that. You cannot blow hot and cold in the same breath. On the one hand you say that the police should be condemned and on the other you say that the jurisdiction of the police should be increased. All these things, I submit, are inconsistent. With these remarks I oppose the motion before the House.

**Sardar Harjab Singh** (Hoshiarpur South, Sikh, Rural) (*Punjabi*) : Sir, before discussing the demand for grant for the police administration would like to look for the principles which underlie the budget itself, and when we compare these principles with those that are kept in view

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by the parliaments of the various other countries, we are disappointed to find that our Government have failed to carry out those principles into practice.

**Deputy Speaker :** The honourable member should speak to the motion.

**Sardar Harjab Singh :** Well, Sir, ever since the formation of the Unionist Government, we find that in the district of Hoshiarpur the atrocities of the police have multiplied with rapid strides, and the appointment of Mr. Unitt as the superintendent of police in that district has aggravated the position to a great extent. He summoned immediately after his arrival in the district all the policemen serving under him and exhorted them to apprehend the various political workers of the locality. In support of this I may mention the statement of a police constable who personally told me all about his interview with the said superintendent of police. When he informed the superintendent that for some months past he had been watching the behaviour of a political worker, the superintendent remonstrated with him for not having been able so far to implicate the said political worker in some false case by placing illicit liquor in his house or in some other similar way. Now I may submit that when responsible officers like that superintendent of police behave in so irresponsible a way, it would be futile to hope that petty officials will mend their ways. In this connection I am reminded of another case in which the police subjected the inhabitants of village Lumbare in the Ludhiana district to cruelty for the simple reason that the police had been unable to arrest an absconder Ram Singh, for some years. Mr. Unitt took it into his head to harass the whole village and came upon it one day with one deputy superintendent, one sub-inspector and 12 constables, and ordered the deputy superintendent to collect all the inhabitants of the village and tease them in whatever manner he thought fit. After a time the superintendent of police went away leaving the sub-inspector behind him to trace out the absconder. The police sub-inspector instead of doing some useful work, asked the zamindars of the village to give him some money for food and other necessities. At first the villagers pleaded that they were too poor to pay any illegal gratification but had to yield later, with the result that they raised a subscription of Rs. 60 at the rate of Rs. 5 per plough in the village. Believe me, Sir, that this taxation was repeated four times bringing the total to Rs. 240. But the greedy sub-inspector was not content with that and wanted to obtain more money from the poor kamins also. The cobblers, potters, ironsmiths, goldsmiths and carpenters of the village were, consequently, compelled to pay Rs. 19, 16, 5, 17, and 15, respectively. This sum of Rs. 72 added to the amount of Rs. 240 already paid to the sub-inspector brings the total to Rs. 312. But the story does not end here.

For full 5 days the police did not allow a single villager to go out of the village. Their lot was a hard one. They could neither water their fields nor plough their lands. Literally speaking the police had kept the whole village in confinement for the said period. Moreover, the police forcibly occupied many houses and did not pay a single penny as house-rent to their owners. The police also forcibly got possession of the house of Ram Singh's brother and turned all his cattle out of it and grazed their horses on the fodder that was stored by him for his own cattle. The police also cut down 4 kanals

of *chari*. It also used as fuel 10 or 12 wooden sleepers that were kept in the house by the poor fellow. Again, the police inflicted great hardships on the villagers. The police which feels proud of its being brave selected 16 villagers to guard them by night. Four villagers were ordered by the constables posted there to take their beds on the roof of the house and four batches of 4 each were charged to keep watch on the different sides of the house. The police force posted in the village was 20 strong. Eight of them were mounted and 12 foot constables. These 20 policemen did not pay a single farthing as remuneration to their poor watchers. Can it be possible for a police force of this kind to protect the interests of the public which gets itself guarded by others ?

The day we came to know about this state of affairs I with my honourable friends, Sardar Hari Singh and Sardar Moola Singh, reached the village for holding an inquiry into the matter. We asked the villagers to assemble at a particular place so that we could ascertain the truth of the information we had received. But the policemen also came along with the villagers. Being afraid of them the villagers hesitated in placing their grievances before us. They told us that it was absolutely impossible for them to relate the facts in the presence of the policemen. We explained the situation to the police and requested them to withdraw from there as the villagers would not lay their grievances before us in their presence. When the police refused to give way we held the inquiry and got the report signed by as many as 50 or 60 villagers. After completing the inquiry we met the Deputy Commissioner of Hoshiarpur at his bungalow and laid the whole matter before him. He was very much surprised to learn that such atrocities were being committed in his district. He frankly admitted that he had no knowledge of those matters at all. He assured us that he would institute an inquiry into the matter without any delay, and take to task all those policemen who would be found guilty of malfeasance. We replied that if he were prepared to institute an independent inquiry into the matter we would not resort to any agitation at all. The Deputy Commissioner gave us the assurance we required from him. On the following day we made for Lahore and sought an interview with the Honourable Premier. We brought it to his notice that under his regime certain policemen had unlawfully extorted Rs. 312 from the poor villagers. The Premier also assured us that he would make inquiries into the matter. But it is 4 or 5 months since he gave us the assurance, but neither the promised inquiry has been made nor the amount of Rs. 312 been refunded to the villagers, although a few days after the assurance was given by the Premier he visited the Hoshiarpur district. He made speeches at Garhshankar but it is a pity that he did not take the trouble of visiting the village Suhanghra which is only 8 miles away from Garhshankar. Had he done so the villagers would have been pleased with his interest in the matter. Sir, ever since Mr. Unitt has been appointed as Superintendent of Police, Hoshiarpur—

**Minister for Education** My honourable friend has made a reference to a particular officer by name. Is it his position that that officer is responsible ? Is it fair that an officer should be criticised in this manner—an officer who has no opportunity of defending himself in the House ?

**Deputy Speaker :** I too request the honourable member not to refer to an officer without authentic information in his possession.

**Sardar Harjab Singh :** Sir, I have got certain documentary proofs in this respect. I take the responsibility for the words I am going to use. Once the said superintendent of police paid a visit to Una. While he was passing through a bazar he caught sight of a photograph hanging in a shop. The photograph was that of the late lamented Sardar Bhagat Singh. Having gone a few yards away from the shop the superintendent of police ordered a sub-inspector of police to fetch that very photograph. When he brought it with him the superintendent of police burnt the photograph in the presence of a number of citizens and trampled it under his feet. Can we expect justice at the hands of such police officers who get scared by pictures and mete out such treatment to mere photographs? This is not the only instance of its kind. Such incidents also took place in Haryana and Bhunga.

The Government complains that terrorist element has increased in the country. My submission is that if the police officials do not mend their ways the youngmen of India would surely resort to terrorism. We discussed the matter with Doctor Satya Pal also and he advised us not to resort to agitation in the matter but give sufficient time to the Premier for making independent inquiry in this respect. So under his instructions we refrained from staging any demonstration.

I may be allowed to give one more instance. A fair is annually held at Achalpur near Garhshankar. It is alleged that the policemen are in the habit of receiving illegal gratification to the extent of 2 to 4 annas from each and every shopkeeper who opens his shop in the fair. Once the policemen told the shopkeepers that if they would not give them money they would plunder the shops. In this way the police extorted money from them. In the meantime the Congress workers happened to come there. They caught the policemen and snatched the money from them. The statements of the shopkeepers were taken down there and then and along with the money they were sent to the Deputy Commissioner, Hoshiarpur. But the Deputy Commissioner refused to receive the money-order. The report regarding the statements of the shopkeepers was sent to the Deputy Commissioner but no heed was paid to it and no punishment was given to the policemen.

Let me submit another incident which took place at police station Tanda at Harci Pind. Some youngmen of that village were employed in the sugar factories in the United Provinces. Their verification certificates were sent to the police station and two policemen went to the village in order to get them verified. Instead of inquiring from the lambardars they went straight to the houses of the youngmen and threatened their relatives including an old woman who had been much annoyed by them. Their relations were beaten and abused by the police. At last the policemen extorted two rupees by saying that they would strongly recommend those youngmen. It would be very unjust on the part of the Government if they do not pay heed to our repeated requests regarding the high-handedness of the police. I would openly say that if the Unionist Government want to remain in power they should find out some remedy in order to stop the

excesses of the police and if they do not care to reform the police let me tell the Government that the police will be the cause of their downfall.

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

**Diwan Bahadur Raja Narendra Nath** (East Punjab Landholders) : Sir, it is my painful duty to associate myself to a large extent with the remarks which have been made by my friend Sardar Hari Singh on the opposite bench about the failure of the police to discover the kidnapping cases and to stop this most detestible practice of kidnapping of children. I am sorry I was not present here when my honourable friend Sardar Ujjal Singh made a statement on behalf of the Government as to the steps which Government have taken in order to put a stop to this evil. But I have been told that a special staff has been appointed to make enquiries and to investigate these cases thoroughly. There is one very pitiable case of Lahore which I wish to bring to the notice of my friend, the Secretary to the Premier, and that is the kidnapping of two boys aged 11 and 9 years and this took place when these boys were going to a school outside the Shalmi Gate, one of the most populous parts of the city. All this is happening while our friend the Honourable Minister for Education proposes to introduce compulsion in certain areas and that compulsion he proposes to exercise in respect of boys of from 6 to 11 years of age living at a distance of two miles from the school. If in a populous part of Lahore city it is not possible to accord safety to small children going to a school half a mile away, I do not know what will happen in villages. (*Hear, hear*). I have not come to know the instructions issued with regard to the working and with regard to the steps the police are to take in investigating these things. But I have a suggestion to make. They should co-operate with other provinces. I fear that these children are taken to other provinces. They are not kept in this city or in this province but they are taken to other provinces and whenever cases of this kind come to the notice of the police immediate steps should be taken to put themselves in communication with the neighbouring provinces. The North-West Frontier Province is perhaps a very bad province where it is suspected these children are taken, children that are kidnapped, and I am sure we will receive full co-operation and full support from Dr. Khan Sahib if he is appealed to.

Some remarks have been made by the members opposite with regard to corruption. I know there is corruption in the police and I do not agree with my honourable friend who spoke last on this side that there is corruption in every country. This is not correct. I have to speak very highly of the London police of which I have some experience. However, that does not matter. There is not the least doubt that corruption prevails in the police and is felt by people more than the corruption prevailing in other departments. There is corruption in other departments too but people do not feel it so much as they feel it in the Police Department. But there is one thing to which I wish to invite the attention of my honourable friends who have laid stress on the necessity of taking steps for removing corruption. As long as there is communalism in this province, as long as there are caste prejudices in this province, it will be impossible to remove corruption. People will stand up at once and say that there is a Hindu officer entrusted with enquiry and a Hindu culprit goes free and there is a Muslim officer enquiring and a Muslim culprit goes free. People will at once say that bigotry is being

[D. B. Raja Narendra Nath.]

shown, communalism is being shown, that the officer is not impartial, is not just, because he belongs to a certain community. Then we must not speak in defence of individual rights. Only the other day we had a non-official resolution with regard to compulsory retirement of officers who had completed 25 years of service and who were suspected of bribery or who were considered to be inefficient. I began to receive whispers in my ears that this resolution should not be allowed to be passed and the power which Government is given will be abused. The Premier took some steps but I am not quite sure whether everyone is satisfied with the wording of the orders or instructions which he proposed to issue to the departments with regard to subordinate officers. People began to say, well all the non-zamindars will be dismissed and they will be replaced by zamindars and all Hindus will be dismissed and they will be replaced by Muhammadans. That is what people will say. So as long as that spirit continues it is impossible to stop bribery and corruption. As an officer I know how difficult it is to lay your hand on a corrupt man especially if he belongs to another community. At once a hue and cry is raised and people say that partiality is being shown.

I have nothing to say with regard to the other matter about which fault has been found with the police that they are very conceited and they are very proud in their behaviour. They may be so. Of course their behaviour is very different from that of the London police. Of that I can certify myself. The London bobby is very polite to everyone, to every stranger that goes to him and asks for his help. But we do not receive that consideration from our own policemen. But I do not know how that spirit of service can be infused into these people all at once. It will probably come gradually. Power is coming into the hands of the people and they are asserting themselves. We are claiming the right to assert our liberties and to assert our self-respect and as time goes on, I hope we will succeed. With these few remarks I ask your permission to resume my seat.

**Pandit Muni Lal Kalia** (Ludhiana and Ferozepore, General, Rural) : I had listened with rapt attention to the arguments that have been advanced from the other side, in opposition to the cut motion on the demand under consideration. That the department is a vital department, that it deals with persons and properties of the people of the province, that it is a department which concerns the very life and liberty of the people is in itself a thing which demands our attention. Most of the gentlemen on the other side have expressed that they agree with us on this side of the House that there is corruption. They have agreed that conditions in the police are extremely bad. But I do not know for what reasons they abruptly come to the conclusion that they are opposed to the cut motion. This position is intelligible to them alone. They condemn the administration and at the same time they speak in its favour. My honourable friend from Nakodar went to the extent of giving a certificate to the superintendent of police of his district. Perhaps he did not know that he himself made a present of 11 persons by their arrest in Nakodar when the Honourable Minister for Development visited Nakodar. With that fact in his knowledge, how could he say that the superintendent of police was doing meritorious services? Another honourable member, Pir Akbar Ali, mentioned inefficiency of police in Fazilka.

and Muktsar, places included in my constituency. He gave a graphic picture of the conditions that are prevalent there. He also made a very good case that there was no necessity for the additional police in that area. The additional police in the Ferozepore district is costing more than 50,000 a year, as the figures in the present budget indicate. But the net results achieved are an increase in the number of dacoities, increase in the number of murders and increase in the number of burglaries and other crimes. Reports of the last two years relate the same tale. They confirm that Ferozepore still continues from the police point of view to be one of the notorious districts in the whole of the Punjab. I come from the two districts of Ludhiana and Ferozepore. The first one is notorious from the political view of the Unionist Party and the other is notorious from the police point of view.

**Premier :** I am at one with my honourable friend that Ludhiana is a notorious district.

**Pandit Muni Lal Kalia :** What I was submitting is that so far as Ferozepore is concerned there is no decrease in crimes. Let me give an instance from police station Dharamkote. I interviewed the Honourable Premier on his visit to Ludhiana in August last and told him that in case precautions were not taken in that area of the Ferozepore district which is adjoining Ludhiana and Jullundur districts, where proclaimed offenders were roaming about, murders would take place. Within a month, that is in September, in one village Mastan there was a dacoity and five persons were murdered. Out of these five, one was a girl of 14 years, one was a boy of 5 or 6 years and the rest were persons who went there to see what was happening in the village. What has the additional police which costs the Government Rs. 50,000 a year been doing? There are cases in that very area, especially in the village of Kishenpura where dacoits are roaming all the day and I have information which I have no reason to disbelieve that the additional police is in league with these dacoits and they only go to the scene of occurrence when the dacoits have left. They share the booty. They get hush money from gamblers.

**Syed Amjad Ali Shah :** Is the honourable member aware that the gang of dacoits he is referring to has been rounded up?

**Pandit Muni Lal Kalia :** No arrests have been made. This can be said about the other dacoits that have been rounded up. But the number of crimes has not decreased in the least. Only when the number of crimes and murders decreases can it be said that the dacoits have been successfully rounded up. If by mentioning the rounding up of some dacoits he wants to justify the maintenance of the additional police, then I am afraid I cannot agree with him. One concrete and very valuable suggestion was made by a Unionist back-bencher on the other side when he said that the roads in Ferozepore district are most defective (*hear, hear*). The district of Ferozepore is something like three times the district of Ludhiana and there are about 11 to 12 states in between by which the district is surrounded and it would be much more advisable to spend these Rs. 50,000 that we are spending on the additional police, on the improvement of roads in the district. If the roads in the district were improved the position in the district would be much better.

**Mr. Speaker :** Further discussion of the grant may be taken up to-morrow.

### PUBLIC UTILITY SERVICES BILL—ALLOTMENT OF TIME FOR CONSIDERATION.

**Premier** (The Honourable Major Sir Sikander Hyat-Khan) : I merely want to announce that subject to your permission it may be necessary to either postpone demands for grants to another day after the 22nd or—perhaps it would be more convenient—to have a special session of the Assembly on the morning of Monday the 21st from 11 A.M. to 1 P.M., because Government finds it necessary to introduce and pass through the various stages a Bill to empower the Punjab Government to control the public utility services. A situation has arisen with one of the lessee companies which, unless rectified, might cause a good deal of inconvenience to the citizens of a big city. It is, therefore, necessary that Government should pass this legislation before the 23rd March. I, therefore, hope that you would find it convenient to convene a special session of the Assembly on the morning of the 21st and allow me to move that Bill and see it through all its stages the same day.

**Dr. Gopi Chand Bhargava :** I do not know anything about that Bill.

**Premier :** The Bill has already been published in the Gazette. It was published yesterday and printed copies will be available to honourable members to-morrow morning. There is some difficulty with regard to the interpretation of a particular clause in a lease. I may frankly mention that it is the Sialkot lease. The Government had the option to take over the distributing system of the company after a certain period, i.e., after the lease period (ten years) expired. A notice was given to the company two years ago that the Government proposed to exercise that option which means that Government must take over that concern or rather the distributing system of the concern and take over the concern itself after that date. Now, there is some dispute which I personally consider, after going through the papers, is a more technical quibble. The quibble is just to let down the tax-payer. Our interpretation is that we can exercise the option by giving a notice according to that lease and the actual steps for taking over need not necessarily be taken during that period of option. That is the general practice everywhere. I understand that some attempts are being made to take shelter behind the letter of the law which can be construed in another way and, therefore, to save the Sialkot City from being plunged into darkness—because Government will not be able to make all the arrangements by the 23rd of March—it is necessary that we should rectify this before 23rd March and also to clarify the position so that the Government may not in any case lose money which it should not ordinarily and equitably lose. That is the main reason.

**Mr. Speaker :** Is it agreed that we should meet in the forenoon of Monday next ?

**Dr. Gopi Chand Bhargava :** I have no objection to meeting but I do not know whether we shall be able to push this thing through because the



legislation may have a certain effect on certain persons and institutions and for that reason we should not rush it through in a hurry. I know that there is no time left.

**Premier :** I might, perhaps for the satisfaction of my honourable friend, say that there is only one effective clause and that is with regard to interpretation of the particular clause in the agreement.

**Mr. Speaker :** The only point is whether we can meet on Monday morning. If the House wishes we might sit on Sunday.

**Dr. Gopi Chand Bhargava :** Monday morning will be much better.

*(It was decided that the Assembly should meet on Monday the 21st March, 1938, at 11 a.m. to discuss the Public Utility Services Control Bill).*

*The Assembly then adjourned till 2 P.M. on Saturday, 19th March, 1938.*

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**PUNJAB LEGISLATIVE ASSEMBLY**  
**2ND SESSION OF THE 1ST PUNJAB LEGISLATIVE ASSEMBLY.**  
*Saturday, 19th March, 1938.*

*The Assembly met in the Council Chamber at 2 P.M. of the clock. Mr. Speaker in the Chair.*

**STARRED QUESTIONS AND ANSWERS.**

**NUMBER OF SECTION COPYISTS IN THE OFFICES OF THE DEPUTY COMMISSIONERS, AMBALA DIVISION.**

**\*2141. Chaudhri Sumer Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the number of section copyists in the offices of the deputy commissioners in the Ambala Division promoted to the permanent posts on the establishment of these offices during the last five years *community-wise* ;
- (b) whether it is a fact that the number of statutory agriculturists among the persons promoted to these permanent posts is inadequate and that none of these belongs to the Gurgaon district ; if so, the reasons for this inadequate representation of the statutory agriculturists and for ignoring the rights of the persons belonging to Gurgaon district ; if so, the action Government proposes to take to redress this grievance ?

**The Honourable Dr. Sir Sundar Singh Majithia :** 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 the honourable member may bring to my notice in a more informal way.

**Lala Deshbandhu Gupta :** Will the Honourable Minister please inform us whether they have circularised the members of their party not to put such questions ?

**Mr. Speaker :** That question should not be asked.

**COMMUNAL REPRESENTATION OF STATUTORY AGRICULTURISTS  
IN THE POLICE SUB-INSPECTORS OF THE GURGAON DISTRICT.**

**\*2142. Chaudhri Sumer Singh :** Will the Honourable Premier be pleased to state—

- (a) the number *community-wise* of assistant sub-inspectors of Police recruited and promoted to higher ranks separately during the last five years from amongst the residents of the Gurgaon district ;

[Ch. Sumer Singh.]

(b) the number of statutory agriculturists among them ;

(c) whether it is a fact that statutory agriculturists are under represented among the persons so recruited and promoted, if so, the action that the Government proposes to take to redress their grievances ?

**The Honourable Major Sir Sikander Hyat-Khan :** (a) and (b) The figures are not readily available, and their collection would entail an expenditure of time and labour which would not be justified, particularly in view of the reply to part (c) below.

(c) Appointments to the rank of assistant sub-inspector are made by Deputy Inspectors-General, who are under instructions to secure the best possible material from the point of view of the requirements of police service that the Range can produce. Subject to this consideration the Deputy Inspectors-General are required to give special thought to the interests, and claims of backward classes and backward districts, but it is not intended that really good candidates should be rejected in favour of inferior ones merely in order to distribute appointments equally between districts.

#### COMMUNITY-WISE NUMBER OF AGRICULTURISTS OF EXAMINERS AND SUB-EXAMINERS IN LAW OF THE PUNJAB UNIVERSITY.

**\*2143. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister of Education be pleased to state the total number community-wise, of (i) examiners and (ii) sub-examiners in law, of the Punjab University according to the latest figures available showing the total number of notified agriculturists belonging to each community among them ?

**The Honourable Mian Abdul Haye :** 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 the honourable member may bring to my notice in a more informal way.

#### PUNJAB UNIVERSITY PROFESSORS, READERS AND LECTURERS IN LAW.

**\*2144. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister of Education be pleased to provide a list, on the lines of those provided in the replies to question \*71 of 17th June, 1937, and \*1744 of 23rd February, 1938, giving all the details asked for in those questions in respect of all the law lectureships in the Punjab University, including the principalship of the University Law College, Lahore, giving also the total amount drawn by way of monthly salary by gentlemen shown in the list who belong to notified agricultural tribes and gentlemen who do not ?

**The Honourable Mian Abdul Haye :** The honourable member is referred to the answer given to question No. \*2143 (above).

<sup>1</sup>Vol. I, pages 238-39.

<sup>2</sup>Vol. II, pages 21.

COMMUNAL REPRESENTATION IN THE PUNJAB UNIVERSITY OF  
PROFESSORS, &C.

**\*2145. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister of Education be pleased to state the total number community-wise of (i) principals of colleges, (ii) professors, (iii) readers, (iv) lecturers and (v) demonstrators in the employment of the Punjab University in February, 1938, giving the number for each community, of those who are notified agriculturists among them, and giving also the total of the monthly salaries drawn by the notified agriculturists and the others in each community and state also what steps Government proposes to take to remedy the paucity of notified agriculturists in the posts mentioned above ?

**The Honourable Mian Abdul Haye :** The honourable member is referred to the answer given to question No. \*2143 (pre-page).

COMMUNAL REPRESENTATION IN THE PUNJAB UNIVERSITY EXAMINERS,  
ETC.

**\*2146. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister of Education be pleased to state the total number community-wise of (a) examiners, and (b) sub-examiners each of the various subjects for (i) Master of Arts and Science examinations, (ii) Bachelor of Arts and Science examinations, (iii) first examinations and (iv) the matriculation examination stating the number of those in each community who are notified agriculturists among them and state what steps Government propose to take to remedy the extreme paucity of the notified agriculturists in each community and make up the under-representation of the community ?

**The Honourable Mian Abdul Haye :** The honourable member is referred to the answer given to question No. \*2143 (pre-page).

PRIVILEGES ENJOYED BY LAMBARDARS OF OLD AND NEW COLONIES.

**\*2147. Khan Sahib Khan Muhammad Saadat Ali Khan :** Will the Honourable Minister of Revenue be pleased to state—

(a) whether the lambardars in the new Colonies enjoy more privileges than the lambardars in the old colonies ; if so, the nature of those privileges ;

(b) whether Government have taken any steps to bring the lambardars in the old colonies on par with the lambardars in the new colonies ; if so, what ?

**The Honourable Dr. Sir Sundar Singh Majithia :** (a) In colonies started previous to the Lower Bari Doab Colony grants *ex-officio* to lambardars were of one square ; but, except in the Lower Jhelum Colony, service conditions, such as mule-breeding, were generally attached. In view of the decision no longer to attach service conditions to these grants only half a rectangle, or square has been granted in subsequent colonies.

(b) Government considers that the present arrangements are satisfactory and no change is contemplated.

RESTORATION OF THE PROPERTY OF RANDHIR SINGH OF NARANG-  
WAL, DISTRICT LUDHIANA.

**\*2148. Master Kabul Singh :** Will the Honourable Premier be pleased to state whether he has ever considered the question of restoring the property to one Randhir Singh of Narangwal, district Ludhiana, which belonged to him and which was confiscated by Government on his arrest and conviction in connection with the Second Lahore Conspiracy Case in May, 1915, if so, with what result ?

**Parliamentary Secretary (Sardar Sahib Sardar Ujjal Singh) :** Yes—Government have decided not to return any property confiscated by the orders of a court in the Lahore Conspiracy Case of 1914-15.

**Chaudhri Kartar Singh :** Will the Honourable the Premier please state the reasons why Government is not prepared to return the property ?

**Parliamentary Secretary :** It is not necessary to give reasons. The orders of the court are binding on the Government and Government is not prepared to revise that order.

**Chaudhri Kartar Singh :** Do Government know that when the prisoners of this case were released, their property was also given back to them ?

**Parliamentary Secretary :** I have stated that in the case of the Lahore Conspiracy prisoners Government is not prepared to return their property.

**Chaudhri Kartar Singh :** Do Government know that the property of the Conspiracy Case prisoners of 1914-15 was given back to them on their release ?

**Mr. Speaker :** The answer given by the Parliamentary Secretary is that in the case of the prisoners of the Lahore Conspiracy Case that will not be done. The honourable member is now citing instances of other cases.

**Chaudhri Kartar Singh :** Sir, I simply asked why Randhir Singh has not been given his property back when in the case of two other prisoners of the Conspiracy Case of 1914-15, the previous Government gave their property back.

**Parliamentary Secretary :** If any property was restored there must have been good reasons for it.

**Master Kabul Singh :** Will Government please state if the property is not given back to these prisoners how they will be able to make both ends meet ?

**Parliamentary Secretary :** That does not arise out of this question.

**Chaudhri Kartar Singh :** Do Government know that Baba Kesar Singh and Rur Singh who were imprisoned in this Conspiracy Case got their property back on their release ?

**Parliamentary Secretary :** They ought to be thankful to the Government if Government did that.

**Lala Bhim Sen Sachar :** The Government do not propose to restore the confiscated property because of the orders of the court or because the Government do not want to restore the property ?

**Parliamentary Secretary :** It is not in the public interest to disclose the reasons.

**Dr. Gopi Chand Bhargava :** May I know the reasons for differentiation made between Baba Rur Singh and Sardar Randhir Singh ?

**Parliamentary Secretary :** I have already stated that Government is not prepared to disclose reasons on which it has decided not to restore the property of 1914-15 prisoners.

**Lala Bhim Sen Sachar :** What is the value of the property confiscated ?

**Parliamentary Secretary :** I must have notice for that.

**Sardar Sohan Singh Josh :** Has it been decided that the property of Baba Wasakha Singh should be restored to him ?

**Parliamentary Secretary :** I cannot reply off hand : if the honourable member gives a fresh notice I will make enquiries.

**Dr. Sant Ram Seth :** Does the property include houses and land in it ?

**Parliamentary Secretary :** I am sorry I cannot give details of the property.

**Shrimati Raghbir Kaur :** The house of Baba Kesar Singh was auctioned. Do Government intend to restore his property back to him ?

MAL-TREATMENT OF THE PRESIDENT OF THE CONGRESS COMMITTEE, KHAN KHANA, DISTRICT JULLUNDUR, AT THE HANDS OF THE TAHSILDAR.

**\*2149. Master Kabul Singh :** Will the Honourable Minister of Public Works be pleased to state—

(a) whether it is a fact that he was informed telegraphically on 29rd January, 1938, about the assault and mal-treatment of the President of the Congress Committee, Khan Khana, district Jullundur, at the hands of the Tahsildar in connection with the imposition of the professional tax ;

(b) if the answer to (a) be in the affirmative, the action that the Government contemplates taking in the matter ?

**The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana :** (a) A telegram making these allegations was received.

(b) The case is *sub-judice*, and so Government do not propose to comment on it.

REPRESENTATION OF INHABITANTS OF ROHTAK AND BHIWANI TOWNS RE. INCREASE IN THE NUMBER OF WARDS IN THEIR MUNICIPAL COMMITTEES.

**\*2150. Khawaja Ghulam Samad :** Will the Honourable Minister of Public Works be pleased to state—

(a) whether any representations have been made by the inhabitants of Rohtak and Bhiwani towns to increase the number of wards and evenly distribute the voters for the purposes of election of members of their Municipal Committees ;

(b) the action proposed to be taken in this respect to remove the anomaly ?

**The Honourable Major Nawabzada Malik Khizar Ha yat Khan Tiwana :** As regards Rohtak, various representations in the matter were received by the Deputy Commissioner, Rohtak, recently which are being considered by him. As regards Bhiwani, there has been no representation by the inhabitants of Bhiwani before the 29th May, 1936, when the local Municipal Committee passed a resolution to increase the number of members from 16 to 25. The proposal, after due consideration, was not agreed to by Government.

#### FLOW OF THE DIPALPUR AND PAKPATTAN NON-PERENNIAL CANALS.

**\*2151. Tikka Jagjit Singh Bedi :** Will the Honourable Minister for Revenue be pleased to state the action taken by him on the request of the deputationists including some members of the Legislative Assembly and others from Montgomery who waited upon him in October last and who urged him to see that the Dipalpur and Pakpattan non-perennial canals continue to flow up to the end of October every year and not till the 15th of October as at present ?

**The Honourable Dr. Sir Sundar Singh Majithia :** The flow of all canals is regulated by the supply of water in the rivers from which they get their supplies. The supply in the Sutlej at Ferozepore is reserved for Perennial Canals after 15th October. In most years there is insufficient water to meet the demands of these perennial canals and hence there is none available for the Diaplpur. In occasional years, however, when the river supply is unusually abundant there is some water available and this is divided among the following non-perennial canals, viz., Dipalpur, Eastern, Pakpattan non-perennial and Mailsi.

Nothing can be done to augment river supplies except by storage.

#### FORFEITURE OF THE GURMUKHI ' KIRTI LEHAR ', MEERUT, UNITED PROVINCES.

**\*2152. Sardar Hari Singh :** Will the Honourable Premier be pleased to state—

- (a) the objectionable matter on the basis of which the Punjab Government has declared to be forfeited to His Majesty all copies of issue No. 1, volume I, dated the 13th February, 1938, of the Gurmukhi ' Kirti Lehar,' Meerut, United Provinces ;
- (b) whether the action has been taken by the Governor on the advice of the Ministry as a whole or on the advice of the Minister in charge of Law and Order or in exercise of his individual judgment or in exercise of his special responsibility ;
- (c) the date on which Government got a copy of the said issue of the paper, the date on which it was taken into consideration, the date on which the decision was taken and the date on which that decision was gazetted ;
- (d) the number of copies of the said issue seized by the police since the order was issued ?



**Parliamentary Secretary** (Sardar Sahib Sardar Ujjal Singh) : It is not in the public interest to answer this question.

**Sardar Hari Singh** : I have to draw your attention, Mr. Speaker, to the question. Is it not in the public interest to tell the House of the number of copies seized by the police ?

**Mr. Speaker** : The honourable member asked the Parliamentary Secretary why it is not in the public interest to answer the question. I am afraid that question cannot be asked.

**Sardar Hari Singh** : I want to refer to the privileges of the members of the House. That position is simply preposterous.

**Mr. Speaker** : I am in sympathy with the honourable member.

**Diwan Chaman Lall** : What the honourable member was trying to suggest is this. If you will look at the question, part (d), the question is what public interest is involved in disclosing the fact as to the number of copies of the paper which were seized by the police.

**Parliamentary Secretary** : The reply to the question as a whole is that Government is not prepared to answer it in the public interest and what that public interest is lies entirely within the discretion of the Government.

**Diwan Chaman Lall** : May I ask the honourable member whether he understands the meaning of the words 'public interest' and whether he knows the significance of those words ?

**Parliamentary Secretary** : As much as my honourable friend does.

**Diwan Chaman Lall** : Now I want to ask another question arising out of this. Will the honourable member now inform the House as to what public interest is involved in disclosing the number of copies seized ?

**Parliamentary Secretary** : I have already given my answer and I have nothing more to add to it.

**Diwan Chaman Lall** : It is a disgraceful answer.

**Mr. Speaker** : The word 'disgraceful' is unparliamentary.

**Diwan Chaman Lall** : If you say that it is not parliamentary, I would call it an evasive answer, an absurdly evasive answer.

**Mr. Speaker** : Even the word 'absurdly' should be omitted.

**Diwan Chaman Lall** : May I call it an unreasonably evasive answer which no Parliamentary Secretary ought to give on the floor of the House ?

**Pandit Muni Lal Kalia** : On a point of privilege, Sir. Part (b) of the question, which is under dispute, deals with the privileges of this House as given under sections 50 and 52 of the Government of India Act that the Governor will consult his Ministers in some of those matters which are involved in this question and I want to know whether it is not in the public interest to inform this House whether the *Kirti Lehar* was confiscated with the consultation and on the advice of the Ministers ? It is not a thing which can be kept in secret under the name of public interest, because the sections of the Government of India Act are quite clear that such business should be of the nature

[Pandit Muni Lal Kalia.]

which should come into the possession of the members of the House. Therefore we are deprived of the privileges which we possess in the form of putting a question.

**Mr. Speaker :** Is that a matter of privilege ?

**Sardar Hari Singh :** Supposing I bring in an adjournment motion in this House and the members want to discuss the responsibility of the Government involved in this matter, will my honourable friend opposite then kept silent ? Will he not try to justify the Government's action in the matter ?

**Sardar Sohan Singh Josh :** Can we know the date on which the paper was received in the Secretariat office ?

#### GRIEVANCES OF THE MUSLIM EMPLOYEES OF THE GOVERNMENT PRINTING, PUNJAB.

**\*2153. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister of Revenue be pleased to state if he has recently received any memorial on behalf of the Muslim employees of the Government Printing, Punjab, Lahore, embodying their grievances, if so, whether any action has been taken by the Government in the matter and, if not, why not ?

**The Honourable Dr. Sir Sundar Singh Majithia :** Government have received, unsigned, copy of a printed memorial purporting to be sent on behalf of the Muslim employees of the Government Press, which states that copies have been sent also to members of the Punjab Legislative Assembly. Enquiries are being made with a view to finding out, if possible, which of the employees of the Press are responsible for thus circulating a memorial of alleged grievances in order that suitable action may be taken for the breach of Rule 18-A., of the Government Servants Conduct Rules.

**Mian Abdul Rab :** What action, if any, Government proposes to take to remove the grievances mentioned in these pamphlets ?

**Minister :** I have just said in my reply that the Government is making enquiries with a view to finding out, first of all, who are the employees who have sent in this sort of unsigned memorial.

**Sardar Sohan Singh Josh :** Are we to know that the employees are going to be punished by the Government ?

**Minister :** Action will be taken after considering the question under rule 18-A. of the Government Servants Conduct Rules.

**Sardar Sohan Singh Josh :** Is that a reward to Government servants for putting forward their grievances ?

**Mian Abdul Rab :** The question as framed, is asking for information with regard the grievances of Muslim employees of the Government Printing, Punjab. It is not asking whether the Government is going to take any action against those people who are responsible for circulating this pamphlet, but is asking whether the Government is prepared to remove the grievances made in this representation ?

**\*2154. Cancelled.**

**ZAILDARS AND SUFEDPOSHERS APPOINTED BY THE COLLECTOR,  
LUDHIANA.**

**\*2155. Chaudhri Muhammad Hassan :** Will the Honourable Minister of Revenue be pleased to state—

(a) the number of zaildars, sufedposhes and the lambardars appointed by the present collector of Ludhiana ;

(b) the names and qualifications of each of them ?

**The Honourable Dr. Sir Sundar Singh Majithia :** (a) 37.

(b) A list is placed on the table. As regards qualifications, the considerations mentioned in rules 5 and 15 of the Land Revenue Rules, were duly kept in view at the time of appointment.

*List of zaildars, sufedposhes and lambardars appointed in Ludhiana district since 1st July, 1936.*

**ZAILDARS.**

(1) Wali Muhammad.

(4) Amar Singh.

(2) Harnam Singh.

(5) Indar Singh.

(3) Thakra Singh.

**SUFEDPOSHERS.**

(6) Mangal Singh.

(10) Faqiria Singh.

(7) Kishen Singh.

(11) Pureshander Singh.

(8) Buta Singh.

(12) Chanan Singh.

(9) Bishen Singh.

**LAMBARDAERS.**

(13) Sunder Singh.

(26) Bakhtawar Singh.

(14) Abdul Rahman.

(27) Hardit Singh.

(15) Gurdial.

(28) Sucha Singh.

(16) Ajaib Singh.

(29) Gurdial Singh.

(17) Nahar Singh.

(30) Jaman.

(18) Ali Mohammad.

(31) Malkiat Singh.

(19) Sawan Singh.

(32) Abdul Shakur.

(20) Panju.

(33) Sant Ram.

(21) Mohinder Singh.

(34) Kartar Singh.

(22) Santa Singh.

(35) Bishan Singh.

(23) Mohinder Singh.

(36) Lachman Singh.

(24) Umer Din.

(37) Gian Singh.

(25) Bela Singh.

**\*2156. Cancelled.**

### THEFT OF TREES GROWING ON ROAD SIDES IN TAHSIL OKARA.

**\*2157. Dr. Gopi Chand Bhargava :** Will the Honourable Minister for Public Works be pleased to state whether any complaint has recently been received by the Chairman, District Board, Montgomery, about the alleged theft of a large number of trees growing on road sides in Tahsil Okara, if so, whether the matter has since been inquired into and, if so, with what result and the action that is proposed to be taken in the matter as a result of that inquiry ?

**Parliamentary Secretary (Shaikh Faiz Muhammad) :** Yes, a complaint about the theft of 7,478 roadside trees belonging to the District Board of Montgomery was received, and the matter was reported to the Police for investigation, which is nearly complete. In the meantime, two employees of the Arboriculture Department of the Board have been suspended, and it is expected that the cases will soon be put into court.

**Dr. Gopi Chand Bhargava :** May I know the date when that complaint was received ?

**Parliamentary Secretary :** I am afraid I cannot give the exact date on which this complaint was received.

### MISAPPROPRIATION OF FUNDS IN GOVERNMENT HIGH SCHOOL, AMRITSAR.

**\*2158. Dr. Sant Ram Seth :** Will the Honourable Minister of Education be pleased to state—

- (a) whether any case of misappropriations of money in respect of several funds maintained in Government High School, Amritsar, has come to his notice ; if so, what action has been or is intended to be taken in the matter ;
- (b) whether it is a fact that a fund for the Red Cross Society is maintained in the Government High School, Amritsar, and the students of the school are required to contribute towards that fund ; if so, how that fund is being utilized ?

**Parliamentary Secretary (Mrs. J. A. Shah Nawaz) :** (a) A vague complaint about misappropriation of funds in the Government High School, Amritsar, was received a few months ago. But on enquiry the allegations made therein were found to be incorrect and baseless.

(b) Yes. The Red Cross Fund is utilized in helping poor students by a free supply of books, medicines, etc.

**Dr. Sant Ram Seth :** May I know whether any enquiry was held in the case ?

**Parliamentary Secretary :** Yes. Accounts were audited by the Government auditors and on receiving this vague allegation, they were again audited by the Circular Auditor and no case of misappropriation was discovered.

**Dr. Sant Ram Seth :** Is it a fact that the Head Master is permitted to spend Rs. 7 per month out of this fund ?

**Parliamentary Secretary :** I cannot give a reply to this question off-hand.

**Dr. Sant Ram Seth :** Is it a fact that the Head Master has spent about Rs. 75 in 11 months out of this fund ?

**Parliamentary Secretary :** I have already told the honourable member that the accounts have been re-audited and no such case of misappropriation has been discovered and I have nothing more to add to that answer.

**Dr. Sant Ram Seth :** Is it a fact that the Head Master drew Rs. 225 out of the balance in the bank in the month of December ?

**Parliamentary Secretary :** I have nothing more to add to what I have already said.

**Lala Bhim Sen Sachar :** Will it be convenient for the honourable lady member to let us know the rate at which the contribution is made by each of these students ?

**Parliamentary Secretary :** There are different contributions made by the students, under different heads, mostly for charitable purposes, and the money thus contributed is spent on different items. Those accounts are usually audited by the district auditors and if any such allegations are received, then the Government auditors or circular auditors are asked to re-audit those accounts, and this has already been done in this case.

**Lala Bhim Sen Sachar :** I want to know the rate at which this contribution towards the Red Cross Society Fund is made by students, whether it is 4 annas or 8 annas per head.

**Parliamentary Secretary :** I am afraid I cannot give the reply off-hand.

#### ABDUCTION OF WIFE OF MANGAT, GOLDSMITH.

**\*2159. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

(a) whether the Government is aware of the fact that on 11th January, 1938, the young wife of one Mangat, goldsmith, of village Bhatgaon (District Rohtak) while coming to the Sonapat court escorted by a police constable and her relatives was forcibly abducted ;

(b) whether the aggrieved persons complained to the local authorities for the alleged hand of the said constable in the abduction ?

**Parliamentary Secretary (Sardar Sahib Sardar Ujjal Singh) :** (a) Yes. She was on her way to the Sonapat police station in a tonga accompanied by her husband and other relatives. A police constable in plain clothes was in the same tonga, but the woman was not in his custody or under his escort.

(b) No. A complaint was made by the woman's husband against the police of Sonapat generally, but not against any particular officer.

**Pandit Shri Ram Sharma :** Was not that police constable on duty there ?

**Parliamentary Secretary :** At that time he was not on duty. He was in plain clothes.

**Pandit Shri Ram Sharma :** Is it or is it not a fact that the police at Sonapat had directed that constable to protect that woman ?

**Parliamentary Secretary :** His duty was finished when he asked the woman and her husband to appear at the police station.

**Pandit Shri Ram Sharma :** Did the Government hold any departmental enquiry ?

**Parliamentary Secretary :** No complaint was made against the police constable particularly.

**Pandit Shri Ram Sharma :** Was not that constable a member of the police against which the complaint was made ?

**Mr. Speaker :** That is an argument, not a question.

**Lala Bhim Sen Sachar :** Did the constable happen to be in the tonga by accident ?

**Parliamentary Secretary :** Yes, by accident.

**Lala Deshbandhu Gupta :** Owing to the fact that the constable in plain clothes was in the tonga by accident, does the Government not consider it necessary to make an enquiry into the matter and find out whether the constable was responsible or not ?

**Premier :** Instructions have already been issued to make an enquiry.

RULES MADE UNDER CERTAIN SECTIONS OF GOVERNMENT  
OF INDIA ACT, 1935.

\*2160. **Pandit Muni Lal Kalia :** Will the Honourable Premier be pleased to state whether any rules have been framed under—

(a) section 58 of the Government of India Act of 1935 ;

(b) sub-section (2) of section 59 of the said Act ;

(c) sub-section (3) of section 59 of the said Act ;

(d) if the answers to (a), (b) and (c) above be in the affirmative, whether the Government is prepared to lay their copies on the table of the House ;

(e) if the answer to (c) above be in the negative, whether the Government is prepared to lay a copy of the rules of business which are at present being followed in the conduct of the business of the Ministers and that of His Excellency the Governor ?

**Parliamentary Secretary (Sardar Sahib Sardar Ujjal Singh) :** (a) (b), and (c) Yes.

(d) As regards (a) and (b), yes ; as regards (c), no.

(e) Does not arise.

**Pandit Muni Lal Kalia :** In view of the answer to part (a) of my question may I take it that the Honourable Premier has an access to records and information regarding crimes of violence that are reported by the police to His Excellency the Governor ?

**Premier :** How does the honourable member assume that these crimes are reported to His Excellency the Governor ? They are reported to the Minister in charge.

**Pandit Muni Lal Kalia :** No. They are not reported. My question is whether the Honourable Premier has access or is entitled to see the records or information that are given to His Excellency the Governor under section 58 of the Act ?

**Premier :** How would the honourable member get replies to his questions if I had no access ?

**Diwan Chaman Lall :** May I ask the Honourable Premier why the answer to part (c) of the question is in the negative ? If the Honourable Member will look at it, the question is whether a copy of the rules made under section 59 (3) will be laid on the table of the House, and the answer is 'No.' Why ?

**Premier :** Because they are of a confidential nature.

**Diwan Chaman Lall :** May I know why rules regarding the conduct of business of the Cabinet are considered to be confidential ?

**Premier :** There are two sets of rules. In the first place, there are rules which relate to the conduct of business of the Cabinet. They are confidential. There are other rules for the allocation among ministers of business of various departments. These rules are not confidential and I shall place them on the floor of the House if honourable member so desires.

**Diwan Chaman Lall :** I fail to understand why mere rules for the conduct of business of the Cabinet are confidential.

**Premier :** That is the practice in England and we propose to follow that practice.

**Pandit Muni Lal Kalia :** Under what law are they treated to be confidential ?

**Premier :** Under the parliamentary convention which we have set up.

**Pandit Muni Lal Kalia :** Is there any parliamentary convention so far as this House is concerned with regard to this privilege ?

**Premier :** What has this House got to do with it ?

**Pandit Muni Lal Kalia :** My supplementary question whether the Premier has got a right of access to records or information that are as a matter of fact, under the province and the special responsibility of the Governor, still remains un-answered. Information relating to violent crimes can be disclosed or given by any member of a police force to another member of that force under directions of the Inspector-General of Police, or by any other person in the service of the Crown to another person in service under directions of the Governor. That is laid down in the Act, but under what rule is it open to the Premier to have an access to that information ?

**Premier :** All papers which concern law and order are open to me.

**Pandit Muni Lal Kalia :** Can those rules be made available to the members ?

**Premier :** No.

**Sardar Hari Singh :** With reference to his answer to the effect that these rules are confidential because of a parliamentary convention, may I know from the Honourable Premier whether a parliamentary convention can be established without the consent of the House ?

**Premier :** I am afraid my honourable friend has not understood me correctly. We are following the convention of the Cabinet in England, the legislature has got nothing to do with it.

**Diwan Chaman Lall :** May I ask whether he is aware that these rules being innocuous and harmless no confidence would be divulged if they are laid on the table of the House ? Is the Honourable Member aware that many honourable members of this House have seen those rules ?

**Premier :** Several honourable members may have got ways and means to get unofficially copies of those rules, but that does not mean that I should place them on the table.

■ **Diwan Chaman Lall :** I am not insinuating that I have got a copy.

**Sardar Hari Singh :** May I know from the Honourable Premier whether these rules will be handed over to the Ministry that succeeds his ?

**Premier :** No. The convention in England is that all records of a Cabinet are sealed and locked and not handed down to the succeeding Ministry.

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RULES CORRESPONDING TO RULES OF EXECUTIVE BUSINESS PUBLISHED  
IN PUNJAB CONSTITUTIONAL MANUAL.

**\*2161. Pandit Muni Lal Kalia :** Will the Honourable Premier be pleased to state—

(a) whether any rules corresponding to Rules of Executive Business published in the Punjab Constitutional Manual, Volume I, page 391, under Punjab Notification No. 5899, dated 23rd February, 1921, have been published by the Government ;

(b) if so, whether the Government will please lay on the table a copy of these rules ?

**Parliamentary Secretary (Sardar Sahib Sardar Ujjal Singh) :** The attention of the honourable member is invited to the answer given to his question No. \*2160 (above) in so far as it relates to the rules framed under section 59 of the Government of India Act, 1935.

**Pandit Muni Lal Kalia :** Have these rules been printed ?

**Premier :** I have nothing to add to the answer already given.

**Pandit Muni Lal Kalia :** I want to have information on this point, whether the rules which concern the business between the Cabinet and the Governor are such in which the members of this House have got any interest ?

**Premier :** Only the honourable member seems to be interested.

**Pandit Muni Lal Kalia :** It is in the interests of the House that they should know the nature of the business and the procedure that is adopted in regard to the business between the Cabinet and the Governor. It is not in my personal interest that I put this question but it is in the interest of the administration. My question is whether the Premier is prepared to lay on the table copy of the rules of procedure followed at the time when Cabinet meetings are held.



**Premier :** It is not in the interests of the House to be as inquisitive as my honourable friend opposite.

**Pandit Muni Lal Kalia :** It is not a question of being inquisitive, but it is a question of knowing about the administration and the way in which it is done and the manner in which matters of public interest are discussed between the Governor and the members of the Cabinet.

**Premier :** I have already said that it is against convention to divulge what happens between the Governor and the Cabinet.

**Pandit Muni Lal Kalia :** Can a convention be made without the knowledge of the House and inflicted upon it ?

**Premier :** Yes. I stated one of such conventions when making the statement about the Shahid ganj.

**Pandit Muni Lal Kalia :** Is it a convention or an enforcement of law ? Mr. Speaker, the question is what does the Honourable Premier mean by a convention, whether there is an element of force or whether there is an element of consent in it.

**Mr. Speaker :** Conventions relating to the rules of business of this House are certainly established by this House ; but conventions of the Cabinet are established by the Cabinet.

**Pandit Muni Lal Kalia :** The Cabinet is responsible to this House and therefore the business that is carried on by the Cabinet, the House is entitled to know. I am putting a question whether this is a convention which can be imposed upon the House.

**Mr. Speaker :** Will the honourable member please quote the law or rule, if any, on the point ?

**Pandit Muni Lal Kalia :** I take it that I am right when I say that the Ministers are responsible to this House and if they are responsible to this House, their conduct as Ministers can be questioned and not their conduct in their private life. Therefore it is that they are responsible to this House.

**Mr. Speaker :** Their responsibility is regulated by the Government of India Act. That responsibility is there. I agree. But the question is whether that responsibility of theirs entitles the members of this House to know the rules of procedure of the Cabinet.

**Pandit Muni Lal Kalia :** On this section 59 of the Government of India Act is quite clear. Section 59 (3) says :

The Governor shall make rules for the more convenient transaction of the business of the Provincial Government and for the allocation among Ministers of the said business in so far as it is not business with respect to which the Governor is by or under this Act required to act in his discretion.

So that my question relates to this portion of the Government of India Act.

**Mr. Speaker :** Under Section 59 rules are made by the Governor and not by the Government. Is there any provision under which this House can call upon the Governor to send those rules or to lay them on the table of the House ?

**Diwan Chaman Lall :** Making of rules is in the discretion of the Governor, but once the rules are made, is not the House entitled to know what those rules are?

**Mr. Speaker :** Does the honourable member mean to say that there is any law under which the rules made by the Governor should be placed on the table of this House?

**Diwan Chaman Lall :** But suppose rules contemplate certain action being taken by the Ministers which is not warranted by the Government of India Act, how would you have the right, for instance, to bring a censure motion against the Ministers unless we have the rules before us?

**Mr. Speaker :** A censure motion may arise from many things.

**Pandit Muni Lal Kalia :** Some of these rules are already published in the Constitutional Manual. So this is not a thing which has now become confidential.

**Mr. Speaker :** As there is no express law on the subject, I think they are entitled to take advantage of the absence of such law.

#### RULES RE PROCEDURE IN FINANCIAL MATTERS.

**\*2162. Pandit Muni Lal Kalia :** Will the Honourable Finance Minister be pleased to state—

- (a) whether any new rules regarding "Procedure in Financial matters" discussed in sections 78—83 of the Government of India Act, have been made under the new Constitution;
- (b) whether any changes have been made in the Budget Manual in view of the procedure referred to in part (a);
- (c) whether the Government intends to publish the latest Rules of Business in this connection in the Gazette?

**Parliamentary Secretary :** (Thakur Ripudaman Singh) (a) No; not yet.

(b) The Punjab Budget Manual is under revision. Any changes necessary in the rules owing to these sections of the Government of India Act, 1935, will be made in the Manual.

(c) Does not arise.

**Pandit Muni Lal Kalia :** How is the procedure in regard to financial matters now regulated, under what rules?

**Parliamentary Secretary :** Evidently according to the old rules. No new rules have so far been framed.

**Pandit Muni Lal Kalia :** May I take it that the budget now presented to the House is presented under the old rules and not according to the provisions of the Government of India Act?

**Premier :** Under the interim rules made by the Governor.

**Pandit Muni Lal Kalia :** Under what section have those interim rules been framed?

**Premier :** The honourable member has the book before him.

**Pandit Muni Lal Kalia :** That is not my question. It is this. The procedure regarding financial matters is specifically laid down in that section and therefore I put the question, under what section of the Government of India Act is the procedure now followed given? There are no interim rules in that regard.

**Premier :** My honourable friend is thinking that there can be only one set of interim rules ; there are several sets of interim rules.

**Pandit Muni Lal Kalia :** May I know whether the other sets are laid on the table or are within the knowledge of the House ?

**Premier :** No.

**Pandit Muni Lal Kalia :** They are of a confidential nature ?

**Premier :** If they are not meant for this House, the honourable member may take it that they are not meant for this House.

**Mr. Speaker :** May I point out that the budget under discussion has been submitted in accordance with the provisions of the Government of India Act and the interim rules made by the Governor under Section 84 (8) of that Act. No part of the budget is beyond the Government of India Act or the interim rules.

**Pandit Muni Lal Kalia :** On the title page of this budget it is said : " Presented to the Legislative Assembly by order of His Excellency the Governor." My submission is that under the rules or under the Government of India Act there is no provision under which His Excellency can order anybody to present this budget. There is no provision under which this may be ordered. You may refer to the budgets which have been presented by other provincial Governments. They are laid before the House, but they are not presented under the order of His Excellency to the House. In any case it is not His Excellency but the Governor that is concerned in the matter. There are other irregularities also so far as this budget is concerned.

**Premier :** That is of very great interest and I am sure the House is interested, but I suggest that if he has got any such troubles he should go to your chambers and let us proceed with our work.

**Pandit Muni Lal Kalia :** As far as I am concerned, I have no trouble, I am quite clear on these points. You may have some difficulty. I have pointed out that the Budget is not presented in proper form. The Governor can lay it before the House but he cannot order its presentation. May I take it that it has been presented in proper form ?

**Premier :** Governor here means the Provincial Government.

**Diwan Chaman Lall :** But where does His Excellency come in ?

**Mr. Speaker :** Apparently there is some confusion, if not misunderstanding, about the law and rules under which the budget under discussion has been laid before the House. The first four lines of section 78 (1) of the Government of India Act run as follows :—

" The Governor shall in respect of every financial year cause to be laid before the Chamber or Chambers of the Legislature a statement of the estimated receipts and expenditure of the Province for that year."

This provision is repeated in section 81 of the Act.

[Mr. Speaker.]

Section 84 (3) of the Government of India Act lays down that until rules are made by Provincial Legislatures and Governors of provinces under sub-sections (1) and (2) of section 84 of the Government of India Act, the rules of Procedure and Standing Orders in force immediately before the commencement of this Part of this Act with respect to the Legislative Council of the Province shall have effect in relation to the Legislature of the Province, subject to such modifications and adaptations as may be made therein by the Governor acting in his discretion."

I may add that the rules of procedure and standing orders in force immediately before the commencement of Part III of the Government of India Act in respect of the Punjab Legislative Council are in force as interim rules with such modifications and adaptations as the Governor, acting in his discretion, deemed proper to make therein. It is not right therefore, to contend that there are no rules in force with regard to the presentation and discussion, etc., of the annual budget. It is equally futile to contend that there is no provision under which the Governor can order anybody to present this budget. The first four lines of section 78 (1) clearly provide that in respect of every financial year Governor shall cause to be laid before the Chamber or Chambers of the Legislature the annual budget. The expression that Governor shall cause to be laid is as clear as anything to show that he can order or direct one of his ministers preferably the Finance Minister to lay the budget before the House.

### [SHORT NOTICE QUESTION AND ANSWER.]

#### TEAR GAS FOR DISPERSING RIOTOUS CROWDS.

**Syed Afzaal Ali Hasnie :** Will the Honourable Premier be pleased to say whether the Punjab Government have under consideration the proposal to use tear gas as a humane method of dispersing riotous crowds?

**The Honourable Major Sir Sikander Hyat-Khan :** As the honourable member is perhaps aware, tear gas (or as it may more appropriately be described, tear smoke) has for several years past formed one of the regular weapons of the police in the United States of America, Canada and other countries. Attention was drawn towards its possibilities by the Special Magistrate who inquired into certain communal riots in the Gurgaon district in 1928; and during the last two years the Punjab Government, in co-operation with the Government of India, have arranged for a lengthy series of experiments to be carried out at the Police Training School, Phillaur. These experiments have satisfied them not only that tear smoke offers an effective means of dispersing a riotous crowd, but that it leaves no bad after-effects of any kind. They have accordingly authorised its adoption as an alternative weapon to be used in the dispersal of unlawful assemblies, as well as in the arrest of dangerous criminals. (Permission for its use for the latter purpose was given three or four years ago, and it has already been employed with success on several occasions). Arrangements have been made for a squad of police specially trained in the use of tear smoke to be kept in readiness, and instructions have been issued to district officers as to the circumstances in which it can appropriately be employed. There

is every reason to hope that when available and conditions are favourable it will be possible to use tear smoke on occasions when it would otherwise be necessary to have resort to fire-arms, and Government have no doubt that the House will endorse the decision which has been taken.

**Sardar Hari Singh :** May I ask him to explain what is tear gas ?

**Premier :** Does the honourable member want its chemical ingredients ? Its technical name is lachrymatory gas.

**Dr. Gopi Chand Bhargava :** May I know whether the Government is contemplating the use of machine guns to disperse riotous crowds ?

**Premier :** I am sorry to say that my honourable friend is trying to be humorous over a matter of this kind. It is not machine guns that we were talking about but of tear gas.

**Dr. Gopi Chand Bhargava :** I wanted to know whether they have thought of using machine guns.

**Premier :** My honourable friend when he is in power might think of it, but I am not thinking of it. I am thinking of a more humane way of dealing with such crowds.

**Mr. E. Few :** Has the attention of the Honourable Premier been drawn to the evidence of the Police Surgeon of Bombay tendered to the Riot Enquiry Committee that rioters should be administered six ounces of castor oil ? (*Laughter*).

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**Syed Amjad Ali Shah :** On a point of order, Sir. The other day in this House remarks were made which were considered unparliamentary and the members who made them were asked to withdraw them.

**Pandit Muni Lal Kalia :** Is that a point of order ?

**Syed Amjad Ali Shah :** The point of order is this. Mr. Chaman Lall in the course of his question said that an answer given by my honourable colleague Sardar Ujjal Singh was a disgraceful answer but I did not hear him withdrawing those words.

**Mr. Speaker :** The honourable member may not have heard as the honourable Diwan Chaman Lall did not withdraw his words expressly. When I declared the words unparliamentary, he used the word 'evasive.'

**Syed Amjad Ali Shah :** Recently an incident happened at Nagpur in the Central Provinces, in a Congress province.....

**Mr. Speaker :** The honourable member is now giving arguments.

**Syed Amjad Ali Shah :** He should withdraw those words unconditionally.

**Mr. Speaker :** When I declared his words as unparliamentary he used the word 'evasive' instead and there the matter ended.

**Diwan Chaman Lall :** If the honourable member has any doubt in his mind, may I say that I unequivocally withdrew those words (*hear, hear*) and substituted in their place 'evasive' and 'unreasonably evasive' and 'absurdly evasive.'

## UNSTARRED QUESTIONS AND ANSWERS.

341. *Cancelled.*DRAINAGE OF KRISHAN NAGAR, SANT NAGAR AND RAM NAGAR  
ABADIS, LAHORE.

**342. Rai Bahadur Mr. Mukand Lal Puri :** Will the Honourable Minister of Education be pleased to state—

- (a) whether it is a fact that a sum of rupees one lakh and eighty thousand was placed at the disposal of the Superintending Engineer (Sanitary) by the Lahore Municipality for drainage of Krishan Nagar, Sant Nagar and Ram Nagar abadis of the Lahore Municipality in the year 1937 ; if so, the date on which the amount was made over to him ;
- (b) whether it is a fact that contractors were also selected to carry out the work in December, 1937 ; if so, what are the reasons for delay in commencing the construction of the drainage and the steps the Government intends to take to expedite this work ?

**The Honourable Mian Abdul Haye :** (a) A sum of Rs. 1,20,000 was placed at the disposal of the Superintending Engineer, Public Health Circle, Punjab, on the 29th October 1937, by the Lahore Municipality, for drainage of Krishan Nagar, Sant Nagar and Ram Nagar new abadis.

(b) Yes. The delay is due to the need for arranging for the assessment of compensation to the value of the crops on the land and the issuing of notices to the owners of those crops. The necessary materials such as special bricks for constructing the work are being prepared and collected. The Administrator, Lahore Municipality, has been asked to expedite the acquisition of the necessary land easements to enable the main sewers to be constructed under open land to the pumping station.

## REPRESENTATION OF MUSLIMS IN DISTRICT BOARD GURDASPUR.

**343. Chaudhri Ali Akbar :** Will the Honourable Minister of Public Works be pleased to state whether it is a fact that the Muslims of the Gurdaspur district have not been given adequate representation on the District Board, Gurdaspur, according to their voting strength : if so, the reasons therefor and the action that the Government intends to take in the matter ?

**The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana :** It is a fact that the Muslims have fewer members on the Gurdaspur District Board than the number to which they would be entitled on the usual formula. The same applies to the Sikhs. This is due to the fact that the Hindu community obtained by election four more seats than the total number due to them under the formula. Five out of the six non-official nominated seats were given to the Muslims and the sixth seat was given to a Sikh. Government does not intend to take any further action.

UNDER-REPRESENTATION OF SIKHS AMONG SUPERINTENDENTS  
IN THE SECRETARIAT.

**344. Mahant Prem Singh :** Will the Honourable Premier be pleased to state whether it is a fact that the Sikhs are under-represented among superintendents in the various branches of the Secretariat ; if so, the action intended to be taken to right this wrong ?

**The Honourable Major Sir Sikander Hyat-Khan :** 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 I consider it necessary in the public interest to establish a convention in connection with such questions. My colleagues and I will, however, always be prepared to examine any particular instance of disproportionate representation which honourable members may bring to our notice in a more informal way.

GRANT-IN-AID TO PRIMARY SCHOOLS IN GUJRAT AND  
SARGODHA DISTRICTS.

**345. Mahant Prem Singh :** Will the Honourable Minister of Education be pleased to state—

- (a) whether he is aware that in the Gujrat and Sargodha districts a number of primary schools for boys and for girls have been opened after 1932 ;
- (b) whether it is a fact that no grants-in-aid are given to these primary schools while the schools opened before 1932 are receiving aid from the Government ;
- (c) the reasons for this differential treatment and the action, if any, Government propose to take in the matter ?

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

PROVINCIALIZATION OF DISTRICT BOARD DISPENSARY, BANGA.

**346. Master Kabul Singh :** Will the Honourable Minister of Education be pleased to state whether he has considered the question of provincialising the District Board Dispensary at Banga, district Jullundur ; if so, with what result ?

**The Honourable Mian Abdul Hays :** Not so far.

DEMANDS FOR GRANTS.

POLICE.

**Pandit Muni Lal Kalra** (Ludhiana and Ferozepore, General, Rural) : Mr. Speaker, the other day I was quoting specific instances regarding the illegalities and irregularities that are committed by the police force of this province. When I was putting these views before this House, I meant that the change that has come in the form of the Government has not resulted as a matter of fact in any change in the administration of the Police De-

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partment. The methods that are now adopted by the police in the Punjab are exactly the same that used to be followed by them in the old days under a foreign bureaucracy, the term which is so often used by the Honourable Premier. I shall quote certain specific instances of that fact. In June last three murders took place in village Mahmud Khara in police station Lambi, Ferozepore district. Eleven persons were arrested and according to the police five persons were still absconding. Mr. Bhide delivered his judgment on the 15th of December 1937 of which I have got a copy with me. I will read only the relevant portions that deal with the way in which *zimmis* were prepared by the police and the way in which false statements were made by the Deputy Superintendent of Police, the Inspector, Sub-Inspector, Assistant Sub-Inspector and other members of the police force. You will see that that case was registered under section 302/149, Indian Penal Code, and the trial lasted for about 4 days. In that case it has been remarked by the Sessions Judge that "the accused did not produce any evidence in defence except one Muhammad Hussain" who is a petition-writer and whose evidence is a documentary evidence, but all the accused were acquitted. An allegation has been made by the prosecution that some of the prosecution witnesses had been won over by the accused. A counter allegation was made by the defence that most of the prosecution witnesses were beaten, threatened and kept in wrongful confinement by the police prior to their statements being recorded by the committing magistrate. After discussing these allegations the learned sessions judge came to the conclusions in the following words—

"Obviously attempts were made to intimidate the witness while in the court room. An application on this point was also made by the counsel for the defence to the court.

The admissions by Id Bux in cross-examination are very clear and were made without the slightest hesitation. Id Bux is Constable, who was in the investigating staff.

The next question that must be gone into at this stage is as regards the *zimmis* ..... The most important *zimmis* maintained by him are of the 26th and 27th and have not been maintained in proper form and the procedure has been disregarded."

Then later on it says—

"The *zimmis* of these different officers vary as regards the entry about sending the *zimmis* to the thana."

The police officers of this thana have definitely forged the entries or got the entries forged by the subordinate staff. The *zimmis* of the Deputy Superintendent of Police is also in the same boat."

This is with regard to the investigation conducted by the responsible officers.

Later on in the same judgment it is stated—

"This is a matter which involves wider questions of public policy as far as the investigation of serious cases by the police is concerned."

In this case it is also stated that the first information report was also not recorded, regarding which the judgment proceeds—

"This is a circumstance which throws great doubt on the Inspector and the Deputy Superintendent of Police."



This also shows that the Deputy Superintendent of Police, and the Inspector did not investigate the case honestly. Further on it is stated—

“..... the conduct of the Deputy Superintendent of Police and the Inspector in not investigating the complaint of Autar Singh and in letting him go without further investigation when they had already put him into custody as a suspect throws doubt on their honesty and certainly on their efficiency.”

Later on it is stated—

“Assistant Sub-Inspector in this case is an extremely unreliable witness.”

Such are the strictures that have been passed in this judgment with regard to the police officers. May I know what action the Government has so far taken against the police officers who are responsible for such state of affairs? I may add that one of these officers is now a sub-inspector of police station Khanna about which reference was made by my honourable friend Chaudhri Muhammad Hassan the other day, i.e., with regard to the way in which he wanted to take a cow from a respectable person on a pretext by registering a false case under section 406, Indian Penal Code. The Premier was informed of these excesses, but nothing has so far been done in the matter. These police officers have not been asked. I say that the methods are mediæval and they have not in the least changed. There are several other cases. Let me give you other instances from Ludhiana. In one case, a police constable went to village Chowki, police station Sehna, there he instigated the zaildar of that village who hurled down the national flag and burnt it. It happened on the 31st January last and no action by the authorities has so far been taken and later on when meetings were held in that area and resolutions were passed, the zaildar joined hands with some of the *badmashes* of that area and they committed five dacoities in one night. Reports in respect of these occurrences were lodged with the police. One Gurditta Mal in whose house dacoity was committed, went to the police station but his report was not recorded there. Later on, when other people went there accompanied by zaildar, he (zaildar) was given a slap by the sub-inspector, who was at that time under the influence of liquor. The zaildar of the ilaqa was also abused. This is the specimen of a police officer.

**Sardar Sahib Sardar Ujjal Singh :** What is the name of the thana ?

**Pandit Muni Lal Kalia :** It is Sehna. People in Chananwal were maltreated by the police. False case of counterfeit coins was started in Bakhat Garh in that very police station. There is another incident to which three members of this House are witnesses. There was a Kisan Conference in village Kamalpur on the 1st and 2nd of January last. During the meeting Sardar Kehr Singh, a member of the District Board, makes an allegation that cart loads of grain are daily looted on the road which goes to Jagraon and thence to Moga in broad-day light and the police does not, in the least, interfere. Soon after the meeting, when Master Kabul Singh, Sardar Sohan Singh Josh, Sardar Karam Singh Man and I along with others were coming from Raikote side and reached Akhara Canal bridge, we found that a tonga was being looted by certain dacoits and the police lorry was standing at a distance of about fifty or sixty yards from the scene. In that lorry there was the sub-inspector, the assistant sub-inspector, C. I. D. reporters and police force, but still, at a distance of fifty yards only,

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these people were being looted. We followed the dacoits. One of the dacoits was caught there in pursuit and was handed over to the police. It was pointed out to the sub-inspector of Jagraon that this was a fit case of dacoity and that it corroborated the statement made by Kehar Singh in the meeting but so far nothing has been done with regard to that. The complaint that false reports are entered relates to other *thanas* as well. I am now coming to police station Raikote. Bachitar Singh, a socialist worker of Nathowal, used to criticise the conduct of the sub-inspector, that he was corrupt and had joined hands with the *badmashes* of the *ilaga*. The sub-inspector got him beaten and that man has practically lost one of his legs. Later on, these very *badmashes*, who had the support of the sub-inspector, snatched a Dhanak girl, Nihalo by name, from her husband, who was going through that area. Later on a report was made to the superintendent of police that this was done with the connivance of the sub-inspector but nothing has so far been done. I, understand that an enquiry is going on. The sub-inspector is still there. He is implicating respectable citizens of Raikote who at that time brought complaints against him and formed a deputation and saw the superintendent of police with a view to acquaint him with the doings of this sub-inspector. Two of the respectable citizens—one Pandit Mansa Ram and another Pandit Hari Ram—were implicated in a false case under section 457, Indian Penal Code. Both are members of the Raikote Congress Working Committee and that is the reason why they are being harassed. One of them was released forthwith while Pandit Mansa Ram who used to send reports to the Press against the sub-inspector was retained in custody and remand was taken from the tahsildar that very day within the premises of the police station. The relations between the tahsildar and Pandit Labhu Ram, brother of Pandit Mansa Ram, are strained. Later on an inquiry was made and that man has also been released on the report of the inspector and no case has been started. It shows that false cases are registered by sub-inspectors against respectable people and they do not care a bit for the real grievances of the people while real cases are either not registered or registered wrongly. These are only two or three instances of my own district. Now I again come to the Ferozepore district which has got a very good record according to the police administration. I gave one instance just now and the other, regarding *Masitan*, police station Dharamkote, I gave yesterday. But there are several other instances. Two or three instances will show what services the additional police is rendering so far as this district is concerned. I hope the Honourable Premier remembers that it was pointed out to him that in one tahsil, i.e., Muktsar, five murders took place in one night and that at that time the additional police force was at a distance of a few miles from the scene of occurrence. Then carts are looted in the police station of Mahna. A political meeting was held at Mudki and it was pointed out that thefts and burglaries were being committed there at the instance of the sub-inspector of Ghal Khurd. Communal tension is being promoted by these officers in Zira, Makhu and the surrounding *ilaga*. No notice has so far been taken. On the one side it is said that we should bring constructive proposals and on the other hand no action is taken. I ask, what for are these ministers and their parliamentary secretaries there, if they are

incapable of introducing things in their programme for the eradication of corruption, for the removal of the evils that are rampant so far as the police administration is concerned. Instances after instances can be quoted of the mediæval methods that are adopted during the investigation. False cases are registered and cases true in their nature are not registered. False *zimmis* are prepared and at the same time guilty people go scot-free. I give one suggestion, though as a matter of fact I am not called upon to give a suggestion and it is this. Three or four different police departments have been maintained by the Government. About one-third of the expenditure of the province is taken by the Civil Administration. One third of the Civil Administration goes to the police. That figure is something like Rs. 1.25 lakhs and odd thousands. Out of

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this more than one crore goes to the district executive force, and more than four lakhs go to the C. I. D. and a little less goes to the railway department. May I know the necessity of spending 4 lakhs and odd thousands on the C. I. D. under the present regime? What has been done in other provinces? Most of the money goes to the top-most officers of the department. There is one Inspector-General and there are so many Deputy Inspectors-General in each of these separate branches. On the district executive side there are so many Deputy Inspectors-General and similar officers in the C. I. D. and in the railway departments. Why should there be overlapping and duplication of officers? The pay of an officer can meet the salary of 50 constables, so that one Deputy Inspector-General is equivalent to something like 200 constables. The superfluous top-most staff that is maintained in the C. I. D. and in the railway department and in the special police should be removed. On the other side the number of constables should be increased and their pay should be increased. What will happen if the C. I. D. is removed? Nothing. There are no subversive movements. At present there are two agencies—one is the central intelligence agency of the Government of India and the other is the C. I. D. of the provincial government. When there is already one agency, does it mean that the members of the central agency cannot do the same function which is now being done by the C. I. D.? What do these people do? They shadow the political workers; they watch political activities. What are the political activities at this stage? The political activities so far as the Congress is concerned are on the surface. They are against violence. (*Honourable Mian Abdul Haye* : Superficial.) My honourable friend over there remarks that it is superficial. They are not superficial but they are substantial and they are substantial in the sense that they took the country forward and it is through their efforts that the Minister is sitting in his place. It is he who said that people who do not wear *khaddar* were born naked and it was this changing phase of his life that has brought him to the place which he is now occupying. It is not superficial: it is substantial so far as he is concerned. I was submitting that to watch the activities of the Congress people it is not necessary that the police should be there. These people only cause disturbances in political meetings. Their tools created lot of trouble in Daodhar, Bondi, Parodi, Gujjarwal and other places. As a matter of fact the money paid to these persons could easily be diverted to better cause such as construction of roads, spread of education and other beneficent things by which the people could know their

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duty and they should not commit crimes and be victims of the police. Majority of the cases that are now registered by the police are police made. I say with the full responsibility that most of the cases are not registered. Dacoities by *odes* are always hushed up. Only those cases come to the court where either they have not been adequately paid or where they get money from both sides : on the one side they want to dissuade the prosecution witnesses and on the other side they encourage defence witnesses. That is what the police do. When there was discussion on this demand last year it was pointed out by a number of my friends now sitting on the Unionist benches and some of them are holding posts of parliamentary secretaries, that corruption was there. It is an evil which cannot be denied. We were told that the Government had been in existence only for a few days and that we should wait and see. We have waited and seen. We have been watching them for about a year less 12 days, i.e., 353 days. What have they done ? May I know how many corrupt officers of the police department have so far been dismissed and what action has been taken against them ? It was yesterday stated by my honourable friend Sardar Sahib Sardar Ujjal Singh that some action was taken against 8 persons in the year of grace, 1936, that is in the year when the Ministers were not on these benches. What is the purpose of such belated reports ? Such reports should be on the table of the House by the first of March. What is the idea of putting a report before the Governor 9 or 10 months after the year is over and before the House 2 years thereafter ? All such reports should have been completed by the 1st of March and the House should be in possession of the activities of the police and other Government departments. What does this report contain ? Nothing. Only a few set phrases have been used. There is the peak year 1931 : there is the year 1927 : such and such things were less than in the year 1927. Then there are certain classes of cases : there are so many cases of dacoities ; murders and burglaries and then there is the list of persons who rendered meritorious services to the department. There is no mention of the people who are dismissed for corruption. As to how many dacoities had been committed, the police does not know. As a matter of fact it only gives one side of the picture and that also untrue side of the picture, a misleading side of the picture. If instead of keeping several sets of these high officers, constables are increased, there would be some reformation. In that case my friends on the ministerial benches need not in any way be afraid that the Haveli project will not be successful or that the pay of the Ministers will disappear or that other expenses will have to be curtailed. There will be only re-orientation. There are other departments where there can be re-orientation. The honourable members over there invite constructive suggestions but when they do not mean to follow them there is no need to waste the time of the House. I was really surprised when I heard about the sanads and recommendations that were being given by the honourable member from Nakodar with regard to the activities of the police. There are so many other activities which are unnecessary under the present regime. Why should the tax payers be responsible for them. How many constables are daily required to guard the railway lines, how many constables are required to attend public meetings and how many of these constables are required

to escort the Ministers and how many of these constables are required to create trouble in political meetings! What is being done to remove dacoities, to remove robberies, and to remove other evils? If any change is made in the police so far as the Inspector-General and other high officials are concerned, I think some of the most vital improvements could be made only if proper attention were paid to the lower grades.

**Mr. Speaker:** The honourable member should not make references to any particular officer.

**Pandit Muni Lal Kalia :** If they had only directed the activities of the constables for constructive work in the police in protection and detection of crimes, in that case it would have been much better. They are doing the duties which are unpolicelike. Their duties do not fall within the definition of duties that are entrusted to them under the Police Act. But they are doing duties which, as a matter of fact, have a political significance, duties over political activities and political views of a party. They are altogether different from the duties which, as a constable, he is to discharge. It is for these duties that the tax-payer is paying his pay. It is for these duties that the taxes are paid. In addition to this, when we come forward with another proposal that their number should be increased, we are told that there is financial stringency. But financial stringency can be got over. We are not here to tax the already burdened tax-payer, but at the same time arrangements can be made under which the police should only be directed to their duties as the protectors of persons and property. These are some of the suggestions, if they are taken as constructive suggestions. I am afraid they may not be agreeable, they may not be palatable to the other side. These are based upon the facts that the methods adopted by the police and the way in which investigations are conducted by the police are exactly the same as they were before 1st April, 1937. It was only up to Honourable Minister in charge of law and order to take strong action and his action would set an example to hundreds of constables and head constables. But the Government is weak. The police very well know the weakness of the other side and the weakness of the Unionist benches and they play upon their weakness and it is for this reason that they enjoy all these things. With these words I support the cut motion before the House.

**Sardar Tara Singh** (Ferozepore South, Sikh, Rural) (*Urdu*) : Sir, speeches have been delivered in the House both in favour of and against the police. I, without defending or criticising them, propose to confine myself to the discussion of the unpleasant duties entrusted to them. But before I proceed to discuss their duties I wish to point out that since this Universe came into existence, the world has been recognising three attributes of God, that is, He is the creator, the protector and the destroyer. Under the last attribute another conception has found favour with the world and it has been described as Jamdūt, the angel of death who is generally looked down upon by the people because he is responsible for ending their lives. But the people while cursing the Jamdūt forget that it is not his fault; in fact God has entrusted this duty to him. If he fails to discharge his duty, the whole world would come to a standstill. Similarly the police have been entrusted with the unpleasant duties of maintaining peace and order in the country. If in the discharge of their duties they have to resort to

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the use of force or make lathi charges, etc., it is not their fault. Besides, I may add that it is immaterial whether the police are under the Congress Ministries or the Unionist Ministry, the nature of their duties remains the same. I would, therefore, ask the honourable members opposite that instead of levelling adverse criticism against the police, they should try to realise their difficulties which they have to face in the performance of their duties. It is not fair on their part to look down upon them.

**Lala Deshbandhu Gupta :** May I with your permission ask one question from the honourable member ?

**Mr. Speaker :** Order, order. The honourable member has not given way.

**Sardar Tara Singh :** Sir, it has been stated in the House that corruption is rampant in the police department, I may point out that it is so in other departments as well. Why should the police alone be made the target of their wholesale condemnation ? It would not be out of place if I mention that by your unfair and uncalled for criticism against the police they are rather forced to be corrupt, because they think that they would be dubbed as corrupt even if they do not accept illegal gratifications.

**Lala Deshbandhu Gupta :** May I know from the honourable member whether that is the policy of the Patiala State Police, or the Unionist Government's police ?

**Sardar Tara Singh :** It is the same everywhere. I was going to submit that the public themselves provide opportunities to the police for taking bribes. For instance, just think what would be the position of a police sub-inspector before whom false complaints are made by persons who want to harrass their enemies. Naturally he would like his palm to be greased for that. I would, therefore, submit that if we want to eradicate corruption root and branch from the police department, we should try to change the mentality of the public as well. Besides, I may add that eradication of corruption not only from the police department, but also from other departments is in the programme of the Unionist Government. But the attainment of this object is only possible if the public also cooperate with the Government in this matter.

Again, I find that honourable members opposite bring charges against the people without trying to substantiate them. Yesterday an honourable member exhibited broken teeth and locks of hair of a person who was maltreated by the police. I may be permitted to say that the proper course for him would have been to get the aggrieved person medically examined and lodge a suit in a court of law to prove the high-handedness of the police. I would ask the honourable members that if incidents of this kind occur in their constituencies they should at once bring them to the notice of the authorities concerned. No amount of rhetoric on the floor of this House will effectively eradicate corruption from the rank and file of the police unless enlightenment spreads among the ignorant masses and the public brings up complaints against the police and proves the charges of corruption in a court of law. Then and then alone will the police be reformed. Mere speeches would not help. Legal and practical methods should be adopted to seek redress of the grievances.

Another important matter to which honourable members of the opposition frequently refer, is that the police in England is much more efficient and honest than that of the Punjab or this country. I may be allowed to point out that the comparison does not hold good. A constable in England gets £4 or £7 a week which comes to about Rs. 400 or Rs. 500 a month while a constable in India is paid Rs. 15 per month. It is not fair to compare these poor creatures with the highly paid policemen of England. Now my honourable friends opposite will at once propose that the pay of our police constables should also be increased forthwith, but I may remind them that things are easier said than done. Where is the money which you propose to be paid out to them in the form of enhanced salaries? Again, the public in England is educated 99 per cent. Over against this, our public is extremely illiterate and never co-operates with the police in the detection of crime. Far from proving helpful to the police like the public in England, our countrymen handicap the police, and do not come forward to give evidence against the culprits. Here the police has to work against odds. Let the honourable members opposite suggest what the police should do under such circumstances as obtain in this country. In the absence of voluntary evidence what should the sub-inspector of police do? Do you expect him to be an angel so that he should be able to find out the truth without anyone coming forward with the facts of the case? Confronted with these difficulties, the sub-inspector collects the villagers and asks them to speak out the truth, but discovers that the whole of the village is bent upon concealing the evidence. I would call upon the honourable members of the Opposition to suggest some practical and effective method of dealing with people of this mentality. If the sub-inspector of police gives up further investigation of the case, the cries of the orphan children and widows of the murdered men remind him of his stern duty in the matter, and, if he fails to respond to the call of duty the whole countryside begins to curse him, and when he undertakes the hard job he is accused of repression and torture. I wonder at the ridiculous charge often brought against the police that they collect the whole village and detain the poor people unnecessarily for no fault of theirs. But I may be allowed to know how else can a sub-inspector of police, who sometimes comes from a distance of about 18 miles from the scene of occurrence, learn the facts of the matter? Should he request the culprits "Sir, did you steal? If so, would you very kindly produce the stolen articles so that I may challan you and try to send you to jail"? Obviously that would not do. The murderer will not confess the truth and not only that, he will even conceal the evidence of his guilt. Again, the stolen money is, more often than not, quite unrecognisable. Under such trying and bewildering circumstances the sub-inspector of police has to obey the stern call of duty and thrash out the grain of truth from the chaff of lies and falsehood. During the course of investigation if the police detains a suspect, the latter comes up the next day with a complaint under section 342 or 325 against the police for wrongful confinement or torture, and if the police files the case as untracable it is charged with negligence or corruption. Permit me, Sir, once again to say a word about the police of England. While comparing the efficiency of our police to that of England, the honourable members of the Opposition very conveniently forget the real factors which are responsible, among other things, for the efficiency of the British police. There are about 20 thousand police men in England for an area

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of nearly 750 square miles, whereas, here we have only 21 thousand policemen in an area of 49 thousand square miles. Besides there are 500 officers who supervise and control the police administration in England, against 259 officers in the Punjab. Instead of demanding an increase in the police strength, our honourable friends of the Opposition are crying for a considerable reduction in the number of policemen in this province, and at the same time they expect that police should be present in every nook and corner of the province where a meeting may be held by the Congress, in order to keep peace and maintain order, just as Mian Iftikhar-ud-Din and Pandit Muni Lal Kalia did recently. A Congress meeting was held at Nathana in the district of Ferozepore wherein it was stated that the Punjab police commit atrocities while the police in the United Provinces and other Congress provinces behave like Seva Samiti volunteers. May I enquire from them if they want non-violent police like the one that remained peaceful at Cawnpore while about a hundred persons were being injured before their very eyes? We all want our police to become "Seva Samiti" but let us also remember that ours is a semi-military province and here the "Seva Samiti" police of Cawnpore will not do. Even an Ahrar leader of the high position of Maulana Habiburrahman was compelled to remark that when about a hundred persons were mercilessly injured, the coward police at Cawnpore stood by, without moving even a little finger in the defence of the poor victims of the lawless mob. It appears that the United Provinces Government is impotent in that respect and should, therefore, resign. I may be permitted to sound a note of warning that the Punjab does not want such a coward and Seva Samiti police to deal with dacoits and murderers. If our police is forced sometimes to resort to coercion, we should try to weather it cheerfully as our police has also many merits which the police of other provinces is unable to show. There is a well known proverb which says that a rose has a thorn with it. We should, therefore, learn to put up with this law of nature. Whenever the zamindara Government introduces any useful Bill which aims at the compulsory retirement of dishonest and inefficient officials, my honourable friend on the opposite benches vehemently oppose it on the ground that it would, in the long run, be detrimental to the interests of the urbanites. The Opposition think that the object of the Government in moving such Bills is to provide jobs to the agriculturists. They fear lest the zamindars should secure a position of predominance in the province. They get terrified by the bogey of zamindara raj. This clearly shows that the Opposition are not in fact the real well-wishers of the poor zamindars of the province.

I fail to understand the mentality of the Opposition. At one time they themselves move a certain motion in the House, but when another time the same motion is moved by an honourable member of this side of the House they oppose it. One of them urges the Government that the pay of the foot constables should be increased, the other stands up and severely criticises the policy of the Government to the effect that it squanders public revenues on the police department and makes suggestions that the salaries of the police officials should be reduced. I hope honourable members on the opposite benches would not take exception to it if I use the expression "heterogeneous mixture" for their party.



On the occasion of the last budget session held at Simla, certain honourable members on the opposite benches remarked in the course of their speeches that the budget then presented was merely a scrap of paper. It was also said that the Government had failed to do anything substantial for the welfare of the agriculturists. But later on when the Police demand was discussed certain honourable members on the other side of the House made suggestions to the effect that the Government should increase the pay of foot constables to as much as Rs. 40 or Rs. 50 per mensem. But they failed to observe that if the Government were to take such steps it would by its own fault increase expenditure under this major head at least by one crore. We are not unaware of the fact that the object in view of the Opposition was to embarrass the Government and to make it face financial difficulties. Had the Government been in a position to increase its expenditure by one crore it would have without any hesitation granted remissions to the agriculturists to the same extent.

Now, Sir, I take the other side of the picture. I say it from my personal experience that the amount of Rs. 56,000 which is being spent by the Government on the police of the Ferozepore district is of no use. It serves no useful purpose. There are certain ilaqas in the Ferozepore district which are not linked with the civilized world by means of any pucca roads. The Government has done nothing in the matter of construction of roads in that district. I am confident of the fact that had there been sufficient number of roads and two licensed guns in every village in the Ferozepore district the number of crimes would have been reduced to a considerable extent. In the absence of such roads the Government cannot maintain peace and order in those out-of-the-way ilaqas. I would be failing in my duty if I do not make a suggestion to the effect that the Government should appoint police officials for those ilaqas only from amongst the inhabitants of the district. I hope and trust that if my suggestions were given effect to it would considerably reduce the number of criminal cases in the said district. The appointments of such officials with local knowledge would go a long way in reducing the number of crimes in those ilaqas. There is not a single road on any side of ilaqa Nathana. If any crime is committed it would take at least 24 hours to get police help even from the nearest thana. I, therefore, respectfully submit that the Government should take immediate steps to construct pucca road from Bagewarana to Nathana. With these words, Sir, I strongly object to the cut under consideration.

**Dr. Sir Gokul Chand Narang** (West Lahore Division, General, Rural): I just want to say a few words on this motion. A great deal has been said on both sides about the police. From this side the general trend of criticism has been that the police is a rotten force, possessing very little virtue which could be admired by people who are interested in the welfare of the masses. On the other side attempts have been made to justify almost everything that the police has been doing or is likely to do. I think the truth lies somewhere between these two views (*interruption*), yes, between these two extremes. The police is neither so bad as painted by this side nor so angelic as painted by the other side. It is as good or as bad as any other department of administration. But unfortunately the masses have a good deal more to do with the police and it is for this reason that the doings of the police sometimes create more smarting than the doings of say judicial officers

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or educational officers or officers of other departments. It would be utterly untrue to say that there is no corruption in the police. There is corruption in the police, even the police officers admit it. There is corruption, though to a lesser degree perhaps, in the judicial department; there is corruption in the revenue department (*interruption*) yes, irrigation department also. But even in the revenue department there is corruption and I do not think anyone can say that the revenue department has been entirely purged of corruption. It would be a very good thing if this has been done. Can it be said that all tahsildars and all naib-tahsildars and their subordinates have become angels and become entirely free from corruption? That is not the case. But there are certain aspects which are more prominent in the police. I would not take this House into the various instances because the cut before the House refers to the general character and conduct of the police and I do not think that the various instances which have been quoted either of the follies or mistakes committed by the police or of dereliction of duty in this place or in that place, are very relevant to the motion before the House, because the motion as I have said is the general character and conduct of the police. I would, therefore, confine myself only to a few general observations regarding the police force.

The first thing that would strike one so far as the Indian police is concerned is that so far as the lower strata of the force are concerned, they are generally ignorant and the first thing, therefore, that I would suggest would be that efforts should be made to introduce educated element into the police force. It would increase the efficiency of the police; it would facilitate the expeditious discharge of their duties and it would also inspire greater confidence about the police in the public mind. It may be said that educated people may not be able to discharge the onerous duties which devolve upon the police. To a small extent this may be true, but the duties of the police are not confined to the pursuit of dacoits or to hand to hand fights with thieves and robbers. There are numerous other duties which the police have to discharge and for which education would be a most valuable asset. I would, therefore, suggest to the department that efforts should be made to recruit more educated people provided that they possess other qualifications. If they are physically fit, preference should be given to educated candidates.

There is another point to which I would draw attention and that is this. Among a certain section of the population the police do not command sufficient confidence, and although I speak with great reluctance, I must say frankly that the want of confidence arises from the fact that the subordinate strata of the police force are predominantly recruited from one community. Therefore wherever any trouble arises, there is a fear in the mind of the other community that they would not get fair treatment at the hands of the police. For the last ten years or so, I have been dinning into the ears of the authorities that they should be a little more liberal in the recruitment of non-Muslims in the lower strata of the police force. I have been told that the Hindus particularly do not like to go into the police force because they can make their living in a more easy manner in other occupations. In fact the Honourable Premier, when this question was raised at Simla, definitely referred to such trades as *chhabri* and such other things which are considered more

remunerative and less exacting by the members of the Hindu community and, therefore, it was said that the Hindus did not take kindly to enlistment in the police. With great respect to the Premier I must challenge this statement of his. I know as a matter of fact as I have been approached on numerous occasions by Hindu young men, young men who are even fairly educated, that they have tried to knock at the doors of police force for enlistment even as constables, but recruitment has been refused to them on one ground or another. One complaint which has been made by them and I want to direct the Honourable Premier's attention to it is this that whenever they present themselves for recruitment, they are generally referred to some deputy superintendent of police or inspector of police who happens very often to belong to the other community and it is said that sometime the chest of the candidate does not come up to the exact measurements and sometimes his stature falls short by half an inch or one inch. Some such excuse is trotted out to keep the man out of the force. I would ask the Honourable Premier to give instructions to the head of the Police Department to see that such injustice is not done to non-Muslims. One thing more I would like to say in this connection and that is this. The question of recruitment of depressed classes in the police force was also raised in Simla and the Honourable Premier was pleased to say that he personally had no objection to the recruitment of the depressed classes into the police force, but it was the Hindus themselves who were against their recruitment. I cannot but respectfully challenge this statement. I would ask him to refer to the superintendents of police of various districts and ask them to enquire from the lines in each district whether there are any Hindus living in the police lines who would object to the recruitment of the members of scheduled castes and I feel sure that there would be an agreement on the part of the Hindu members of the police force that they would have no objection to the recruitment of the members of the scheduled castes in the force. There was a time, I would concede, when there was an objection to the recruitment of chamars and sweepers and other members of the scheduled castes. It might have been said that a Brahman would not like to be arrested by a sweeper or a chamar. If a Brahman has done something which has exposed him to arrest, he certainly cannot say that he should be arrested by a Gour Brahman or other members of his caste. A chamar or a sweeper is as good a member of the community as a Brahman or a Kshatriya or a Syed or a Shaikh (*hear, hear*) and no one can object to any duties of administration being entrusted to a member of any of these castes. But let me assure the Honourable Premier that times have absolutely changed and he cannot be blind to the fact that even the most orthodox Hindus have now shed their prejudices against the depressed classes (*hear, hear*) and untouchability has now almost ceased to exist. Even the most orthodox states have opened the doors of their temples to these depressed classes. They have declared that all public places of worship and all public places of amusement and all public places of education are equally open to the members of the depressed classes and no objection can be taken by a member of any so-called higher caste. If this is so, certainly no objection can be taken to the recruitment of a member of depressed classes to any department of administration. Some time ago I put a question to the Inspector-General of Police, why these depressed classes were not taken into the police force when the Government of India Act lays down that no person shall be debarred from

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enlistment in any department of public service by reason of his caste or creed. I think to keep these people out of public service on the ground of birth or caste or creed is a deliberate violation and a serious violation of the provisions of the Government of India Act. If the Honourable Premier would care to make an enquiry from the Hindu members of the police, I am sure he will be told that the Hindu members of the police have no objection to the recruitment of the depressed classes. Again, I would say that if there are any who still raise any objection, then I would ask the Premier to turn such fellows out of the police force and to recruit the depressed classes in their place. (*Hear, hear.*) After they know that to have these unreasonable prejudices is to make themselves liable to be turned out of the police force, they will think a hundred times before they raise any objection to the recruitment of a member of the depressed classes to the police force. This is the second point to which I wanted to draw the Honourable Premier's attention.

Then, one of the general complaints about the police which is patent and which really gives it an unenviable distinction is that they are not really too famous for their courtesy. I would not go so far as somebody else suggested that probably showering of filthy abuses is a part of their curriculum at Phillaur, but there is no doubt that an ordinary policeman is rather rough. It is not because he is a policeman. I know he is generally recruited from quarters which are very rough in their speech and they do not mind using abuse even among themselves and it is, therefore, not surprising that the uneducated policeman who is recruited from a village cannot shed that habit of using even in ordinary conversation language which should not be used in polite society or in addressing anybody else. (*A voice* : Even the higher ranks are as guilty.) Probably they get the infection from their subordinates. But whatever the reasons may be that bad habit is found among us in the villages, and we are not very particular about the words that we use while speaking to one another. But as soon as a villager is recruited to the police force an important duty is imposed upon him. He becomes a public servant and as such he should realize that he has to get rid of that bad habit which his fellowmen in the villages suffer from and special steps should be taken, special instructions should be issued to the police force that they should be very careful in the choice of words when they are addressing the members of the public. At the slightest provocation they would begin to use filthy language which gives great annoyance, in fact more annoyance to the public than even their positive acts of violence. It is, therefore, absolutely necessary that in the written instructions issued to the police these instructions should be included that they have to avoid most scrupulously the use of filthy language in their dealings with the public. There is another complaint and that is this that almost illiterate people or people with very little education are sent out to take reports of the proceedings of public meetings. This causes great mischief. I think care should be taken to send fairly well-educated policemen to take notes of speeches of public meetings. Prosecutions are frequently based on the reports which these policemen submit to the higher officers and it is not very difficult to find witnesses to support the constable or head constable

who took notes of these meetings. Lambardars and even zaildars, I speak with all respect, are most obliging to the police and they would not hesitate to support the police constable and say, that all that is reported was said by such and such a speaker. One could quote any number of instances and I can tell you, it is a matter really of great shame that sometimes people who used to come to me used to say, among other claims and qualifications on which they relied, that they gave evidence against such and such a Congressman and not necessarily true evidence, but they gave evidence as they were required to give.

Therefore it is not necessary that their false reports or incorrect reports would not be supported. They are supported and, therefore, it is very necessary that people who are sent out to take these reports should be not only honest but should be intelligent and should be fairly well educated so that they may be able to follow the trend of the speeches which are being made and also the words that are being used in those speeches. One thing more which is almost peculiar to the police and which cannot be said to be shared by members of other departments of administration and that is torture. Unfortunately, torture is one of the means of securing information or securing clues to certain offences. It is well-known and it is very well understood by all who have to deal with the police or criminal cases, that very often even true cases have to be proved by false evidence. That is well recognised and many policemen justify themselves and their conduct by saying "Well, the case is true but if we cannot get true witnesses what are we to do, the case would fail," and, therefore, they are obliged to support even a true case by false evidence. But sometimes they have to go further. I fully appreciate the difficulties pointed out by the honourable member from Patiala. He said that if *tashadud* is not to be done how is a case to be investigated, how is the truth to be arrived at? This is the shortest cut no doubt and it has great temptation. When a police officer goes to a village and has a suspicion that such and such a person is really guilty or has committed a certain offence, he gets hold of him and gives one thumping blow on his face and he says, I need not use the language that he uses for it will be too much for this House to hear, "come out with the truth." If the suspected person hesitates a bit another blow is given on the other side of the face and perhaps worse follows. Some of the ingenious devices of torture which used to be followed by the police sometime ago have probably been given up. More inhuman ways are being given up. (*Voices from Opposition benches* : Not yet.) At least it is said that they are being given up and I believe at least their use is considerably reduced, but still there are some methods of what is stated to be more humane torture which are being followed. For instance, a man is not allowed to sleep at night. Supposing a man's name is Ganga Ram, he is always addressed like this, "Ganga Ram, Ram Ram kaho." A policeman will be deputed for five or six hours duty for asking him, "Khuda ka nam lo" if his name is Khuda Bakhsh, or "Ram Ram kaho." Though those policemen may not have said 'Ram Ram' or 'Khuda Khuda' for life, they will keep him telling 'Ram Ram' or 'Khuda Khuda' so that he may not be able to enjoy sleep. This is a method of torture which leaves no traces of torture behind and it is very difficult to discover, but it is certainly a very cruel way of torture all the same. I will not go into the various other methods which are adopted.

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Unfortunately so many cases of torture come up before the courts and sometimes the courts are frank enough and bold enough to make comments on these methods of torture. While fully sympathising with the police in their difficulties in getting at the truth in various cases, I must ask the police authorities to declare it once and for ever, that torture is not to be adopted as a means of discovery of an offence in any case whatsoever. It is better that the guilty people should escape than that they should be brought to book by these means of torture. There is no doubt that there will be many cases in which an offence remain untraced. There is no doubt about it. That will be very unfortunate for the public but it is better that some offences should remain untraced than that inhuman methods of torture should be followed. It is very unfortunate and I speak on good authority when I say that some of the police officers themselves and sometimes even civil officers whose business is to supervise the doings of the police succumb to the temptation to acquiescence in such methods. It is most unfortunate. I fully realise the difficulties. They know that a serious offence has been committed, that there is no means of arriving at the truth, that the offender cannot be brought to book unless some sort of *sakhti* or *tashadud* is done. I fully sympathise with them but in the interest of civilisation and in the interest of humanity it is better that torture should be stopped for ever than that a culprit should be brought to book by these means. There is a saying in criminal law that it is better that offenders should escape rather than that innocent men should be punished. I may adapt it and modify it a little and say that it is better that even offenders escape than that offenders should be brought to book by this inhuman means of torture. As this is peculiar to the police, I thought it necessary to draw the Government's attention to it.

There is one thing more. Crime is certainly increasing and I may, in passing, say that the policeman is an absolute necessity. No society can exist without the police. He is the symbol of law and order and it is the duty of every member of the community to uphold the prestige of the police and to co-operate with them. It does not mean that the police should be given full liberty to do whatever they like. But I must appeal to my friends on this side of the House and that side that the police deserve co-operation and help because without help from the public it becomes sometimes absolutely impossible for the police to maintain law and order. My friend over there was perfectly right when he said that the police can count upon the public in England for full co-operation and the public thinks it its duty to help the police in tracing the offenders. It is perfectly correct. Unfortunately the traditions of police in this country have been so terrifying that people are afraid to come near the police even as witnesses. They are afraid that they might be implicated in the offence. Therefore, they hesitate even to offer themselves as witnesses. On one side the police should disarm the people of all these suspicions and all these apprehensions. The public should know, they should be made to understand clearly, that the police would scrupulously avoid implicating any innocent person, that they would welcome co-operation from people and they should assure them that those who come forward to assist the police and co-operate with them have absolutely nothing to fear from them. If that impression is created

in the public mind, I hope and I assure my honourable friend from Patiala that the public would also then be more willing to co-operate with the police and help the police because even the bitterest enemy of the police will not say that the police is not a necessity for the maintenance of civilised society. Law and order cannot be maintained unless the prestige of the policeman is maintained. I do not mean to say that the police should be a terror to the public; that the people, as soon as they see a constable, should begin to tremble. That would be absurd. I am very glad that that terrible fear which was sitting as nightmare on the minds of the people in this country, so far as the police is concerned, has almost disappeared but at the same time I want that the prestige of the policeman should not be totally destroyed because he is after all the symbol of law and order. If the police improve their methods, I can assure them that the public would be prepared to co-operate with them and give them all the necessary help.

Many years ago I read in a small book about a policeman's finger and

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it was only when I went to England that I realised what the policeman's finger really indicated. Even if the King is coming, if the policeman raises his finger the King must stop. The signal is given by the policeman by raising his hand. It is only recently that such a system has been introduced into this country; but the discipline of the people of England certainly is something to be copied. It shows the spirit in which they co-operate with the police; but unfortunately here the public is afraid of the police and the police does not take the public into its confidence. The result is that the police has to employ those methods which are most objectionable and the public goes on complaining against them. If one improves I trust the other will also improve. That is one thing. So far as corruption complaint is concerned it is this. As I said corruption there is; and unfortunately, I make bold to say so, sometimes even the higher officers in the police are not entirely free from corruption. Fortunately, however, majority of higher officers certainly are good and honest, though there are cases of corruption here and there even among higher officers. So far as constables are concerned it is impossible to prevent corruption from amongst them unless their salary is raised. There is no doubt that even if you raise their salary by Rs. 5 it would mean an additional expenditure of 12 lakhs a year; but if more honest men and more educated men are to be secured then Government must think of raising their salary. I do not say that higher the salary the greater is honesty necessarily; but certainly there is less temptation. If a person knows he cannot feed his family and he cannot educate his children with Rs. 18 a month he is driven to corruption. If a cart with turnips passes, the constable must have two or three turnips. If a cart with firewood passes the policeman must take two or three logs of firewood; and in this way he must take *mulis*, *gajars*, etc., so that when at the end of his duty hours he goes home he has a part of the provisions secured for his family. This kind of corruption is most annoying because the gains of corruption come from the pockets of the poor people. Knowing the difficulties of this additional expenditure I still feel, as in the case of patwaris, that their salary should be raised. If their salary is raised I feel that there would be less corruption.

**Mian Sultan Mahmud Hotiana** (Pakpattan, Muhammadan, Rural) (Urdu): Before I proceed with my speech on the cut motion I would like

[Mian Sultan Mahmud Hotiana.]

to say something in connection with an argument that has been advanced by my honourable friend, Dr. Sir Gokul Chand Narang. In the course of his speech, while discussing the inhuman methods practised by police for obtaining clues, he stated that it would have been much better that a crime should remain untraced rather than that it should be traced by applying torture. I wish he were in the position of a farmer whose most valuable property—a milch buffalo and a team of bullocks—had been stolen by some cattle-lifters. I would have seen if the honourable member had asked the sub-inspector of police not to use torture for obtaining his property back from the thieves. I may submit that it is very easy to suggest proposals, but it is very difficult to act upon them.

I have already requested the Honourable Premier and once again request him that the affairs have taken a very serious turn and he should do something to put a stop to this state of affairs. I may submit that thefts have been doubled and recoveries have been reduced by one-half as compared with previous year. It is, therefore, all the more necessary to think seriously about this matter and some such means should be adopted by which thefts should be recovered and the culprits should be adequately punished. I would specially urge that these wretched people who carry away the hard-earned money of the people under cover of darkness should be awarded exemplary punishment.

Sir, speeches are being delivered in connection with the grant now under the consideration of the House since yesterday and I think the whole House is agreed upon this issue that there is corruption in the police department. Many doctors and hakims have suggested remedies for uprooting this evil according to their own view points. But in my opinion these remedies are not so very effective and they seem to be Unani. (A voice : Try Homoeopathy.) Not a single honourable member has suggested any "injection" which should be used in order to rid the police department of corruption at once. My honourable friend, Pir Akbar Ali, has suggested that the remedy lies in the building of roads in Ferozepore. I am constrained to remark that the following proverb aptly applies to him—

ماروں گھٹنا پھوٹ آئے

Again, my honourable friend Sardar Ujjal Singh stated in the course of his speech that the real remedy for eradicating corruption from the police department was the creation of a healthy public opinion against it. I may submit that before the public learn to shun the corrupt police officials, the disease of corruption would strike its roots in this department and it would become all the more impossible to uproot it.

Now I would like to suggest the "injection" which I would propose for eradicating corruption from the police department. I would suggest that before the public is educated and before they are advanced enough to shun the corrupt police officials, the Government should try to infuse this spirit among the higher police officials who are educated and who draw fat salaries which we cannot touch that they should try to shun corrupt officials. Corruption can never be concealed. Even if somebody were to accept bribes inside a fort, i.e., a very secret place, it would be found out that such and such a person has accepted illegal gratifications. I may submit



that a superintendent of police can very easily find out what members of his staff are corrupt. A deputy commissioner can very well find out, who of his staff accepts illegal gratifications. In my opinion it is the duty of the higher officials that whenever they find out any corruption or whenever they see that anyone of their staff is corrupt, they should at least make it clear to the corrupt officer that they dislike him, they shun his methods, and they hate him. I am sorry to state that matters are somewhat different. If there is any sub-inspector of police who is honest, he is not posted to first rate police stations. On the other hand some corrupt sub-inspector of police is generally put in charge of first rate police stations. The honest sub-inspectors are stationed at some out of the way police stations. In my opinion this is not justified. The higher officials should show due consideration to the honest subordinates, while on the other hand they should make the corrupt subordinates feel that corruption is a bad thing and that they should not indulge in this bad business. In this way, I think, corruption can to some extent be lessened.

Secondly, I may submit that whenever any superintendent of police goes to visit a place, he generally asks the sub-inspector in charge of a police station to submit the list of notorious characters of his ilaqa. I have never seen any superintendent of police asking about the character of the sub-inspector, head constables or constables. I may also state that whenever the Inspector-General and the Deputy Inspector-General go on tour they never care to inquire about the character of the superintendents of police whether they are corrupt or not. In my opinion whenever the higher officials go on tour they should inquire the above-mentioned things and if they find that certain police officials are corrupt they should punish them and on the contrary good and honest officials should be accorded preferential treatment.

**Lala Deshbandhu Gupta :** What would be the remedy if the higher officials are themselves corrupt ?

**Mian Sultan Mahmud Hotiana :** Sir, I would like to bring to the notice of the Government another grievance of the zamindars, that is, it is open to the police to harrass people in another way which is and has often been a source of great trouble to them. I mean the police after the investigations of a case place shuba (suspicion) on some person of his own free will. The sub-inspectors often use this power against their enemies. In this connection I would request that a police rule should be made to the effect that no person should be put under  $\hat{\ast}$  (suspicion) unless and until a gazetted officer certifies that the suspicion is well-founded.

Besides, I may submit that thana Tibi Lal-Beg which used to be within my constituency was located at Maluka ten years ago. This thana was situated at a central place, but was not on pacca road. The police authorities, after having experienced great difficulties in reaching the place by cars, have shifted the said thana to Kabula. There is no doubt that thana Kabula is situated beside a pacca road, but the people of the ilaqa under its jurisdiction are put to great hardships, because it is located at a distance of 20 miles from one side of its jurisdiction and two miles from the other. If a dacoity takes place at a village 15 miles away from this thana, you can just imagine the miserable plight of the person who has been so victimised. He

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will have to run 15 miles to report to the police of the commission of the offence. I would suggest that the thana should be located at a central place irrespective of the fact whether or not any pucca road passes by it. In this connection I saw the Deputy Inspector-General of Police who told me that his subordinates had reported that the thana should be shifted to this place. I told him that that was the view of the police authorities only and not of the public. I explained to him the difficulties faced by the public in consequence of the location of the thana at this place. Now I understand it is being proposed to build a new police station there. I would ask the Government to abandon the scheme and locate the thana at a place within easy reach of the people of the ilaqa. With these words I resume my seat.

**Sardar Sampuran Singh** (Lyallpur West, Sikh, Rural) : Sir, my honourable friend, Dr. Sir Gokul Chand Narang, has said that the police is not after all so bad as it is described to be. It may not be so bad for him, but we have to consider the havoc which it is working in the countryside. I think the money which goes to it in the form of bribe is more in value than the value of all the thefts which take place in the Punjab. A twenty rupees worth cow may be stolen and it will cost more than Rs. 200 to that village to get it back either in the form of provisions for the police force or in the form of cash, which they take before they leave that village. Corruption may not be so bad as it was said by Doctor Sahib, but honesty in police is like *huma* which is never seen but is only imagined. The method which they now-a-days practise in police stations is that the sub-inspector in charge always passes for a very honest man. He does not touch money, he does not take bribe from anybody. But his assistant sub-inspector, head constables and some favourite constables, who are sent on investigation, loot the country-side right and left and when any complaint is made against them, then the top man, the sub-inspector in charge comes forward and protects them. He is actually taking money through his subordinates. When he is questioned either by public or by his officers, he always says that he never touches other people's money, nor does he ever go on the investigation of cases; so how could he get any bribe? In a sense he is correct, but all the same he is getting money through his subordinates. (*A voice from the Treasury benches* : Literally correct.) I correct myself as the Government members are pleased to admit that it is literally correct. I say it is literally correct. At present, Sir, the situation in villages is really getting demoralised and I am afraid that sometimes the cause of it percolates from above. Formerly police created factions and took part in all that happened locally, but now since the introduction of these reforms the police officers in villages are working under the influence of the members—perhaps that might be unparliamentary, so I would not say members of this august House—but certainly the people who have influence with the Government. They recommend them for all sorts of things, they get things done for them and the result is that practically all over the province there is a party growing in all districts and all police stations, which is at all stages and at all times ready to support the Government members and who, whether it is right or wrong, are ready to act on its beck and call and do exactly as it wants them to do. The police have great power. They are people who not only produce evidence before courts but generally create evidence to be produced

before courts. It is in their hands, as it was once said by a police officer that they can put anybody they like behind the bars and can produce witnesses from the *ilagas*. Law has given them great powers. When those powers are exercised and false evidence is concocted and cases are put before the courts, it sometimes becomes very difficult even for the courts to do justice to the accused people. It is only the healthy influence of the higher authorities and of the Government which saves people from such tyranny. But as it appears, if the higher authorities also get tainted by this kind of ideas, I am afraid there will be such confusion and tyranny in the country that it may be difficult to bring about order and good management in the province.

My honourable friend from Ferozepore said that the police is not so much at fault, it is the people who are dishonest and bribe the police and do not co-operate with the police in getting justice done. Sir, this is an old excuse. It has existed in this province ever since perhaps the British came. But I would ask the Government, is it easier to discipline the police or to discipline the whole nation? Is it the duty of the police to do the right thing or is it for the culprit and the accused person to come and tell the police that he has committed such and such a crime and offer himself to be put in jail? No. It is the duty of the police to set wrong things right. The right sort of people, honest people, self-respecting people will never come near the police because the police do not respect those people, they do not allow self-respecting people to come near them. They only want those people who can pass money on to them, who can bribe and induce others to bribe and act as touts. When they are brought before a superintendent of police or higher authorities they say on oath of God that they never paid any money. It is that kind of people that the police want. Other people are insulted, turned out of their sight. In the face of these facts, how can you expect the right sort of people to help the police?

I was saying only a minute ago that even some very high officials of the Government are becoming partisans in local factions. It came to my notice only the other day that a circular has gone to police stations that station officers should submit to Government every week the names of those persons who have given subscriptions for the proposed Sikh National College at Lahore. It is primarily a matter which concerns the Sikhs. It is open to them to establish a college at Lahore and it is equally open to them to raise any subscription they like for the purpose. I fail to understand what the police has got to do with it. Why should there be a command from here that the sub-inspectors should report the names of the persons who have subscribed towards that fund? This is simply to terrorise the public and create an impression in their minds that nobody should come forward to help the establishment of this college. In the face of these facts I would like some responsible member of the Government to throw more light upon this subject.

I have to bring to the notice of the Government another very important matter in regard to *jhatka*. In several police stations they do not allow *jhatka* meat for the Sikh constables. It is a hackneyed question. But certainly this is partiality to one community and cruelty to another, because they allow *halal* meat to Muhammadan constables and not *jhatka*

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meat to Sikhs. Why should not the Sikhs be allowed their legitimate right to take whatever meat they like? Why should they not be allowed to take *jhatka* when practically all over the province in the police lines *halal* is allowed for Muhammadans?

Sir, the other day it was alleged by Sardar Sohan Singh that the beard and tooth of a zemindar were pulled out and the Sardar showed them in this House. It is with great disgust that I say that this did not move at all the Government members. They giggled and gloated; they smiled over that. They never thought that such a thing could be possible with people outside in the country and that people were treated like this by the police. That shows how soon people forget their old experiences. The position was different when you were sitting on these benches and the British officers were running the Government. They perhaps did not know the conditions in the country and consequently they did not believe these statements. It is very disappointing when such a callous treatment is shown by our own people, who know all what police is doing in the name of law and justice and do not come forward and say that they will see that such things do not happen again and that they will enquire into these matters. This is extremely deplorable. I would submit through you to the ministerial benches that God has made them great. They are to-day the Ministers of the Punjab and the fortune of the Punjab is in their hands. But they should not forget that they are our brethren and are our kith and kin. They should feel the pain of common people of this province. The callous treatment which the previous Government showed did not pain us so much. But now it is different.

**Mr. Speaker :** Will the honourable member please speak to the motion?

**Sardar Sampuran Singh :** Sir, I remember the case of a young man, rather a boy 16 years old, who happened to request a head constable of police not to stare at the ladies sitting in a railway carriage. The head constable not only rebuked him but gave him a push as well. The boy was rather high spirited; he retaliated and the result was that a case was registered against him and he was challaned. Men of very high position came forward to give evidence before the police that there was no fault of the boy. The subdivisional officer of the railway was approached and he also said that he believed them. But when there is a complaint against a person who has behaved like that towards a policeman, may he be a constable, head constable or an officer, the papers go direct to the Inspector-General and as a matter of fact he has no power to interfere in the matter, and if those people wanted to say anything they should go to the Inspector-General. The people happened to be influential and they approached the Inspector-General. He was a very just man, I mean Sir John Ewart. He is now in the Government of India. He ordered from Simla the withdrawal of the case. I have given this story only to show that sometimes well-connected people are treated like that, and when evidence has been created against them which is generally concocted, then even the courts cannot help them. It is only this fear of interference from the higher quarters that keeps the

police in lower grades straight, but what will now happen when the Government officials in the higher regions also become partisans so far as quarrels and factions in the countryside are concerned? Save us from this terrorism. I want to join issue with Dr. Sir Gokul Chand when he said that the police people use abusive language because they come from villages and they are in the habit of using filthy language and they cannot get rid of this bad habit. This is totally false. People who come from the countryside are extremely gentle and well-behaved. It is the police spirit which spoils them. Wherefrom does the policeman all over the world come from? All over the world the policeman is not highly educated or highly placed in society, but why is the police in England so polite, so civilized and so helpful? Even in lower grades of other services, in the army and other services there are uneducated people who also come from villages. How is it that these people behave so nicely? As a matter of fact they feel so shy when they come to the towns, they feel so backward and modest that it is totally wrong to say that they bring this bad habit from their homes. It is the habit which they get in Phillaur Fort or perhaps in the police stations and not in their villages where the whole Indian nation lives. Much has been said about the Lumsden Committee. I also have had some experience of that committee, as I appeared as a witness before that committee and this question was put to me, if the police does not fabricate evidence, so many true cases will go unpunished. I said let them go unpunished. They will go unpunished only for a year or two and when the police has no temptation left to involve innocent people and when the people in the countryside get to know that the police would not abuse them and insult them, they will come and co-operate with the police in the investigation and then the right sort of witnesses will be forthcoming and justice will be done. It does not matter if to bring about such condition we have to let some culprits go unpunished. I think this risk has to be run by the Government in order to create confidence among the people that the policeman will protect the people and that the courts also will protect them. They will have to remove corruption both from the police and the law courts. As I said before, honesty is a *human* which is never seen but only imagined in the Police Department. (Cheers.)

**Sardar Muzaffar Ali Khan Qazilbash** (Lahore, Muhammadan Rural): Sir, I rise not to condemn the police in the way that the Opposition has done, nor to sing their praises. I only want to draw the attention of the Government to a few facts about the corruption of the department. It is well-known to everybody that the subordinate grades of the police are not above board. That is not the fault of the present Government. It is an old and chronic complaint. But the fact is that the Government of the day can take steps to eradicate corruption from the subordinate grades. In this connection, I would like to cite a few instances. Firstly, take the case of the muharrirs in different thanas. It is well known to us zamindars that no muharrir will take down a report unless he is paid. (Hear, hear.) It always happens that of the two parties in a criminal case, the one that can afford to pay more can have its report recorded first, and, as is known to all of us, the entire case depends on the first information report made to the muharrir. Secondly, take the case of the constables. They are very badly paid. They get about Rs. 17 a month but the duties and powers given to them are wide and the result is that they make use of

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their extensive powers to lead a more expensive life than they can afford to do on Rs. 17. I do not say that each and every police officer is corrupt, but there are glaring instances of corruption and we zamindars feel them most because we have to come into contact with them day and night. Perhaps there are not so many such cases in Lahore where there are many officers, but in the countryside these things happen every day. A lot of mischief is done during *taftish*. There is the story of a thanedar who went to a small village to investigate a certain case. The investigation went on for a few days and when he was informed that there were no more chickens left in the village, he decided to leave that village. After he had gone a little way from the village he heard a cock crow and he made up his mind that there was still a little more investigation left to be done and so he returned. A thanedar is considered to be a fool if he spends anything from his pocket on grass, fodder and foodstuffs. He is condemned by his own fellow policemen that he will never make a good police officer. I am not going to deal with challan cases. It has been alleged by the Opposition that the police bring forward mostly false challans. There may be a few such cases.

There are a few other activities of this department such as the criminal investigation agency to which I wish to draw the special attention of the Government. This agency was set up a few years ago for two definite purposes. One was to investigate untraced cases and the other was to keep a central record of the different criminals in the province. The agency can do really good work for the public but instead it does something quite different. In order to show to their officers that they are doing good work, the C. I. A. officers concoct cases and get hold of innocent persons, make a show of investigation, get some money and after some time let them off, and report that they could not get anything out of them. I want the Government to keep a strict eye on C. I. A.'s which are very useful but need looking after.

I now come to the powers of the police to challan the lorry and car drivers. This is a power which the policeman utilises to get free lifts from one place to another. If the police constable is not given a lift, he is at once ready to challan the driver. This power ought to be taken away from the police constable and his only duty ought to be to report the matter to the higher authorities who should decide whether it is a fit case to prosecute or not. I have had discussion with several police officers on the point and they appear to be of the same view.

I may point out that corruption amongst the rank and file of the police is most rampant in the colony districts. This is due to the Colony Act. Under the Colony Act a zamindar loses his land entirely if reports are made against him to the Government. This is the reason why police can extort money from the zamindars. Even when there is a good case for the zamindar to bring against the police, he dare not bring it because the Colony Act has given vast powers to the officers to take away the land from him. Naturally if he can retain his land by bribing somebody, he is only too glad to part with a little money. I would request the Government to go into the question of revision of Colony Act and see if something can be done in that respect.

Another thing to which I want to refer is the arrests made under section 109, Criminal Procedure Code. Higher police officers insist on this section being enforced. Every day we find cases where police constables challan people under section 109. Any man can be got hold of and it is always the poor man who has not got the money whom you find challaned under this section. I do not know why the officers order their subordinates to challan people under section 109. If the subordinate officers do not do it they are given a bad report by their officers. I would request the Government to go into this and find out the reasons why our police officers are insistent on challans under section 109. I have brought these points to light not to condemn the Government but to show to the Government that these things do exist. It is the duty of the Government—which is the government of the zamindars—to help the zamindars. It can help the zamindars to a great extent if it can somehow or other eradicate corruption from the Police Department. One way of doing this which I suggest is that an anti-corruption officer should be appointed. He should be a senior officer of the Indian Police Service or the Indian Civil Service. I would like an officer who could put his hand even on a personality like the superintendent of police if he finds that a superintendent of police is going wrong. The mentality of a superintendent of police in a district is such that if a public man goes to him and tells him that such and such an officer is corrupt, he replies, "How do I know if he is corrupt. Even if he is honest, people call him corrupt." It is really the honest man whom everybody says that he is corrupt." If that position were taken up by superintendents of police, it would practically be impossible for any person to go and lodge a report. We all know the difficulty. It is very difficult for an ordinary citizen to prove a case of corruption against a police officer. One of the reasons is that the sympathy of a policeman investigating a case is always for the police official. Secondly, if the police officer is not proved guilty, the complainant puts himself into trouble and a great risk for having brought forward the case. I, therefore, request that an anti-corruption officer should be appointed to go into the cases of corruption which the members of the public may bring to light. Corruption can be eradicated if my suggestion is favourably considered. The public will be only too glad to come forward and put in their applications without fear if a corruption officer is appointed. At the present moment they are unwilling to do so. The head of a department will believe his subordinates more than an outsider on this point. Very few cases of departmental enquiry are taken up and they are dealt with very unsatisfactorily because it is the police itself that has to investigate the case and the sympathies of the investigating officer are always with the accused police officer. It is very easy for the superintendent of police to say, "Bring a suit against the man" but after all the man who puts in an application has to live in the same thana. It will become very difficult for him to lead a peaceful life once he puts in a complaint against a police officer. If you have an anti-corruption officer such difficulties would not arise.

I further suggest that the pay of the constable is much too low and should be raised. If you want that the constable should not be corrupt, give him better pay than he is getting at present. At present the constable gets less than the pay of a cook. I have brought these things to the notice of the Government and my request to the Government is to go into the

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question of appointment of an anti-corruption officer and see if something can be done in the matter.

**Mian Abdul Aziz :** May I request that if the name of any member is not given on the list and if he stands up you will kindly consider the question of granting him an opportunity to speak ?

**Mr. Speaker :** I always do.

**Syed Amjad Ali Shah :** You said the other day that half the time will be allotted to this side and half to the other party. Speakers on this side have taken very little time and speakers on that side have taken more. I hope more time will be allotted to this side of the House.

**Mian Muhammad Iftikhar-ud-Din (Kasur, Muhammadan, Rural) :** In accordance with your directions I shall try to be as brief as possible. My remarks will be general and confined to one aspect of the case only. I think corruption in this province cannot be eradicated and no reform can be brought about in the police department, or for the matter of that in any other department, as long as the police department is being used as a propaganda department of the Unionist Party. The police all over the province have been, even before the elections, working as the agents of the Unionist Party. This fact is much more true now and wherever we go we find the policeman, from constable upwards, that we come across holding strong political views which this worthy is not only content to keep to himself but is prepared even to act upon. Unfortunately these political views are always those of the Unionist Party. I do not think it is easy to find in the Police Department fair-minded persons, particularly amongst the lower officials.

Needless to say, and this was proved at the time of discussion on the adjournment motion three days ago, for obvious reasons the Unionist administration does its best, adopting even unscrupulous means and underhand methods, to defend the police officers. (A Voice : Question.) Only three days ago when it was pointed out in this House that a certain person came and saw the Parliamentary Secretary of the Premier and informed him of the situation in an Amritsar village, we were told that the same person had written a letter to the superintendent of police and he had been satisfied by him. The facts are totally different. It shows, allow me to point out, how little interest the authorities take in the administration and the actual state of affairs. Responsible persons get up in this House and make, within or without their knowledge—I hope without their knowledge — entirely incorrect statements. Now it was said the other day that the Congressman who wrote to the superintendent of police, Amritsar, about Fatehwal came and his fears were removed by the Premier's Parliamentary Secretary. Now the person who wrote the letter to the superintendent of police, copies of which were forwarded to other police authorities also, never saw the Premier's Secretary and could not be informed about anything.

**Premier :** That person was informed by a gazetted officer.

**Mian Muhammad Iftikhar-ud-Din :** The honourable the Premier the other day told us that the same person came and saw the Secretary. The fact is that that person never saw the Secretary.



**Premier :** I never said that.

**Mian Muhammad Iftikhar-ud-Din :** Secondly the person who wrote the letter to the superintendent of police only wrote that the sub-inspector of police in Ajnala was trying to create trouble and that something should be done about it. These two things are entirely different. The statements which are made in this House by responsible persons quite often do not tally with facts.

**Premier :** I object to that. Sir, my honourable friend is saying that my friend Sardar Ujjal Singh said something which was not true.

**Mian Muhammad Iftikhar-ud-Din :** The Premier himself said that the person who wrote the letter came to see Sardar Ujjal Singh.

**Premier :** I never said that.

**Sardar Hari Singh :** If the honourable the Premier will examine the notes of his speech perhaps—

**Mr. Speaker :** May I request the honourable member as well as the Honourable Premier that the matter discussed in the adjournment motion should not be reopened ?

**Mian Muhammad Iftikhar-ud-Din :** What I want to say is, as has been pointed out so often not only by fair-minded persons in this country but outside India also, the bureaucracy or the officers in India give far more importance to the police version of actual facts than to that of private individuals. I have got before me an extract from a famous English writer by the name of Reginald Reynolds. He says—

It is important to understand the methods of repression which are used when it is necessary to defend the interests which were briefly outlined before. We are here confronted with the greatest of difficulties, arising from the fact that in most instances the almost unanimous testimony of Indian non-official witness is flatly contradicted by the Government, which generally bases its version on the accused officials, these being the "men on the spot".

"The Man on the Spot" is, of course, always an Englishman or an Indian official. There are also 350,000,000 Indians on the spot; but unlike the total beneath the harrow, they are supposed not to know which way the harrow goes. Or if they do, they are bound to be prejudiced; whereas an official is assumed to be impartial even if his reputation is at stake. He generally knows and cares as much about India as the West End of London knows and cares about the East End.

It proves how the administration itself employs every possible method to prevent the ventilation of public grievances against the police authorities. When this wrong stand is taken in order to defend the officials we cannot expect to see the eradication of corruption from this province. A matter came up only yesterday. A copy of the letter of the Superintendent of Police, Amritsar, is published in the newspapers in which he says that the complaints were duly received against the Sub-Inspector Shahabuddin but as the Sub-Inspector in question Mr. Shahabuddin said they were wrong, no action was necessary.

**Mr. Speaker :** The honourable member should not mention any names.

**Mian Muhammad Iftikhar-ud-Din :** Apart from this I think communalism is to a great extent responsible for the corruption that we see in the police here. Here again I must blame the authorities for fanning the

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fire of communalism in the past (*hear, hear*). I think that most of the members will agree with me that it is in the interest of communal organisations in this province to see that this fire is kept burning, otherwise you can well imagine that there will be no place in this country for the Hindu Maha Sabha, the Muslim League, the Sikh National Party or any other communal organisation. Of course they do not want the flames of this fire to rise so high as to endanger their own security. Whenever, therefore, communalism exceeds certain limits they try to prevent it and requests are made to the various communities to "sink their differences". The moment these differences are really "sunk" those people who bear allegiance to their parties are displeased and do their best to create the same communal atmosphere which existed before. The truth is that in this country people have no politics as they have in England or other free countries because our politics are controlled by foreign hands. We must give vent to our political aspirations in one form or another. If all the political parties in this province were to come up and were to join hands in eradicating communalism, and the energies of the public are directed towards the common aim of winning the freedom of this country, undoubtedly the present state of affairs will change immediately and completely. We ourselves are naturally to be blamed for communalism in this country. If you want to direct public attention to bigger issues, if you want to preach non-communalism—which as I have said, is not in the interests of the present Government constituted as it is of various communal organisations—you must divert their attention from communal issues and direct it to political issues. You will then naturally come up against British Imperialism. And as the members opposite are not prepared to face this issue courageously, they cannot do any good. I blame, therefore, to a great extent not only the administration as directly responsible for corruption in the police, but also responsible for communalism in this province which in its own turn becomes a cause of corruption and injustice, because it is the police which help in keeping communalism alive. Only a right type of administration in this country, plus an attempt to direct the communal sentiments of the people to different and better channels, and the concentration of public attention on the struggle for freedom and on the fight for bread, can eradicate communalism.

**Mian Abdul Aziz** (Outer Lahore, Muhammadan, Urban): Sir, I think this is one of those subjects on which almost in every session of this Assembly or of the previous Council some sort of discussion has taken place and this department has been criticised. For the last 18 years this department has been the subject of criticism. I am sure that even the Ministerial benches cannot deny that there is corruption, that there is torture and that there is favouritism in this department and that there does exist a system of challoaning people who are innocent, but at the same time I do not see what has been done by the Government, whether by the present Government or by the previous Government during the last 18 years to remedy these evils. It might be said by the Ministerial benches that they are trying to cope with the situation and that they are trying to expunge all such sort of people who are corrupt, but if we look to the percentage in this department, it is not decreasing. It is not only corruption, as a matter of

fact, it is mostly torture and I would further add that it is not only torture but extortion also in this department. Now, Sir, it was remarked by my honourable friend, Raja Ghazanfar Ali Khan, yesterday that remedy should be suggested but then remedy could be shown, if any petitions or complaints are sent about this department, but those complaints when submitted are eventually sent to the head of that very department under whom they are serving. The other difficulty which comes in is that under section 161 a bribe-giver and a bribe-taker both are equally liable. It is difficult for anybody to put in any complaint unless he is given some safety or general amnesty. Of course, I do not say that people should put in false petitions against the police, but I say that some protection should be afforded to those people who actually come forward and make true complaints of corruption or bribery against a police officer, otherwise it will be impossible for anybody to come forward.

The other thing which I would submit is that if according to section 110 of the Criminal Procedure Code, the general reputation of a person is sufficient to bind him down and to send him to jail even, why should not a similar action be taken in the case of a police officer who is generally known to be corrupt. (*Hear, hear from the Opposition benches.*) I do not mean to say that innocent persons in the Police Department should be punished, but at the same time, surely you will find that there will be many police officers who will be known as corrupt officers and their general reputation will be bad. I suggest one of the methods and I would submit that it is for the Ministerial benches to find out ways and means. It is perhaps not incorrect for members to criticise and bring it to the notice of the Government, but it is not always necessary for them that they should find out ways and means to eradicate that sort of illegality. What is the Government meant for? If the Government has no such control over their departments, how can you expect that members or anybody else would be prepared to suggest remedies when they are not acted upon? I would very respectfully say—and for that I would be pardoned—that several times such complaints are made but no heed is paid to them.

The third thing I would submit is that there are so many things which can be said against this department, but at the same time nobody can forget that this department is one of the most useful departments which are necessary for the maintenance of law and order. Certainly I would suggest that raising of pay of these constables would be perhaps effective. I would say that compared with the duties which they have to perform, I think their pay is not quite sufficient or quite adequate. My honourable friend, Dr. Sir Gokul Chandra Narang, suggested that educated people should be enlisted in greater numbers in the Police Department. I submit that is not only a question of educated people. We want courageous people, we want those people who may be able to fight with dacoits. We do not want matriculates who may be timid and who would hide themselves behind a bush when they see dacoits. I would request the Honourable Premier that such people of courage who are entitled to be enlisted in the police and who are also educated should be given some preference.

The other thing which I would submit is that from the very beginning up to this time the police has been adopting certain methods of torture, without any change whatsoever. We see that unfortunately as in the

[Mian Abdul Aziz.]

Punjab we are being guided by customs so is the Police Department guided by the old customs. They follow old traditions without any change.

My honourable friend, Mian Sultan Mahmud Hotiana, said that unless there is some torture or something else of that kind you cannot expect that police will be able to detect offenders. (*Voices: No, no.*) I do not agree with him at all. He did make a remark to that effect. There is the official report and you will see there that he did say something to that effect. He remarked, a good deal has been said about the torture of the police, but it was impossible for them to find out the criminals and offenders and to detect the crime unless you lay some kind of pressure over them. That is what I understood him to say and that can be ascertained from the official report. As a matter of fact, I wanted to enquire at that time whether the honourable member was preaching torture or whether he was trying to remove it. But if I had misunderstood him, still I would say that torture is not the only effective method of tracing the culprits and the crime.

In this connection one very important point which I would like to submit for the consideration of the Honourable the Premier is that their training should be done under competent officers who have returned from England and are well experienced. We all know—perhaps half or one-fourth of the members of the House must have been to England (*laughter*)—how efficient and well-trained the police of England is. A thorough training of our police officers is most necessary. When they are enlisted instead of sending them to *thanas* they should be sent to a well-organised training institution. In my opinion most of the staff of the Phillaur training school should be changed and better men provided there for the training of new recruits, so that they may know how to behave with the public, how to trace cases, how to carry on investigations and so on. In that case I am sure public will be gladly forthcoming with any assistance that may be required. At present owing to the mal-treatment and misbehaviour of the police officials nobody likes to go near them. If I were asked to assist the police I would be very reluctant to do so because I am sure of being insulted and disgraced by them. These are the points which require a good deal of consideration at the hands of the Government and the Honourable Premier.

Sir, if I were to develop several points it will not be possible for me to do so in such a short time of 8 minutes at my disposal. I would, therefore, confine myself to these four or five points. I do not think they can be guided by my advice, but I am sure if they seriously take into consideration the various points that I have brought to their notice, there will be good improvement. I would again request them to take particular care in training new men and recruits. If in their investigations they resort to legal methods and not torture people, I assure them that with the help of the public they will very easily trace their cases. Let them wipe off terrorism from the minds of the public and create confidence instead that they would do justice and not implicate innocent people and let off the culprits. This sort of confidence will do immense good both to the public and the police.

**Chaudhri Muhammad Abdul Rahman Khan** (Jullundur, South, Muhammadan, Rural) (*Urdu*): Sir, I would like to begin my speech by

quoting an Urdu couplet which to my mind appears to be quite appropriate for this occasion :—

قرب ہے یار روزِ محشر چہ بگا کشتوں کا خون کھونکر  
جو چہ رہیگی زبانِ خنجر لہو پکارے گا آستین کا !

The various speeches that have been made in this House with regard to the police administration do not point towards a definite conclusion as some of them praise the police while others vehemently condemn it. It may be said about those honourable members who have severely criticised the police that they have done so out of personal enmity or sheer malice. In view of these conflicting opinions it is hard to arrive at the truth of the matter. Besides, whosoever dares to speak out the truth against the police is put to various tortures by the police. I have a very short time at my disposal but the story of the horrors of the police is too long to be narrated within this short time. In this connection I may also mention that when I criticised the policy of the Government inasmuch as they spent a large amount of money on the durbar which was held in honour of His Excellency the Viceroy the Honourable the Premier brushed aside my objection by saying that I do not pay back to the Government a sum of Rs. 75,000 which I have borrowed from them as taqavi loan. I may ask, with due deference to the Honourable Premier, if that is a fair reply to my objections.

**Mr. Speaker :** Order, order. We are not discussing the durbar at present. Will the honourable member please confine his remarks to the motion before the House?

**Chaudhri Muhammad Abdul Rahman Khan :** I shall then postpone the discussion of that point to some later stage when I will try to throw sufficient light on the Honourable Premier's reply. I was submitting that in the face of so many conflicting views of the honourable members about the police administration, it is very difficult to arrive at the truth of the matter. The only course left open to us is to try the police in law courts of this world or in the court of Almighty the Lord of all creations. Let us leave this matter for the Day of Judgment when police will get their due. For the present I will only pray to God that He being omnipotent and omniscient may hurl all sorts of destructions on us if we bring a wrong charge against the police, and, if on the other hand those honourable members who praise the working of the police are right in their contention He may see to it. (*Loud cheers*). I leave it to God that if the Government is on the right they may be granted more light and truth and, if on the other hand they are in the wrong God may set our Premier and his colleagues on the right path so that they may do justice between man and man, and, may give up all those acts of highhandedness and inhuman cruelties that they are accustomed to perpetrate on His Majesty's humble subjects. But if they do not mend their ways, may God punish them. Let us take a leaf out of the past history of the Muslims. Hazrat Umar left for another country to sell 40 sheets of cloth which he had in his possession. But he was waylaid by some dacoits who robbed him of the sheets he had with him and made good their escape. It was the time of Caliph Haroon Rahshid. (*Laughter*). Hazrat Umar had not embraced Islam then. (*Laughter*). However, he made for the court of the Caliph.

[Ch. Muhammad Abdul Rahman Khan.]

On reaching there he complained to Haroon Rashid against the gang of robbers who had robbed him of his sheets. The Caliph at once despatched his orderly to his officers to inform them of this incident. He made Hazrat Umar stay in his court for full 40 days. On the 40th day it so happened that the Hazrat found in his room the same 40 sheets which he possessed before leaving home. And in addition to those sheets there were placed in his room a letter as well as a purse containing 40 gold mohars. He also saw a man standing outside his room whose hands had been mutilated. And to his great surprise he found him to be the same dacoit who had robbed him of his sheets. It was written in the letter that in view of loss caused to him by staying there for 40 days it had been proposed to offer him a purse of 40 mohars. Further more, it was requested therein that on reaching home he should refrain from making the fact known to his countrymen that he had been waylaid by a gang of robbers within the jurisdiction of Caliph Haroon Rashid.

But, Sir, a peculiar state of affairs is prevailing in our country. We are being looted; we are being tormented but we are not permitted even to utter a sigh. I challenged the Honourable Premier at Simla and I again challenge him to prove those allegations false which I made in the course of my speech. If charges made by me were proved to be false he would be at liberty to quarter me and place each quarter of my body on each of the four corners of the city. And he would be welcome to address the pieces of my corpse in the following words:—

سارے جہوت بولتا تھا

(Laughter).

**Mr. Speaker :** The honourable member has used unparliamentary expression. He should withdraw it.

**Chaudhri Muhammad Abdul Rahman Khan :** Well, Sir, I withdraw my words. I think it would be in the fitness of things if the name of the Police Department is changed into "the department for creating disturbance" or "the department for creating disorder" or "the department of insulting the public" or "the department responsible for creating chaos in the province."

Sir, you would be surprised to learn that in the British raj gambling is lawful if it is played at table. The gamblers share their booty with sub-inspectors and constables of police. When a gambler loses he takes to committing thefts and again these police men get their share from him. It may be seen, even in Lahore at carnivals that lakhs of rupees are lost in gambling in broad day light. And I am sure that you might have also seen (laughter), that there are many kinds of gambling. I request the Honourable Premier and Chaudhri Sir Chhotu Ram to say whether they are not aware of the fact that gambling is resorted to in many ways and many forms. The police itself grants licences to the gamblers and receives illegal gratification from them. When these people gamble away their money they break into the houses of poor law-abiding citizens and make good their escape with the valuables they can lay their hands upon. Then they waste the stolen money on drink. There are several lawyers in the Cabinet, as for

instance, Chaudhri Sir Chhotu Ram, Mian Abdul Haye and Mr. Manohar Lal. They all know it perfectly well how far the police is guilty of malfeasance and how many false cases are brought into courts by police officials. Whenever any public meeting is held, the police gather certain badmashes and with their help it succeeds in dispersing the meetings and later on prosecute several innocent people. I ask whether under these circumstances it is possible in any way to maintain peace and order in the province. If the Government were to make the police mend its ways, if the Government were to keep peace and order in the province, if the Government were to force the policemen to redress the grievances of the poor people, we would surely pray for its long life.

**Mr. Speaker :** Will the honourable member please wind up ?

**Chaudhri Muhammad Abdul Rahman Khan :** I would not take much time of the House. I have only to say a few words more. I should like to refer to my own police station. Within its jurisdiction there is a village solely inhabited by Jats. Here from the house of a carpenter residing in the same village valuables worth three thousand rupees were stolen by somebody. When the poor carpenter reached the thana to get the case reported to the police officials, it is alleged, that they made an entry in the police register only of the jewellery and other articles but did not make mention of the cash. When the carpenter requested that entries regarding cash should also be made in the register, a police constable gave him a slap. The impact of the blow was so great that the complainant's turban fell on the ground. The police has not so far succeeded in tracing the stolen valuables of the poor carpenter. Moreover, in Rahon also many thefts have been committed. The thieves have made away with several cattle. Now, I will cite another instance. It is an occurrence which took place at Batala in the Gurdaspur district. Somebody murdered the president of the District Ahrar Committee at Batala. The murderers themselves conveyed the body to his house. It is said that thousands of men followed his funeral. Although the poor fellow was murdered some 8 days ago, it is a pity, that the police has not yet succeeded in tracing the real culprits. In Ahla also Muslims were murdered but the police could not get hold of the murderers.

Sir, my honourable friend Sardar Tara Singh is a retired police kotwal. I hope he would bear me out that maladministration in the Police Department has become proverbial now. I ask him as to whether he had done any meritorious service during the tenure of his office.

**Mr. Speaker :** As the Honourable Premier has to speak, will the honourable member wind up now? I called him to speak on the understanding that he would not take so long.

**Chaudhri Muhammad Abdul Rahman Khan :** Sir, I would say only two things more. We have no grudge against any police official. But it is a fact that we can neither save our honour nor money from any policeman. It would be highly commendable on the part of the Government if it takes immediate steps to put an end to the highhandedness of this department. I know it for certain that police officials are robbers in the truest sense of the word as they are robbing and exploiting the poor masses.

**Premier** (The Honourable Major Sir Sikander Hyat-Khan) : Sir, I have listened to the various speeches made on the subject under discussion with attention and interest. As you are aware this subject is a hardy annual and since we have set up this convention and since the new constitution came into force, my honourable friends of the Opposition have always insisted on including the police in the subjects which they wish to discuss, during the discussion on Demands for Grants. But, you will have noticed that all the things which were said to-day have been said on the floor of the House not only during the life of the present Assembly, but ever since the Montford Reforms came into effect. I have been a member of the previous legislatures also and I find that the same old vague generalizations have been hurled at Government benches to-day as have been raised during the last 20 years or so. Let me make myself clear at the very outset that so far as the question of corruption is concerned, I hold no brief for corrupt officers and let me also assure my honourable friends that the officers who are responsible for the control and supervision of the police feel exactly like myself on that point. So far as the question of corruption or extortion is concerned the senior officers of the police and myself are at one with those honourable members who condemn such practices (*hear, hear*). And let me also assure them that no one is more anxious than myself or the Inspector-General of Police or the Deputy Inspectors-General of Police or other senior officers to eradicate this evil. As my honourable friend opposite said, the evil or the disease is old, chronic and well established and it will take time to completely eradicate it or to show some perceptible results. But in spite of this let me tell them that we are doing our very best to eradicate corruption and to eradicate other illegal practices resorted to by certain members of the police force. In this connection I again appeal to my honourable friends of the Opposition that we need their genuine support and not merely their lip sympathy.

**Mian Abdul Aziz** : You will have it.

**Premier** : I am sure I will have it from my honourable friend, but I wish I could say the same of other members. Let me now first briefly deal with some of the points referred to by honourable members. They seemed to me a repetition of what has been said on the floor of this House year in and year out. Let me first take the case of Ludhiana district which was described by my honourable friends opposite as one of the notorious districts or the most notorious district.

**Pandit Muni Lal Kalia** : Politically.

**Premier** : I entirely agree with him. I have no quarrel with him on that particular point, because I find that three honourable members from that district spoke on this motion and naturally they know better than I whether the district is notorious or not.

**Pandit Muni Lal Kalia** : An honourable minister of the Cabinet also hails from that district.

**Premier** : I am rather surprised that my honourable friends opposite should have levelled charges against the district police and against the gazetted officers of that police that when complaints are brought to their notice no heed is paid to them. My honourable friends opposite representing



the Muslim constituency of Ludhiana had his knife into the Hindu Superintendent of Police who has recently been transferred from that district. During the last budget session and in subsequent sessions he gave notice or asked dozens of questions about him and we gave answers as often as we could after making the enquiries. One of his charges was that that particular officer never heard any complaints when they were made against subordinate officers of the police or against policemen. I have got here figures of the last six months, a period during which that officer was at Ludhiana and before he left that district. During the last six months 17 cases in which complaints were made have been decided by him. In these were involved three sub-inspectors, one assistant sub-inspector, five head constables and 8 constables. Then there were cases which were enquired into departmentally and were investigated judicially and out of these in three cases punishment was given and seven cases were still pending when he left. I do not think that my honourable friend opposite could fairly say and could justly accuse that officer of not looking into the complaints. I do not know whether he was aware of these cases, but if he was I think it would have been only just and fair that he should have mentioned these also when he tried to pillory that particular officer. But there is another side of the picture. You perhaps with your experience and my honourable friends opposite with their experience know that there are various difficulties which stand in the way of eradicating corruption. One of them is that persons who are loudest in their condemnation of corrupt practices sometimes try to shelter that officer, if that officer happens to be sympathetic towards them. If a subordinate police officer is sympathetic towards a particular gentleman, he wants to assert himself and wants to move things in his own personal favour and tries to impose himself on the unsophisticated people of the district that he can get certain subordinate officer punished or he can get a certain subordinate officer do as he likes. These gentlemen also stand in the way of eradicating corruption. If an officer, howsoever corrupt, is friendly towards them, they would not come forward and when an enquiry is made they would probably be the first to say that he is a very good and honest officer and all these complaints are nothing but tissues of lies. Again, as you are aware and as I am aware, and I believe other friends of this House are aware, there are people who themselves try to bribe officers. I know of very respectable people and I dare say my honourable friends opposite know of several cases where respectable people have tried to corrupt officers themselves and when they fail to corrupt them, they get bitter and complain against them. If they succeed, that officer becomes a friend of theirs and there are no more complaints with regard to that particular officer. I am sure my honourable friend from Ludhiana will bear me out that those people who try to corrupt officers are the worst obstacle in the way of eradication of corruption.

**Sardar Sohan Singh Josh :** Such cases may be as rare as white crows.

**Premier :** Ask the gentleman sitting on your right whether [it is rare or not. *(Laughter)*.

**Lala Bhim Sen Sachar :** To his immediate right ?

**Premier :** I suppose you do not want me to cast aspersions. I have given the hint and a broad enough hint and I think the honourable member whom I referred has taken that hint.

**Pandit Muni Lal Kalia :** It is wrong. You are misinformed. I do not agree with what you say.

**Premier :** Another case of 'Chor ki darhi men tinka.' A great deal of stress was laid on the question of torture by the police and one of the recent cases—the notorious Kiroo case—was cited as an example. I am sure that if my honourable friends would consider the matter dispassionately and give their dispassionate view, they would agree with me that such instances are becoming rarer. They still may be of such magnitude or so many in number that they are disquieting. I do not mean to say that they are not disquieting. Even one instance of that kind should be disquieting to a civilised country but I am sure that those people who have got experience of the police will agree with me, and as my honourable friend Dr. Sir Gokul Chand Narang said, that those instances are getting rarer and rarer. (*A voice : No.*) Instances of cruelty or actual physical torture are rather an exception than the present day rule. With regard to this Kiroo case, capital was sought to be made and they tried to impeach the Government and the head of the police for not taking any action on the strictures passed by the High Court. Let me give you the exact position with regard to this case. The Inspector-General of Police took the matter up immediately and on the same day when the judgment was published in the press, viz., the 22nd of December, 1937. He recommended to the Punjab Government that the police officers named in the proceedings as responsible for the maltreatment of the accused should be placed under suspension and that a case under section 330 of the Indian Penal Code should be registered against them. This action relates to the causing of hurt and extracting confession which is punishable with imprisonment for a maximum term of seven years. The Punjab Government at once approved of these recommendations and orders were accordingly issued by the Inspector-General on the 28th December, 1937, during the Christmas holidays and in pursuance of these orders one European inspector of police, one Indian sub-inspector and one Indian head constable are under suspension at the present moment. A special officer was selected for the investigation of the case registered under section 330 of the Indian Penal Code and the investigation is now complete. I might add that the officer selected for the inquiry is one about whom I can, from my personal knowledge, vouchsafe that he has an unblemished character and is honest.

**Diwan Chaman Lall :** Why did he take over three months to complete the investigation?

**Premier :** Because the regiment concerned had moved to Secundrabad and he had to move from place to place to get evidence. Its completion has been delayed by the fact that the chief witness to torture and proceedings of the original murder case was the Pipe Major of a British regiment which had in the meantime been removed from Rawalpindi to Secunderabad. The investigating officer had, therefore, to proceed to the latter place. My

honourable friend must have seen the press communiqué issued by the Punjab Government with regard to this matter wherein it was also stated by us as to what action Government had taken generally with regard to such cases. If you want me to repeat those instructions I can do so but I can assure you that very strict instructions were issued and fresh instructions have again been recently issued.

**Lala Deshbandhu Gupta :** Where is this Secunrabad situated?

**Premier :** It is in the Hyderabad State.

**Pandit Shri Ram Sharma (Urdu) :** Even the Punjab is Secuandarbad (*Laughter*).

**Premier :** Before I deal with the general allegations which are repeated, as I said, every year, let me take up another concrete instance given by my honourable friend from Hoshiarpur with regard to Chhumra case. Let me give you a few salient facts with regard to this case. An inquiry was made by the deputy commissioner himself in this particular matter. My honourable friend wanted to know whether an impartial officer had made inquiries or whether a police officer had made inquiries. Inquiry was subsequently made by the deputy commissioner himself. All witnesses produced by the villagers were examined and statements of all persons, who had grievances, were recorded. Police witnesses were also examined at Hoshiarpur. The reason why this police force had been posted there, as my honourable friend is aware, is that they have been harbouring a notorious outlaw.

**Sardar Hari Singh :** They have not been harbouring but the fact is that the outlaw belongs to that village.

**Premier :** Therefore, he occasionally came over there and nobody informed the police or gave him up. The allegations against the police were, as made by my honourable friend or some of the other complainants, that the police threatened to extort rations from the villagers without payment, but we have the evidence of the villagers that the police never tried to do so.

**Sardar Hari Singh :** Cash was extorted from them—not rations.

**Premier :** I thought that my honourable friend's complaint was that rations had been extorted from them without any payment.

**Sardar Hari Singh :** No, hard cash.

**Premier :** That is not mentioned in any of the complaints.

**Sardar Hari Singh :** It is.

**Premier :** That is probably something which my honourable friend has thought of now or perhaps has been informed of now.

**Sardar Hari Singh :** Hard cash amounting to Rs. 312 was extorted from them.

**Premier :** That was not the story originally conveyed to me.

**Sardar Hari Singh :** That is the original story.

**Premier :** With regard to No. 1 villagers were unanimous in their evidence that police never refused to pay them their dues or settle their accounts. The enquiry shows that there was no instance of beating by any police man with a view to extorting any rations or money from the villagers. No instance of any such

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beating was cited. As to complaint No. 2 there is no satisfactory evidence to show that any villager or villagers were beaten by the police. Some of the witnesses definitely said that no one was beaten. The only complaint was that villagers were forced to give pahara or fetch fodder.

**Diwan Chaman Lall :** Does not the Honourable the Premier think there is some suspicion attaching to the report.

**Premier :** Yes. Unfortunately the difficulties of the investigating officers are increased by gratuitous enquiries by people who try to incite people. That is the difficulty. You see if one were to make investigation calmly it will have a different impression; but when people go there and ask people "why don't you give evidence?" and try to rouse the people, the result is that truth is absolutely lost in the jungle of other exaggerations and misstatements.

**Sardar Hari Singh :** Who did it?

**Premier :** I do not think my honourable friend wants me to mention names or to go into details.

**Sadar Hari Singh :** It is a serious allegation against certain people.

**Premier :** Another complaint which I have is that some people, who went there ostensibly with a view to help the villagers used most offensive and filthy language against the superintendent of police and I think it was most undignified specially if he happened to be a responsible member and called himself a gentleman: no gentleman would use a language of the kind against the superintendent of police. (*Voices : Name him*). I can name the gentleman but would not like to make his record blacker and blacker.

**Sardar Hari Singh :** On a point of order. It is a very serious allegation against certain honourable member of this House.

**Premier :** I never said that he was an honourable member of the House but now I say that he was an honourable member of the House.

**Sardar Hari Singh :** Name him.

**Premier :** If that honourable member will permit me.

**Diwan Chaman Lall :** May I with due deference to the Honourable the Premier suggest that such allegations of an anonymous nature should not be made by a responsible man of his position; and if he is going to make allegations of that nature he should be courageous enough to name the gentleman concerned so that he can say whether he was or was not the person involved.

**Premier :** If the honourable member wants me to name him I shall be glad to do so: he knows it perfectly well.

**Lala Deshbandhu Gupta :** Has the honourable member been communicated with?

**Premier :** He knows it perfectly well: I spoke to him myself.

**Sardar Hari Singh :** The Honourable Premier should either withdraw the remark that a member of the House used such a language or should name him.

**Diwan Chaman Lall :** May I suggest, Mr. Speaker, that this is a criminal charge against an honourable member of this House because if an honourable member is charged with having used filthy and abusive language he has obviously committed an offence under the law for which he can be prosecuted. The Honourable the Premier should either withdraw it or name the honourable member so that he may contradict him on the point.

**Premier :** It is not necessary to name him on the floor of the House. I have said if the honourable member wants me to give his name I can do so now.

**Mr. Speaker :** Standing Order No. 29 (2) (v) says :—

A member while speaking shall not utter treasonable, seditious or defamatory words.

There is another part of Standing Order 29 under which I request the Honourable Premier to withdraw his remarks. It says :—

A member while speaking shall not make a personal charge against a member.

**Premier :** I withdraw that remark. So far as the question of non-payment for rations is concerned, the amount which the villagers themselves stated was Rs. 812-8-0. That amount has been paid back to the villagers. But that is not all. The Government takes a very serious view of this action of the police and it has decided to take disciplinary action against those officers who are responsible for this state of affairs and the Government attaches a great deal of importance to it and has asked the Deputy Inspector-General to keep the Government informed with regard to the progress of the investigation into the conduct of those officers. That finishes the Sohagra case.

A criticism was made with regard to the arrangement for reporting speeches at various conferences. The present position is this : For the purpose of reporting speeches only very senior officers, not foot-constables normally, but officers of higher rank are deputed. (*A voice : Patwaris.*) No, but sub-inspectors, assistant sub-inspectors and head constables are deputed. Out of these 27 districts, 17 have trained Urdu stenographers. One district (Lahore) has 3 ; four districts (Jullundur, Ludhiana, Lyallpur and Multan), 2 each ; and the remaining 12 districts (Hissar, Rohtak, Ambala, Hoshiarpur, Ferozepore, Gurdaspur, Gujrat, Shahpur, Rawalpindi, Montgomery, Jhang and Muzaffargarh), one each. Of these Urdu stenographers, 2 are assistant sub-inspectors, 12 head constables and 7 foot constables. The rank of 2 has not been reported. Besides, six districts (Gurgaon, Karnal, Hoshiarpur, Gurdaspur, Sialkot and Sheikhpura) have sent one foot constable each for training in Urdu stenography in the Urdu Shorthand School at Batala. Thus shortly as many as 21 districts will have trained Urdu stenographers. In addition to this C. I. D. have also four trained Urdu stenographers of the rank of sub-inspector of police. These reporters besides reporting meetings held in Lahore and Amritsar are detailed to record proceedings, whenever possible, of important meetings held in other parts of the province. That is the position at present. With regard to the speeches where there is any doubt about reporting, the superintendents of police have instructions that they have to certify that they are satisfied with the reporting and that it is correct, before they send it to the Government.

**Diwan Chaman Lall :** What is the qualification of the reporter who goes with the Honourable Minister for Development ? (*Laughter*).

**Premier :** So far as I am aware I believe that several papers which are more or less anxious always to see that the Honourable Minister is misrepresented, send their reporters or more or less appoint reporters and correspondents in those places where he goes. As I said in reply to one of the questions, that the whole matter is under the consideration of the Government, so that this reporting should be improved as far as possible.

One honourable member, I think, mentioned that the Punjab was spending a great deal of money on its police. Let me give you the figures of two other provinces. One province (Bombay) which is more or less equal in size, population and income to this province, is spending 10·97 per cent. of its total expenditure on police and the United Provinces, our next-door neighbour is spending as much as 18·23 per cent. of its total expenditure on police ; while the Punjab spends 10·67 per cent. (*A voice :* The United Provinces has double the population). My honourable friend probably does not understand me. This is the percentage of the total expenditure. You know that income of that province is also much bigger than ours.

My honourable friend, Dr. Sir Gokul Chand Narang, made certain suggestions with regard to recruitment. Let me assure him that so far as the Police Department is concerned, every consideration is paid to due representation of every community provided suitable candidates are available. Dr. Sir Gokul Chand Narang went on to say that sometimes officers who check and measure those people are not friendly or are hostile to those candidates because they belong to another community. I do not think that that charge is well founded or could be well founded for the simple reason that there is a superintendent of police who sees to these recruitments and he can always at once verify whether that complaint is correct or not. I think the same difficulty is with regard to men of scheduled class. When we asked the superintendents of police as to why they have not recruited anybody of the scheduled class—since then six men have been recruited in one district—we are told that they do not come up to the required measurement, and height, and so I told the representatives of the scheduled class. If they find that the candidates, in whom they are interested, have been rejected unfairly, they can always bring it to the notice of higher authorities. My honourable friend Dr. Sir Gokul Chand Narang also said that the Hindus do not object to the recruitment of the so-called depressed classes. I can assure him that nobody would be happier than myself if that prejudice is removed. But I am sure that the Doctor Sahib, either through ignorance or perhaps through his own personal anxiety to give the members of the scheduled class a status which should be given to them, made this allegation. I can assure him that there is very genuine objection by caste Hindus to the employment not only of the people of the scheduled class but other people also, because the difficulty arises with regard to joint messing and unless we create a separate mess for each sect and caste, it would be very difficult. They are now becoming more or less agreeable to take the scheduled class in the same category as my honourable friend Dr. Sir Gokul Chand wanted them to be taken. But in spite of that prejudice I may assure my honourable

friends of the scheduled castes that their recruitment will not be affected on that ground. As a matter of fact, we did recruit a large number of *mashabis* at one time and on account of the prejudices we had to keep them separately. After some time they were merely given the duty of guarding the Government House at Simla. They drank too much and ran amuck and had to be sent home. I may again assure honourable members that so far as the scheduled castes are concerned prejudice or no prejudice their recruitment will continue. (*Hear, hear*).

There were one or two minor points which were raised by my honourable friends opposite. I will briefly mention them. One of them relates to first information report. The usual charge was made that a certain amount has to be paid before the report is taken down. I would like to remind the House that we have provided other facilities to the public. They can send in written reports.

**Mian Abdul Aziz :** That will cause delay.

**Premier :** Why should they be delayed ? There will be post mark.

**Mian Abdul Aziz :** In many villages there are no post offices.

**Premier :** My honourable friend is talking of 1857, we are living in 1938. (*Laughter*).

In this connection I would like to quote, with your permission, an extract from Punjab Police Rule 24·2 :—

“ With a view to encouraging written reports village headmen shall be furnished with a supply of printed copies of Form 24·2 (1) for written reports of cognizable offences. The substance of the form shall be explained to them, and they shall be instructed to give a form to every person who requires one for use, and if so requested by the complainant to send the form by post “service unpaid” or by the village watchman to the police station after it has been filled up and signed, sealed or attested by the thumb-impression of the complainant and by the signature or seal of the lambardar. Opportunity shall be taken to bring to the notice of the public, verbally and by means of notices affixed to the police station notice boards, the facilities which exist for making reports of offences in writing. It shall be explained that it is not compulsory on any complainant to make a written report, if he prefers to make a verbal one. ”

The trouble is, as my honourable friends will admit, to our shame, that there is a desire to implicate innocent people and it is not possible to implicate innocent persons unless one pays something. You cannot possibly blame the police alone. You must blame those people who deliberately want to involve innocent persons and who provide temptations to the police.

Another point was raised which relates to investigation. Sir, there are clear instructions about it and I would just read one or two extracts :—

“ The Inspector-General wishes to emphasize that the production of false evidence is a grave criminal offence which injures the reputation of the force as a whole in the eyes of Government and the public, and cannot be too strongly condemned. He directs that supervising officers shall lose no opportunity of impressing this on their subordinates and that they shall be alert to detect and check any such tendency.

The Inspector-General is aware that it is often impossible for the investigating officer to be certain whether a particular witness produced by the complainant is or is not a truthful witness, either in the whole or in part of his evidence. In cases of doubt he should have no hesitation in communicating his suspicion to the prosecuting and supervising officers concerned. It is then the clear duty of the prosecutor to present an honest and straightforward case, and not to attempt to convince the court of the truth of evidence which he himself suspects to be untrue. The mal-practice of producing or conniving at the production of false evidence is merely one form of corruption and must be treated as such in accordance with the special provisions of Police Rules 16.39, 16.40 and 16.41. ”

[Premier.]

I must confess, Sir, that we cannot fairly blame the police alone. There are other interested persons who wish to alter the line of investigation for their own personal reasons that are to be found fault with.

**An Honourable Member :** But how are you going to correct the police ?

**Premier :** First I have to correct you. (*Laughter*).

These are some of the salient facts which I think will satisfy conclusively my honourable friends opposite. But as I have said I do not for a moment say that there is absolutely no corruption in the police. I do not say that there are no corrupt officers in the police as there are in other departments and in other spheres of life, but what I want to emphasise is that we must judge them from our own standard. To our shame and disgrace our society at the present moment is responsible for all this. Now that there is no bureaucratic Government and we are all Indians here we must candidly confess that we ourselves are responsible for making these officers corrupt. They are quite honest when they enter the services. As my honourable friends are aware we are recruiting educated men, very often graduates as sub-inspectors. We have been doing that for the last 20 years and if there is no improvement it is not only the fault of the police but also of the society as a whole. (*An honourable member :* System). Who is to set that system right ? Has my honourable friend taken any steps to socially boycott any relation of his who may be corrupt ? If we take courage into our hands and frankly tell our relative who is corrupt—he may be our brother, our *chacha* or *mama*—that we will not inter-marry with him, eat with him or sit by his side till he corrects himself, I am sure that will produce the desired effect. (*Lala Bhim Sen Sachar :* Where is the atmosphere ?) It is for my honourable friend to create that atmosphere.

My honourable friend from Lyallpur mentioned that a circular has been issued by the Government to watch or enquire about the people who have subscribed towards the Khalsa National College. There is not an iota of truth in that statement and I categorically deny it on the floor of the House.

My friend Sardar Ujjal Singh gave honourable members figures for the year 1936. He said that during that year 7 officers were dismissed and 9 from other ranks were dismissed. About 46 officers were departmentally punished and from other ranks the number is 392 who were so punished. As regards the year 1937, the figures are :

	Officers.	Men of other ranks.
Dismissals ..	8	130
Departmentally punished ..	67	423

**Chaudhri Muhammad Hassan :** How many superintendents out of them ?

**Premier :** Not the one on whom my honourable friend had a very big eye. (*Laughter*).

Now these figures will indicate that Government is fully alive to their responsibility and sense of duty and they are leaving no stone unturned to punish those officers against whom complaints are forthcoming.



One of my honourable friends opposite said that we give more weight to official version than to non-official version. I agree with him that as a non-official and later on as an official—or you may call me a quasi-official—I took the same attitude and said that I should give the fullest possible weight to non-official version also. But I must confess that my faith in non-official version has been shaken since that unfortunate incident at Fatehwal a few days ago. There a statement was issued immediately after the incident and by those people who were present at that meeting and not a word was said about the murders—not a word.

**Mian Muhammad Iftikhar-ud-Din :** We never knew till the next day.

**Premier :** My honourable friend says that they never knew.

**Mr. Speaker :** It is half-past six now.

**Premier :** Let me in conclusion assure my honourable friends opposite that so far as the Government is concerned and the senior controlling police officers are concerned, they will not hesitate to take the strongest action against corrupt police officers and at the same time let me assure them that I will not take action on vague generalisations against police officers. *(Cheers).*

**Pandit Muni Lal Kalia :** On a point of personal explanation. The Honourable Premier referred to a certain charge which I repudiate. I challenge him.

**Mr. Speaker :** Order, order. The wording of the rule is as follows :—

Of the days so allotted, not more than two days shall be taken up by the Assembly for the discussion of any one demand. As soon as the maximum limit of time for discussion is reached, the Speaker shall forthwith put every question necessary to dispose of the demand under discussion.

When I was unable to give even the Premier one or two minutes more, how does the honourable member expect me to violate this mandatory rule ?

The question is—

That the item of Rs. 1,08,800 on account of Total A—Superintendence (Voted) be reduced by Rs. 101.

The Assembly divided : *Ayes* 27 ; *Noes* 64.

#### AYES.

Bhagat Ram Sharma, Pandit.  
Bhim Sen Sachar, Lala.  
Chaman Lall, Diwan.  
Chanan Singh, Sardar.  
Deshbandhu Gupta, Lala.  
Duni Chand, Mrs.  
Gopi Chand Bhargava, Dr.  
Hari Lal, Munshi.  
Hari Singh, Sardar.  
Harjab Singh, Sardar.  
Kabul Singh, Master.  
Kapoor Singh, Sardar.  
Kartar Singh, Chaudhri.  
Kartar Singh, Sardar.

Muhammad Alam, Dr. Shaikh.  
Muhammad Hassan, Chaudhri.  
Muhammad Iftikhar-ud-Din, Mian.  
Mula Singh, Sardar.  
Muni Lal Kalia, Pandit.  
Partab Singh, Sardar.  
Raghubir Kaur, Shrimati.  
Ram Narain Virmani, Seth.  
Rur Singh, Sardar.  
Sant Ram, Seth, Dr.  
Shri Ram Sharma, Pandit.  
Sohan Singh Josh, Sardar.  
Sudarshan, Lala.

## NOES.

Abdul Hamid Khan, Sufi.	Muhammad Hayat Khan Noon,
Abdul Haye, the Honourable Mian.	Nawab Malik, Sir.
Abdul Rahim, Chaudhri (Gurdaspur).	Muhammad Hussain, Chaudhri.
Abdul Rabim, Chaudhri (Gurgaon).	Muhammad Nurullah, Mian.
Afzaalali Hasnie, Sayad.	Muhammad Saadat Ali Khan,
Ahmad Yar Khan Daulatana,	Khan Sahib, Khan.
Khan Bahadur Mian.	Muhammad Sarfraz Khan, Chau-
Ahmad Yar Khan, Chaudhri.	dhri.
Akbar Ali, Pir.	Muhammad Wilayat Hussain,
Ali Akbar, Chaudhri.	Jeelani, Makhdumzada Haji
Amjad Ali Shah, Syed.	Sayed.
Badar-Mohy-ud-Din Qadri, Mian.	Muhammad Yasin Khan,
Binda Saran, Rai Bahadur.	Chaudhri.
Chhotu Ram, The Honourable	Mushtaq Ahmad Gurmani, Khan
Chaudhri Sir.	Bahadur Mian.
Dasaundha Singh, Sardar.	Muzaffar Ali Khan, Qizilbash, Sar-
Dina Nath, Captain.	dar.
Faiz Muhammad, Shaikh.	Muzaffar Khan, Khan Bahadur
Faqir Hussain Khan, Chaudhri.	Captain Malik.
Farman Ali Khan, Subedar Major	Muzaffar Khan, Khan Bahadur
Raja.	Nawab.
Fateh Muhammad, Mian.	Narendra Nath, Diwan Bahadur
Fazl Ali, Khan Bahadur, Nawab	Raja.
Chaudhri.	Nasir-ud-Din Shah, Pir.
Fazal Din, Khan Sahib Chaudhri.	Pir Muhammad, Khan Sahib Chau-
Fazal Karim Bakhsh, Mian.	dhri.
Ghazanfar Ali Khan, Raja.	Ripudaman Singh, Thakur.
Ghulam Rasul, Chaudhri.	Roberts, Professor W.
Gopal Dass, Rai Sahib, Lala.	Shahadat Khan, Khan Sahib Rai.
Habib Ullah Khan, Malik.	Shah Nawaz, Mrs. J. A.
Hans Raj, Bhagat.	Shah Nawaz Khan, Nawab Khan.
Het Ram, Rai Sahib Chaudhri.	Sham Lal, Rai Bahadur Chaudhri.
Jagjit Singh Man, Sardar.	Sikander Hyat-Khan, The Honour-
Jahangir Khan, Chaudhri.	able Major Sir.
Jalal-ud-Din Amber, Chaudhri.	Sita Ram, Lala.
Khizar Hayat Khan Tiwana, The	Sultan Mahmud Hotiana, Mian.
Honourable Nawabzada Major.	Sundar Singh Majithia, The Honour-
Muhammad Ashraf, Chaudhri.	able Dr. Sir.
Muhammad Azam Khan, Sardar.	Suraj Mal, Chaudhri.
Muhammad Faiyaz Ali Khan,	Tara Singh, Sardar.
Nawabzada.	Tikka Ram, Chaudhri.
Muhammad Hassan Khan	Ujjal Singh, Sardar Sahib Sardar.
Gurchani, Khan Bahadur Sardar.	

**Mr. Speaker :** The question is —

That a sum not exceeding Rs. 1,14,95,000 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1939, in respect of Police.

*The motion was carried.*

*The Assembly then adjourned till 11 A.M. on Monday, 21st March, 1938.*

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