

THE
Punjab Legislative Assembly
Debates.

From 31st March, to 24th April, 1939.

Vol. IX.

OFFICIAL REPORT.



Lahore :

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1939.

**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.

Deputy Secretary.

Khan Bahadur Hakeem Ahmad Shuja, B.A.

PUNJAB LEGISLATIVE ASSEMBLY.

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

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

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

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 Ghulam Rasul, Chaudhri (Sialkot Central, Muhammadan, Rural).
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- Muhammad Husain, Sardar (Chunian, Muhammadan, Rural).
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- Muhammad Nawaz Khan, Major Sardar (Attock Central, Muhammadan Rural).

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- Muhammad Qasim, Chaudhri (Bhalwal, Muhammadan, Rural).
- Muhammad Raza Shah Jeelani, Makhdumzada Haji Sayed (Shujabad, Muhammadan, Rural).
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- 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).
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- Muzaffar Khan, Khan Bahadur Captain Malik (Mianwali South, Muhammadan, Rural).
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- Partab Singh, Sardar (Amritsar South, Sikh, Rural).
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- Prem Singh Mahant (Gujrat and Shahpur, Sikh, Rural).

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- Ranpat Singh, Chaudhri (Karnal North, General, Rural).
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- Riasat Ali, Khan Bahadur Chaudhri (Hafizabad, Muhammadan, Rural).
- Rur Singh, Sardar (Ferozepore East, Sikh, Rural).
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- Sahib Ram, Chaudhri (Hissar North, General, Rural).
- Sampuran Singh, Sardar (Lyallpur West, Sikh, Rural).
- Santokh Singh, Sardar Sahib Sardar (Eastern Towns, Sikh, Urban).
- Sant Ram Seth, Dr. (Amritsar City, General, Urban).
- Satya Pal, Dr. (Amritsar and Sialkot, General, Rural).
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- Shah Nawaz Khan, Nawab Sir (Ferozepore Central, Muhammadan, Rural).
- Shri Ram Sharma, Pandit (Southern Towns, General, Urban).
- Singha, Diwan Bahadur S. P. (East Central Punjab, Indian Christian).
- Sita Ram, Lala (Trade Union, Labour).
- Sohan Lal, Rai Sahib Lala (North Punjab, Non-Union Labour).
- Sohan Singh Josh, Sardar (Amritsar North, Sikh, Rural).
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- Teja Singh, Sardar (Lahore West, Sikh, 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.

FIFTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Friday, 31st March, 1939.

*The Assembly met in the Assembly Chamber at 2-30 p. m. of the clock.
Mr. Speaker in the Chair.*

STARRED QUESTIONS AND ANSWERS.

APPOINTMENTS OF HONORARY MAGISTRATES IN JHELM DISTRICT.

***4358. Dr. Gopi Chand Bhargava :** Will the Honourable Premier be pleased to state—

(a) whether he has recently received any proposals from the local officers for appointments of honorary magistrates in district Jhelum or for the extension of the term of the honorary magistrates already working as such in the said district ; if so, the decision taken on these proposals ?

The Honourable Major Sir Sikander Hyat-Khan : The only proposal received in the last few months was for the re-appointment of one of the honorary magistrates on the Jhelum Bench. Orders for re-appointment have been issued.

PROHIBITION IN PUNJAB.

***4389. Pandit Bhagat Ram Sharma :** Will the Honourable Minister of Finance be pleased to state whether, according as resolved by the Assembly in one of its sessions in 1937, prohibition has been introduced in any of the districts of the province ; if so, the name of the district or districts in which this experiment has been tried with the results of the experiment ?

The Honourable Mr. Manohar Lal : In view of the present very heavy strain on the provincial finances caused by the commitments due to the prevailing famine conditions in a part of the province, the Government have been compelled to postpone the introduction of prohibition in certain districts of the province.

Pandit Bhagat Ram Sharma : May I know whether the Government will give effect to the resolution passed by this House ?

Minister : The matter will be considered as early as possible. The Government propose to consider it again in October this year.

Pandit Bhagat Ram Sharma : May I know whether this is the attitude of the Government towards a resolution of this House ?

Sardar Rur Singh : Will the Government help those villagers who want to introduce prohibition in their own villages ?

Minister : If the local bodies approach the Government, requests of this kind are invariably agreed to.

Sardar Rur Singh : Does the Government know that liquor shops were auctioned even in those places where people did not want them ?

Minister : No.

Pandit Bhagat Ram Sharma : Will the Government take some practical steps where the general tendency of people is to give up drinking ?

Minister : I have already indicated Government's position.

Pandit Muni Lal Kalia : Will the Government please state whether any steps have at all been taken in this direction ?

Minister : The matter has been examined at considerable length.

Pandit Muni Lal Kalia : Which districts were considered during the examination ?

Minister : I am not in a position to disclose the districts.

Pandit Muni Lal Kalia : By which agency was the examination conducted ?

Minister : We collected all necessary facts that we could on the basis of our knowledge and on the basis of the information furnished by certain districts.

Pandit Muni Lal Kalia : I have not been able to follow. By which department and by which agency were these statistics collected ?

Minister : I did not exactly follow the question. The administrative department concerned is that of the Financial Commissioner, Revenue.

Munshi Hari Lal : Is it a fact that the District Board of Montgomery and the Municipal Board of Montgomery have passed resolutions requesting Government to introduce prohibition ?

Minister : If the honourable member would give me definite notice of a question I would find out. Probably there is a question later on on the subject.

Pandit Shri Ram Sharma : May I know what scheme the Government will carry out in October next ?

Minister : That is to probe into the very question which I answered a little while ago that the Government have considerable material before it and in the case of suitable districts, if finances permit, necessary steps would be taken to introduce such prohibition as is feasible.

Sardar Ajit Singh : Did the inhabitants of village Chuhan Chak, district Ferozepore, represent to the authorities not to auction liquor shops ? If so, what action was taken thereon ?

Minister : I know nothing of this particular village to which the honourable member is referring. He must give me notice if he wants to find out about individual villages.

Pandit Bhagat Ram Sharma : May I know in how many districts Government propose to introduce prohibition ?

Minister : I am not in a position to disclose this information.

Pandit Muni Lal Kalia : Has the Government succeeded in selecting certain districts for giving effect to the scheme ?

Minister : That is the same question over again.

ASSISTANT SUPERINTENDENTS, JAIL.

***4396. Diwan Chaman Lall :** Will the Honourable Minister for Finance be pleased to state—

- (a) whether it is a fact that in July, 1933, 12 candidates out of those who had been approved of for the post of Assistant Superintendents, Jail, by Government in May, 1932, and who had already received the prescribed training in 1932 and were in jail service as officiating Assistant Jailors, were appointed Assistant Superintendents from 1st April, 1933 ;
- (b) whether it is a fact that certain other candidates who had also been approved of for the post of Assistant Superintendents, Jail, by Government in May, 1933, and who were untrained and not in jail service, were trained in January, 1934 ;
- (c) whether it is a fact that immediately after the completion of the training of the latter group in January, 1934, and before their appointment as Assistant Superintendents, Jail, the Inspector-General of Prisons drew up a gradation list of both these groups of candidates numbering 25 in which certain members of the former batch (that of 1932 training class) were lowered from their original position which they held by virtue of their having been appointed as Assistant Superintendents from 1st April, 1933, and the members of the latter batch (that of 1934 training class) were given a higher position on the gradation list ;
- (d) the special circumstances under which this action was taken ?

The Honourable Mr. Manohar Lal : I think the honourable member will find most of the points raised in his question met by my answer the other day to starred question 4085, asked by the honourable member for the Lahore City General Urban Constituency. It may, however, be mentioned that the Inspector-General of Prisons in July, 1933, allowed certain officiating Assistant Jailors to draw the pay of officiating Assistant Superintendents. These orders were confirmed by Government in October, 1933. They make no difference, however, to the status of these persons as candidates and the Government never ordered or intended that the fact that these persons were allowed to draw the pay of officiating Assistant Superintendents should over-ride the orders approving these candidates in May, 1933, which clearly contemplated that records of service in officiating appointments would be a consideration in offering permanent appointments.

PRISONERS IN PUNJAB JAILS.

***4409. Dr. Sant Ram Seth :** Will the Honourable Minister of Finance be pleased to state—

- (a) the total number of the central jails in the Punjab and the number of prisoners in each jail ;

[Dr. Sant Ram Seth.]

- (b) the total number of district jails in the province and the number of prisoners in them ;
- (c) the total number of sub-jails in the province and the number of prisoners in them ;
- (d) the reforms, if any, introduced recently in the Punjab jails ?

The Honourable Mr. Manohar Lal : (a), (b) and (c) A statement is laid on the table.

(d) Among recent reforms I may mention the following though they are not exhaustive :—

- (1) Oil pressing and grinding by manual labour have been abolished.
- (2) Cotton and wool spinning have been introduced on a large scale.
- (3) Classes of instruction in brick laying and masonry have been started and in general great attention is being paid to those kinds of labour which will be of use to prisoners on release. An agricultural demonstrative farm has been sanctioned for the Jhelum District Jail.
- (4) Efforts are being made to remove illiteracy among convicts and paid teachers for imparting primary education are to be provided in a number of jails. A scheme for providing a special tubercular jail is under consideration and will be introduced as soon as finances permit.
- (5) The number of newspapers available to prisoners has been increased.
- (6) A number of radio sets has been supplied in jails.
- (7) Certain concessions have been made in respect of the wearing by prisoners of their private clothes.
- (8) Some experimental changes have been made in the diet of prisoners ; among others it is proposed to give the prisoners *sharbat*.
- (9) In order to make the bedding of convicts more comfortable and suitable durries are being provided.
- (10) Physical training has been introduced in all jails.
- (11) Concessions regarding hair cutting and shaving have very recently been introduced.

Pandit Shri Ram Sharma : May I enquire if the Honourable Minister has looked into the jail reforms introduced in other provinces ?

Minister : Is it the suggestion that the Minister concerned knows nothing about what is taking place in jails of other provinces ?

Pandit Shri Ram Sharma : I wanted to enquire if the Honourable Minister has looked into the jail reforms introduced in other provinces.

Minister : The honourable member may rest assured that not only the reforms that are introduced in various provinces in India but much of what is being done in the rest of the world passes under the Minister's review.

Lock up statement of Punjab Jails on 1st March, 1939.

Serial No.	Jails.	Convicts.	Under trials.	Civil.	Non Criminal Lunatics.	Total.
1	2	3	4	5	6	7
1	Lahore Central ..	1,891	236	2	..	2,129
2	Montgomery Central ..	1,605	174	2	..	1,781
3	Multan Central ..	1,791	..	..	..	1,791
4	New Multan Central ..	1,492	..	..	..	1,492
5	Borstal Institution ..	1,591	43	..	..	1,634
	Total ..	8,370	453	4	..	8,827
	<i>District Jails.</i>					
1	Rawalpindi ..	753	119	1	1	874
2	Ambala ..	812	39	2	1	854
3	Multan District ..	701	117	1	..	919
	Total ..	2,266	275	4	2	2,547
4	Sialkot ..	442	101	3	1	547
5	Ferozepore ..	680	190	3	3	876
6	Gujranwala ..	218	194	3	1	416
7	Lahore Female ..	203	6	..	..	208
8	Lyalpur District ..	365	91	4	1	461
9	Jullundur ..	302	87	2	1	392
10	Jhelum ..	336	113	3	1	453
11	Dera Ghazi Khan ..	221	44	..	..	265
12	Ludhiana ..	309	117	1	..	427
	Total ..	3,076	942	19	8	4,045

Serial No.	Jails.	Convicts.	Under trials.	Civil.	Non-Criminal Lunatics.	Total.
1	2	3	4	5	6	7
	<i>District Jails.</i>					
13	Mianwali	339	98	3	..	440
14	Gurdaspur	168	70	1	..	239
15	Hissar	220	130	..	..	350
16	Campbellpure ..	244	79	1	..	324
17	Rohtak	128	106	6	..	240
18	Jhang	193	126	..	..	319
19	Camp Jail, Shahpur ..	267	..	4	..	271
	Total ..	1,559	609	15	..	2,183
	Total of all District Jails.	6,901	1,826	38	10	8,775
	Total for all Jails ..	15,271	2,279	42	10	17,602
	<i>Sub-Jails.</i>					
1	Amritsar	151	203	3	1	358
2	Gujrat	81	97	2	..	180
3	Hoshiarpur ..	53	72	2	..	127
4	Sargodha	64	116	..	..	180
5	Karnal	80	47	1	..	128
6	Dharamsala ..	16	17	..	..	33
7	Muzaffargarh ..	54	26	..	..	80
8	Rajapur	28	23	..	..	51
9	Gurgaon	39	52	..	1	92
10	Sheikhupura ..	132	165	1	..	298
11	Kasur	135	125	..	1	261
	Total ..	833	943	9	3	1,788
	GRAND TOTAL ..	16,104	3,222	51	13	17,390

PUNJABEE PRISONERS FROM CHINA.

***4416. Shrimati Raghbir Kaur :** Will the Honourable Minister of Finance be pleased to state —

- (a) whether it is a fact that 3 persons named Sardar Karam Singh, son of Inder Singh, of village Kandola Kalan, post office Nurmahal, district Jullundur, Rattan Singh, son of Pheru Singh, of village Uppal Jagir, post office Nurmahal, district Jullundur, and Sadhu Singh, son of Pal Singh, of village Dhotian, district Amritsar, were sentenced for life by the British Court of Justice at Shanghai, China, on 15th January, 1937, for making a murderous assault on a person ;
- (b) whether it is a fact that after the outbreak of war between China and Japan, the Municipal Jail of the International Settlement was closed and the prisoners of all classes and nationalities numbering about seven thousand released unconditionally ;
- (c) whether it is a fact that the three above-mentioned prisoners instead of being released were transferred to India and are now undergoing their sentences in the Lahore Central Jail as C class prisoners ;
- (d) the reason for not giving them the same status and according them the same treatment here which they enjoyed in Shanghai, China ;
- (e) whether it is a fact that the Punjab Government is not spending on these prisoners the same amount which they received from the British authorities from Shanghai for their maintenance ;
- (f) if the answers to the above parts be in the affirmative, the reasons for the discriminatory treatment meted out to these prisoners ?

The Honourable Mr. Manohar Lal : (a) As far as information is available the facts stated appear to be correct but the Punjab Government do not possess any details of the offences of these prisoners.

(b) The Punjab Government are not aware that the honourable member's information is correct. The British authorities in China have transferred a certain number of prisoners to India for serving their sentences. This would appear to indicate that there has been no general jail delivery of all prisoners.

(c) It is correct that these three prisoners are serving their sentences as C class prisoners. One is in the Lahore Central Jail and the other two are in the old Central Jail of Multan.

(d) Government have no information of the treatment and status accorded to these prisoners in Shanghai, but they have no reason to believe that they are being treated differently in the Punjab.

(e) The Punjab Government are not receiving any maintenance expenses for these prisoners from the British authorities in Shanghai.

(f) Does not arise.

Lala Duni Chand : Is the Government in a position to examine the record of cases of these men so that the Government may satisfy itself as to the correctness of the sentences passed on them ?

Minister : That does not concern the administration of jails.

Pandit Shri Ram Sharma : May I know if the Honourable Minister made enquiries as to what sort of treatment was being meted out to prisoners there ?

Minister : I have answered that question. There is no reason to think that they are treated worse than while they were in jails in Shanghai.

Sardar Rur Singh : Is the Government prepared to consider the question of their release ?

Minister : Government have not considered the question.

Sardar Lal Singh : Under what law are these prisoners brought from Shanghai and detained in the Punjab jails ? They are sentenced by foreign courts.

Minister : I believe no one has yet attempted to secure their release by writs of habeas corpus in any court.

Sardar Lal Singh : Were any proceedings against these prisoners taken in the Punjab ?

Minister : These were prisoners in Shanghai and they were transferred by authorities to the Punjab jails and I am not aware of any authority by which they could not be so transferred. There is also such a thing as international amity.

Mr. Speaker : The next question.

EXPENDITURE ON SALARIES AND TRAVELLING ALLOWANCES DRAWN
BY MINISTERS, MEMBERS AND ASSEMBLY STAFF.

***4425. Mian Sultan Mahmud Hotiana :** Will the Honourable Minister of Finance be pleased to state—

- (a) the total amount of money drawn by the Members of the Punjab Legislative Assembly by way of travelling allowances and daily allowances, separately, in the financial year 1938-39 ;
- (b) the total amount of money drawn by the Honourable Ministers^s and parliamentary secretaries, separately, by way of salaries and travelling allowances in the year 1938-39 ;
- (c) the total amount of money paid to the Punjab Assembly staff by way of salaries and travelling allowances in the same year ?

The Honourable Mr. Manohar Lal : (a) and (b) Such salaries, travelling and other allowances as were due under the rules and within the vote of the Assembly have been paid.

(c) A statement is laid on the table.

Pandit Shri Ram Sharma : May I know if the object for which journeys are undertaken is stated in the travelling allowance bills submitted by the Ministers and their Parliamentary Secretaries ?

Minister : The technical term for the tours undertaken by the Ministers is, I think, " Tours on Inspection. "

Statement showing the total amount of money paid to Punjab Assembly staff excluding the Honourable Speaker and Deputy Speaker on account of salary and travelling allowance for the year 1988-89.

Serial No.	Establishment.	Salaries.	Travelling allowance.
1	2	3	4
		Rs.	Rs.
1	Officers (Secretary and Deputy Secretary).	27,600	1,008
2	Office Establishment	1,02,638	8,602
	Total	1,30,238	9,610

SODHI SARUP SINGH OF JAGGAT SINGHWALA, PRISONER.

***4437. Master Kabul Singh:** Will the Honourable Minister of Finance be pleased to state—

- whether he is aware of the fact that one Sodhi Sarup Singh of Jaggat Singhwala, district Ferozepore, is a B class prisoner in the Lahore Central Jail ;
- whether it is a fact that the said prisoner is suffering from high blood pressure ;
- whether it is a fact that the jail authorities have reported that this prisoner is keeping bad health ; if so, the action Government propose to take in the matter ?

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

(b) Yes.

(c) Yes. The case is under consideration.

I am now able to say that the prisoner has actually been released; order^s of his release were passed three or four days ago. (*Cheers.*)

CAPTAIN MIHAN SINGH, PRISONER.

***4438. Master Kabul Singh:** Will the Honourable Minister of Finance be pleased to state—

- whether he is aware of the fact that Sardar Bahadur Captain Mihan Singh of Bagharian, district Ludhiana, is a B class prisoner in the Lahore Central Jail ;
- whether it is a fact that he has already been in jail for about eight years ;
- whether it is a fact that on the basis of his age, infirmity and invalidity the jail authorities have recommended his release ;

[Master Kabul Singh.]

- (d) if the reply to the above (a), (b) and (c) be in the affirmative, the steps the Government proposes to take in the matter, if no steps are contemplated, the reason therefor ?

The Honourable Mr. Manohar Lal : (a), (b) and (c) Yes.

(d) Government do not propose to take any action in the matter as the grounds on which such releases are usually made are not established in the present case.

CAPTAIN MIHAN SINGH, PRISONER.

***4439. Master Kabul Singh :** Will the Honourable Minister of Finance be pleased to state—

- (a) whether it is a fact that when the Honourable Minister of Finance recently visited the Central Jail, Lahore, for inspecting invalid and aged cases he gave Captain Mihan Singh to understand that he would be released very soon ;
- (b) whether he has passed orders for the release of this prisoner ;
- (c) if so, the reasons why the prisoner has not yet been released ?

The Honourable Mr. Manohar Lal : (a) and (b) No.

(c) The honourable member is referred to my answer to part (d) of his own starred question No. *4438 just now given.

HAPPENINGS IN THE NEW CENTRAL JAIL, MULTAN.

***4442. Sardar Hari Singh :** Will the Honourable Minister of Finance be pleased to state—

- (a) whether the departmental inquiry into the happenings in the New Central Jail, Multan, culminating in the death of two prisoners, has now been completed ;
- (b) if the answer to (a) above be in the affirmative, the conclusions arrived at by the inquiring officer and action taken or supposed to be taken by the Government in the matter ?

The Honourable Mr. Manohar Lal : (a) Police investigation as a preliminary to prosecution has been completed.

(b) As it is expected that criminal cases will shortly be lodged in respect of these happenings it would not be proper to enter further into any comment at this stage.

SARDAR BAHADUR CAPTAIN MIHAN SINGH, PRISONER.

***4456. Lala Duni Chand :** Will the Honourable Minister of Finance be pleased to state—

- (a) the age of Sardar Bahadur Captain Mihan Singh, son of Sardar Gulab Singh, who is now undergoing the sentence of transportation for life in the Central Jail, Lahore ;
- (b) the period of imprisonment that he has already undergone and the remission earned by him ;

- (c) whether it is a fact that some time ago His Excellency the Commander-in-Chief recommended his release in view of his military services and if so, whether the question of early release of the Sardar Bahadur has been considered by the Government and if so, with what result ?

The Honourable Mr. Manohar Lal : (a) About 88 years.

(b) Out of a sentence of 14 years' rigorous imprisonment the actual period of confinement passed by the prisoner so far is approximately 8 years. Remission earned amounts to 1 year 8 months and 26 days.

(c) It is correct that Government received certain recommendations in favour of this prisoner. After giving full consideration to them it was decided that the grounds on which such releases are usually ordered were not present in this case.

REPRESENTATION ABOUT THE REMOVAL OF THE DISTILLERY.

***4487. Khawaja Ghulam Samad :** Will the Honourable Minister for Finance be pleased to state—

- (a) whether he is aware of the fact that the residents of Sadar Karnal, submitted to him an application bearing many hundred signatures, in August, 1937, for the removal of the distillery from a locality in the middle of the abadi where it is now situated ;
- (b) whether he is aware of the fact that an inquiry has been instituted on that application through the members of the municipal committee ; if so, the report of the members on that application ;
- (c) the final orders passed thereon by the local authorities ;
- (d) what action, if any, Government propose to take in the matter ?

The Honourable Mr. Manohar Lal : (a) Yes : the application was made to the Deputy Commissioner, Karnal.

(b) Yes. A copy of resolution No. 10 passed by the Municipal Committee, Karnal, is laid on the table.

(c) and (d) The matter is under consideration.

Translation of resolution No. 10, passed at the general meeting of the Municipal Committee, Karnal, held on the 18th February, 1939.

10. The local Government may be requested to shift the Distillery at any other suitable distance outside the municipal limits as it causes much inconvenience to the public and affects their health. It is also dangerous.

BOOKS AVAILABLE FOR STUDY TO POLITICAL PRISONERS IN JAILS.

***4488. Shrimati Raghbir Kaur :** Will the Honourable Minister of Finance be pleased to state—

- (a) the names of the books available for study to political prisoners in jails and whether all the books the entry of which is not restricted in India can be made available to such prisoners ;

[Shrimati Raghbir Kaur.]

- (b) if the answer to (a) be in the affirmative, whether it is a fact that all the books sent to Sardar Gurmukh Singh, now in the Multan Jail, by his different friends are not handed over to him, for study ?

The Honourable Mr. Manohar Lal : (a) No list of books is maintained. The rules regarding books allowed to " B " class prisoners are given in clause 8 of paragraph 576 -D of the Punjab Jail Manual.

(b) No. All books which are not considered objectionable are handed over to prisoner Gurmukh Singh. He asked for or was sent a certain number of books which are proscribed and these could not be given to him.

Pandit Shri Ram Sharma : May I know on what principle those books were considered to be objectionable ?

Minister : I have said that the only books which are withheld are those which are actually proscribed and prohibited under the Indian Sea Customs Act, and they should not have entered this country at all.

MAINTENANCE OF SWINE IN BERI.

***3922. Khawaja Ghulam Samad :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that the Hindus and Muslims of Beri, district Rohtak, have repeatedly represented to the authorities against the maintenance of swine in Beri town ;
 (b) the action taken on those representations ;
 (c) whether it is a fact that the Municipal Committee, Beri, resolved some time back against the maintenance of swine in Beri ; if so, with what result ?

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

(b) and (c) The Municipal Committee have invited persons owning swine to keep them under control and not to allow them to wander. The Deputy Commissioner reports that the animals are now kept under control.

PROVINCIALIZATION OF CERTAIN ROADS IN AMBALA DIVISION.

***3927. Khawaja Ghulam Samad :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that the metalled road between Barara railway station and Sadhaura towns and *kham* road between Mullana and Jagadhri town are in a very bad condition ;
 (b) whether it is a fact that there is a large traffic on these roads and the public are put to great inconvenience owing to the dilapidated condition of these roads ;
 (c) whether the Government proposes to include the Mullana-Jagadhri road, Maham-Gohana road and the road between Barara railway station and Sadhaura town in the programme of provincialization of roads ?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a) A few miles of the road between Barara Railway Station and Sadhaura town are in a bad condition and these are now being renewed. The unmetalled road between Mullana and Jagadhri is in a fairly good condition. It becomes impassable at places only during wet weather.

(b) There is considerable traffic on the Barara-Sadhaura road, but only ordinary traffic on the Mullana-Jagadhri road. The inconvenience felt by the public on the former road will disappear when it has been put in order. The latter road is used chiefly by country carts and no complaints have so far been received as regards trouble experienced by the public on it.

(c) There is no intention at this stage of provincialising the roads, as there are numerous other roads in the province of greater importance which have yet to be taken over by Government.

Chaudhri Jugal Kishore: May I know if the Government intends to make the road between Jagadhri and Mullana pucca?

Parliamentary Secretary: That is exactly what I have stated.

HARTAL BY QASSABS OF TOHANA.

*4022. **Khawaja Ghulam Samad**: Will the Honourable Minister of Public Works be pleased to state whether his attention has been invited to a recent article published in one of the local newspapers to the effect that the Qassabs (Rajputs, members of notified agricultural tribes) have been observing hartal since 8th November, 1938, according to a resolution of their Panchayat on account of some action taken by the President, Small Town Committee of Tohana, affecting their interests and that the police are patrolling the town and searching their houses; if so, why and the action taken or intended to be taken by the Government for terminating the strike?

Parliamentary Secretary (Shaikh Faiz Muhammad): No, but the facts are given below—

Under the general orders framed by the Town Committee of Tohana no cattle unfit for human consumption can be slaughtered in the slaughter house of the Town Committee. Many animals which were declared unfit were recently slaughtered by the butchers in their own fields outside the town in contravention of an agreement reached between the Hindus and butchers of Tohana in 1930 by which cattle were to be slaughtered only in the slaughter house. As it was anticipated that this action of the butchers would result in a breach of the peace a police party was sent to Tohana on the 6th November, 1938, and the Deputy Commissioner, Hissar, promulgated an order forbidding cattle slaughter in the town for one month except in the slaughter house of the Town Committee. The police patrolled the town on the 6th and 7th November only, but made no searches. In consequence of this action by the authorities, the butchers observed hartal for two days. The situation has now returned to normal.

Khan Sahib Chaudhri Sahib Dad Khan: Is the Government aware that a criminal case was started against the butchers and they were acquitted?

Parliamentary Secretary : Quite possible.

Pandit Shri Ram Sharma : Is the strike still going on ?

Parliamentary Secretary : I have said that the position is now normal.

CONSTRUCTION OF A ROAD FROM SHAHZADPUR TO KALA-AMB IN
AMBALA DISTRICT.

***4044. Lala Duni Chand :** Will the Honourable Minister of Public Works be pleased to state whether the construction of a road from Shahzadpur to Kala-amb in the Ambala district has been already sanctioned ; and if not, whether the matter is receiving any consideration on the part of the Government ?

Parliamentary Secretary (Sheikh Faiz Muhammad) : No, the construction of the road has not been sanctioned as yet. Owing to limited funds there is no intention at present either of taking over or metalling of this road. There are many other roads in the province the improvement of which is of far greater importance than that of the Shahzadpur-Kala-amb Road.

Lala Duni Chand : May I know if Government is aware of the fact that by constructing this road good many parts of north-east Ambala district will be connected with each other ?

Parliamentary Secretary : Very likely.

Lala Duni Chand : Is the Parliamentary Secretary aware of the distance between these two places Shahzadpur to Kala-amb ?

Parliamentary Secretary : I cannot give distances off-hand.

Lala Duni Chand : May I inform him that the distance is only 12 miles and the advantages of constructing the road will be very great ?

PACCA ROADS IN AMBALA DISTRICT.

***4045. Lala Duni Chand :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that most of the district board pacca roads in the Ambala district are in a very bad condition ;
- (b) the names of the roads that the District Board has transferred to the control of the Public Works Department ;
- (c) whether it is proposed to transfer any other roads also of the aforesaid district to the control of the Public Works Department ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : (a) The metalled roads in charge of the District Board, Ambala, were at one time in very bad condition owing mainly to the fact that the District Board could not afford to maintain them in a satisfactory condition. The District Board has, however, been recently relieved of considerable financial responsibility by the provincialisation of the Rupar-Chandigarh and the Ambala-Shahzadpur roads. Since this provincialisation, the condition of the remaining metalled roads has been and is being considerably improved.

(b) The following roads were transferred from the District Board to the Public Works Department :—

- (i) Rupar-Chandigarh road.
- (ii) Ambala-Shahzadpur road.

(c) Yes, the following roads are included in the road programme to be provincialised in the near future :—

- (i) Adoha-Kala Amb road.
- (ii) Abdullapur-Buria road.
- (iii) Adoha-Shahabad road.

LORRY TRAFFIC BETWEEN SADHAURA IN AMBALA DISTRICT AND NAHAN.

***4046. Lala Duni Chand :** Will the Honourable Minister of Public Works be pleased to state whether the lorry traffic between Sadhaura in the Ambala district and Nahan is held in monopoly by a single individual ; if so, the action, if any, Government proposes to take in the matter ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : The road lies partly in the Punjab and partly in the Sirmoor State. There are no restrictions on the Punjab stretch but the State authorities are believed to have appointed a monopolist for their section.

DETERIORATION OF GENERAL CONDITION OF LAHORE CITY.

***4059. Lala Sita Ram :** Will the Honourable Minister of Public Works be pleased to state whether it has been brought to his notice that the sanitary and the general condition of the city of Lahore has greatly deteriorated after the supersession of the Lahore Municipal Committee ; if not, what improvements have been made and in what directions ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : It has not been suggested to me, neither have I observed, that the sanitary condition of Lahore has deteriorated since the municipal committee was superseded. As regards improvements, I would refer the honourable member to the new drainage scheme work which has already started.

Begum Rashida Latif Baji : Is not the Parliamentary Secretary aware of the fact that on account of the conditions with regard to filth going from bad to worse, the respectable citizens of Lahore have to start a clean-up campaign ?

Parliamentary Secretary : The question is not whether or not there has been a clean-up campaign. It is whether filth has been increased and to that I reply that the conditions are comparatively better now.

Rai Bahadur Mr. Mukand Lal Puri : Are they in the least better than when the honourable member came to Lahore for the first time ?

Begum Rashida Latif Baji : Does the Parliamentary Secretary know the conditions in Lahore better than I do ?

Parliamentary Secretary : I do not claim to know them better than the honourable lady member but I do know that they have improved lately.

Begum Rashida Latif Baji : May I know what is the basis of this reply ?

Parliamentary Secretary : I have seen the conditions myself.

Begum Rashida Latif Baji : When did the Parliamentary Secretary visit the city ?

Parliamentary Secretary : Only last week.

Begum Rashida Latif Baji : Is he prepared to go with me to see the actual state of affairs ?

Parliamentary Secretary : I shall be only too glad to accept that invitation.

Begum Rashida Latif Baji : When ?

Parliamentary Secretary : Any day she likes.

Begum Rashida Latif Baji : Will to-morrow suit him ?

Parliamentary Secretary : Admirably.

MINIMUM AREA FOR BUILDINGS AND WIDTH OF STREETS IN LAHORE.

***4219. Rai Bahadur Lala Gopal Das :** Will the Honourable Minister of Public Works be pleased to state the minimum area for buildings and the minimum width of streets proposed to be prescribed in the new area in Lahore brought under the jurisdiction of the Lahore Improvement Trust after February 4th, 1939 ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : The matter is still under consideration.

THREE DIFFERENT LOCAL BODIES IN GUJRAT TOWN.

***4352. Begam Rashida Latif Baji :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that there are at present three local bodies simultaneously working each for a different part of the city of Gujrat with the population of about twenty-six thousand souls in total ;
- (b) whether the methods of realization and the rates of taxes of each of the three municipal committees are different ;
- (c) whether the citizens of Gujrat have repeatedly made representations to the Government both in writing and by deputations requesting the amalgamation of the three municipal committees in one municipal committee and thus save the trade of the city from destruction and also relieve the general public of the unnecessary burden of multifarious taxes ;

- (d) if the answers to (a), (b) and (c) above be in the affirmative, what action the Government propose to take in the matter?

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

(b) The method of realization of the taxes is the same though the rates differ.

(c) Certain written representations have been made to Government on the subject.

(d) The matter is receiving attention.

TIME TAKEN FOR DECIDING ELECTION PETITIONS.

***4363. Pandit Shri Ram Sharma :** Will the Honourable Minister of Public Works be pleased to state—

(a) whether he is aware of the fact that in deciding the election petitions with regard to elections of candidates of local bodies the time taken is generally very long and in many cases it takes more than half the term of a local body to decide such petitions ;

(b) the time that was taken in deciding a Rohtak District Board election petition (of last time) Maya Ram *versus* Sher Singh and a previous one of Jhajjar municipal election Munna Lal *versus* Ram Singh ;

(c) the steps Government proposes to take to expedite decisions on such election petitions ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) Government are aware that there has been delay in a few instances though they know of no very recent case. The honourable member I dare say knows that election petitions are enquired into according to the procedure laid down for the trial of civil suits, and he will realise that when a petition is closely contested and many witnesses are called by both parties some measure of delay is inevitable.

(b) The petition of Maya Ram against the return of Sher Singh was presented in June, 1935 ; there was a question whether it should not be enquired into by a special officer along with a number of other petitions, and orders for the enquiry were not issued till October ; thereafter much regrettable delay was caused by transfers amongst officers with the result that the report of the election commission did not reach Government till February, 1938. *Orders were passed two months later.*

The petition of Munna Lal against the return of Ram Singh was presented in September, 1927, and an election commissioner was appointed in December ; here again it is regrettable that illness and transfers amongst officers should have led to delay ; orders were passed in April, 1930.

(c) Government directed in 1930 that election petitions be disposed of without avoidable delay. So far as they know those instructions are being complied with, and they do not think that any further action is necessary at present.

Pandit Shri Ram Sharma : Is the Parliamentary Secretary in a position to say as to how much time is generally taken in deciding an election petition in the case of local bodies ?

Parliamentary Secretary : If my honourable friend is in a position to say how much time is usually taken to decide a civil suit I shall be able to answer his question. It really depends on the number of witnesses produced on both sides. If, on the other hand, the petition is not contested the case is decided without any delay.

Pandit Shri Ram Sharma : Do I understand that an election petition is heard and decided in the same manner as a civil suit ?

Parliamentary Secretary : Under the rules it has to be heard and decided as if it were a civil suit.

Pandit Shri Ram Sharma : Is the procedure in the case of election petitions in connection with legislative bodies different ?

Parliamentary Secretary : For dealing with the election petitions in connection with legislative bodies a special tribunal is appointed. But that entails an expenditure which does not permit of the practice being followed in the case of local bodies. Even with regard to election tribunal honourable members are always complaining of its expenditure.

Pandit Shri Ram Sharma : Is it a fact that in the two instances mentioned in the original question the time taken was as much as the whole term of the local body ?

Parliamentary Secretary : Government tries to expedite the decision of petitions but, as I have stated, sometimes delay is unavoidable. I may also say that the instances mentioned relate to a period when this Government had not entered on office.

REPRESENTATION FROM DEPRESSED CLASSES OF HISSAR DISTRICT.

*4368. **Sardar Hari Singh :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether the Government received any representation from the members of the depressed classes and the scheduled caste M.L.As. of the Hissar district for nomination of their representative on the District Board of Hissar ; if so, the action taken by the Government in the matter ;
- (b) whether it is a fact that the above-mentioned classes form 14 per cent of the population of the aforesaid district ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) Yes. A representation was received from certain members of the scheduled castes, on which the local officers were consulted. The matter is under consideration.

(b) I understand that scheduled castes comprise 14 per cent. of the entire population of Hissar district including municipal areas.

Pandit Shri Ram Sharma : May I know whether the rights of different communities are taken into consideration while making nominations ?

Parliamentary Secretary : While making nominations to district boards Government takes two things into consideration. In the first place, only such men are nominated to the district boards who are useful for the district boards. Secondly, an attempt is made to see that those communities which do not get due representation on these boards through elections are given seats by means of nomination.

Pandit Shri Ram Sharma : What does the Parliamentary Secretary mean by the word "class"?

Parliamentary Secretary : As far as I know the word "class" in this connection means religious communities.

Lala Harnam Das : May I know whether in view of the fact that the population of the scheduled castes is one-fourth of the total population of Hissar district, Government has granted them any representation on the said board?

Parliamentary Secretary : My honourable friend should know that mere population will not do, but they must have sufficient voting strength also. I may, however, inform the honourable member that this matter is receiving the consideration of the Government.

Pandit Shri Ram Sharma : May I know whether while making nominations the Government takes into consideration the question whether a person is a zamindar or not?

Parliamentary Secretary : As far as nominations to the district boards are concerned the persons belonging to zamindar communities are given preference over others, because district boards are mainly concerned with rural areas. But in the municipal committees this thing is not kept in view.

Pandit Shri Ram Sharma : May I know whether while making nominations the rights of non-agriculturists living in rural areas are not taken into consideration?

Parliamentary Secretary : Their rights are taken into consideration. If they do not get sufficient representation through election, then they are nominated.

Sardar Rur Singh : May I know whether nominations are made from amongst the title holders only?

Mr. Speaker : Disallowed.

Chaudhri Jugal Kishore : Last year the Honourable Premier made a public statement that the members of the scheduled castes would be given fair and just representation on every district board. In view of this statement may I know whether fair representation has been given to the members of scheduled castes on the District Board, Hissar.

Mr. Speaker : Will the honourable member please read the proceedings?

GUJRANWALA MUNICIPAL COMMITTEE AND TERMINAL TAX CLERKS.

***4377. Sardar Sohan Singh Josh :** Will the Honourable Minister of Public Works be pleased to state the hours of work fixed by the Gujranwala

[Sardar Sohan Singh Josh.]

Municipal Committee for the Terminal Tax clerks and also state whether he has recently received any complaints from those clerks to the effect that they are obliged to work overtime without any remuneration?

Parliamentary Secretary (Shaikh Faiz Muhammad): I have no information, and the matter is one within the competence of the municipal committee. As regards the second part of the honourable member's question, no such complaint appears to have been received.

Sardar Sohan Singh Josh: May I know whether in some factories workers are made to work for 14 or 15 hours against the rules?

Parliamentary Secretary: It is too general a question and I am not concerned with it either.

DISTRICT BOARD ROADS IN KANGRA DISTRICT.

***4391. Pandit Bhagat Ram Sharma**: Will the Honourable Minister of Public Works be pleased to state whether it is a fact that the condition of district board roads in the Kangra district is hopelessly bad; if so, whether Government has considered the question of provincialization of the roads in question with a view to improve their condition?

Parliamentary Secretary (Shaikh Faiz Muhammad): The condition of the district board roads in the district though unsatisfactory is not hopelessly bad. Government has under consideration the question of provincialising the road from Ranital to Hamirpur, but cannot provincialise it at present as it has many other more important roads to take over first.

Pandit Bhagat Ram Sharma: Can the Honourable Parliamentary Secretary tell me the approximate time when these roads will be provincialised?

Parliamentary Secretary: As soon as other important roads have been dealt with, this road will be taken up.

POLICE TRAP FOR MOTORISTS.

***4394. Sir William Roberts**: Will the Honourable Minister of Public Works be pleased to state—

- (a) whether he is aware of the fact that a police trap for motorists was set up on the Mall in Lahore on Monday night, 13th February, 1939;
- (b) the reasons for setting up the police trap mentioned in (a) above;
- (c) the reasons for choosing one of the safest roads in Lahore on the occasion in question;
- (d) the reasons for selecting a time for the purpose when the traffic on the above-named road is at its minimum?

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

(b) To enforce compliance with the speed limit of 80 miles per hour which is applicable to the road in question.

(c) and (d) The trap was in operation between 8 P. M. and 10-30 P. M., a time when there is often much reckless driving between Lahore and Lahore Cantonment. Government do not agree that the road is so safe as to render a speed limit unnecessary.

REVISION OF CONSTITUENCIES OF JULLUNDUR DISTRICT BOARD.

***4419. Mian Abdul Rab :** Will the Honourable Minister of Public Works be pleased to state whether the Government has recently received a representation signed by a number of respectable citizens of the Jullundur district to the effect that the constituencies of the District Board, Jullundur, be so revised as to ensure a proper and just representation of all the communities in the district according to their population and voting strength ; if so, whether any action has been taken thereon, and if no action has been taken, the reasons therefor ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : Yes. The matter was examined. Government are not satisfied that any communal inequalities in the present board are due to the way in which the electoral circles have been constituted, and the matter will be further considered after the next general elections.

Pandit Shri Ram Sharma : Has the Government considered the question of introducing separate electorates for district boards ?

Parliamentary Secretary : The Government may be prepared to consider this question if the initiative is taken by the honourable members over there.

Rai Bahadur Mr. Mukand Lal Puri : Has the Government considered this problem, in view of the fact that certain classes do not get representation in the district boards by elections ?

Parliamentary Secretary : I quite agree with my friend. That is the tragedy of joint electorates.

Rai Bahadur Mr. Mukand Lal Puri : Has the Government considered the question of giving representation by nomination or otherwise to the classes who do not get representation through election ?

Parliamentary Secretary : The Government always try to give them representation by nomination.

Rai Bahadur Mr. Mukand Lal Puri : Has the Government done so ?

Parliamentary Secretary : It always does so.

Rai Bahadur Mr. Mukand Lal Puri : Has it done so ?

Parliamentary Secretary : Yes, in almost every case.

Rai Bahadur Mr. Mukand Lal Puri : What conclusion has it arrived at with a view to give adequate representation to the Hindus of the western districts in district boards ?

Premier : Does my honourable friend want separate electorates ? If so, why not say it openly ?

Rai Bahadur Mr. Mukand Lal Puri : Is it the policy of the Government to have separate electorate where it suits them and to have a different role where it does not suit them ?

Premier : In the district boards there are joint electorates throughout the province. If my honourable friend wants to propose separate electorates, I cannot promise that but I will consider his claim sympathetically.

Rai Bahadur Mr. Mukand Lal Puri : Has it come to the notice of the Government that hardly any Hindu gets elected to the district boards of Jhang, Sargodha and Mianwali by election ? What steps, if any, has the Government taken to rectify that injustice ?

Premier : That is why I want my honourable friend to suggest separate electorate. At the present moment we try to redress those inequalities by nomination and to that also sometimes objection is taken. The other method is to have separate electorate and I should like to know whether my honourable friend wants that system to be introduced.

Rai Bahadur Mr. Mukand Lal Puri : I do not want separate electorates. All that I want is that Government should consider the scheme which is in force in the United Provinces where minorities are given adequate representation in certain proportion. Has the Government ever considered the desirability of applying that scheme to this province ?

Premier : The representation is given on population basis plus voting strength divided by two. This is the formula which is being accepted in the Punjab and the representation is given to all the communities on that basis. If they cannot be elected, resort is had to nomination ; but sometimes the number of nominated seats is limited and therefore they cannot have that representation. The only remedy is separate electorate and I have already said that I am prepared to consider it sympathetically.

Dr. Sir Gokul Chand Narang : The Honourable Premier does not seem to have understood or cared to understand the question of the honourable member sitting behind me. The question was and I put it again, is the Honourable Premier or the Minister in charge of the portfolio aware of the fact that in the United Provinces Muslims who are in a great minority are allowed a very definite and substantial weightage in the local bodies ? Is the Honourable Premier aware of this ?

Premier : I am not aware of it.

Dr. Sir Gokul Chand Narang : If it is a fact, then is he prepared to introduce a similar system into the Punjab ?

Premier : As a matter of fact, the system which was in vogue here and which my honourable friend while he was in office applied to all is still in vogue. We have not altered it.

Dr. Sir Gokul Chand Narang : The Honourable Premier has just now said that the formula followed here is that representation is given to each community according to the mean average of population and voting strength. Is the Honourable Premier aware that even in cases where the non-agriculturists have not received any representation by election and the agriculturists have secured overwhelming representation by election, still out of the few nominations to be made nominations of agriculturists are made

by this present Government? That is to say, nominated seats are given to agriculturists, although the agriculturists have secured an overwhelming representation by election and the non-agriculturists have secured none. Is he aware of such cases?

Premier : I have understood my honourable friend in spite of the fact that his question was somewhat long and involved. What he wants me to understand is this, whether non-agriculturist Hindus have been given due representation or not.

Dr. Sir Gokul Chand Narang : I did not say Hindus, I said agriculturists.

Premier : My honourable friend was Minister in charge of this very department and he knows perfectly well or at least he ought to know that distribution of seats is not based on any class interests or class principles, but community-wise, i.e., among Muslims, Hindus, Sikhs and others. Does my honourable friend remember that? If he does not, then he had better refresh his memory. And if he does, his question does not arise.

Dr. Sir Gokul Chand Narang : The Honourable Premier does not seem to have again understood me. It is not a question of Hindus, Muslims or Sikhs. I refrained from bringing in those communities and therefore I used the words 'agriculturists' and 'non-agriculturists'. My point is that the present Government nominates agriculturists to these local bodies in spite of the fact that they have secured an overwhelming majority of seats by election whereas non-agriculturists have not secured a single seat by election. Is it not a fact that nominations of agriculturists are being made although they have secured an overwhelming representation by election?

Premier : I would request my honourable friend again to go back to the days when he was the Minister in charge. He has just repeated that the formula is the mean of population and voting strength. The voting strength is not divided according to agriculturists or non-agriculturists. If however that is what he wants me to do in districts, I will ask my colleague to consider the question, so that in the district boards the formula will be voting strength plus what the honourable member has suggested just now.

Dr. Sir Gokul Chand Narang : It is hopeless. Therefore I need not try again to make the Honourable Premier understand.

Mian Abdul Rab : May I know whether the Parliamentary Secretary is perfectly satisfied that at present the wards are so distributed in the districts that all communities are properly represented according to their population and voting strength?

Parliamentary Secretary : I do not understand what the honourable member means. But the constituencies are there and members belonging to all communities can contest.

Mian Abdul Rab : I want to know whether the wards have been so constituted that all communities have just representation according to their population and voting strength?

Parliamentary Secretary : An attempt is always made in that direction and Government is convinced that any inequalities that there are are not due to any defect in the distribution of wards.

Mian Abdul Rab : If the defect is not due to bad distribution of wards, what are the reasons for the defects?

Parliamentary Secretary : The liberality of one community towards another.

Mian Abdul Rab : Is there no remedy?

Khan Sahib Chaudhri Sahib Dad Khan : Is it a fact that the Ambala district board has not adequate representation of Muslims?

Rai Bahadur Mr. Mukand Lal Puri : *Hear, hear.*

Khan Sahib Chaudhri Sahib Dad Khan : Is the Government aware that the majority in the district board of Ambala division do not allow the minority of the *ilaga* to enter the district board service?

Premier : I suggest that my honourable friends Chaudhri Sahib Dad Khan and Mr. Puri put in a joint representation for separate electorates which I have said I will consider sympathetically.

Rai Bahadur Mr. Mukand Lal Puri : Will the Government consider the advisability of giving weightage to the minorities in the several districts in the province where they are in a hopeless minority—to the Muslims in the Ambala division and to the Hindus in the Rawalpindi and Multan divisions?

Pandit Shri Ram Sharma : May I enquire whether the Government has a uniform considered policy with regard to district boards and municipalities or is there any difference?

Parliamentary Secretary : It is uniform.

Pandit Shri Ram Sharma : When the policy in both cases is uniform, then what is the reason for having joint electorates in district boards and separate electorates in the case of municipalities?

INTRODUCTION OF CHANGES IN EXECUTIVE OFFICERS' ACT.

***4420. Mian Abdul Rab :** With reference to the answer to part (b) of starred question No. 2,¹ asked on 17th June, 1937, will the Honourable Minister of Public Works be pleased to state the result of the consideration by the Government as to changes to be made in the Executive Officers' Act (II of 1931)?

Parliamentary Secretary (Shaikh Faiz Muhammad) : The matter is under consideration.

Mian Abdul Rab : How long will it take to consider the matter?

Parliamentary Secretary : The difficulty in this case is that it is not possible to consider the amendment of the Executive Officers' Act without simultaneously considering the amendment of the Municipal Act. Both are under consideration and the honourable member must realise that these things naturally take some time.

SECURITY OF SERVICES UNDER LOCAL BODIES.

***4421. Mian Abdul Rab :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether his attention has been drawn to the recent representation and agitation in the press requesting the Government to take steps to make the service under the local bodies more secure ;
- (b) whether the Government has considered this matter ; if so, the conclusion it has arrived at ?

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

(b) Government had occasion to consider a year or two ago the conditions of service of municipal sweepers. They suggested to local bodies at that time that they should grant to sweepers the same security of tenure as they grant to other menial employees.

NOTIFIED AREA COMMITTEE AT RAJA JANG.

***4434. Malik Barkat Ali :** Will the Honourable Minister of Public Works be pleased to state if he has under consideration the question of having a notified area committee at Raja Jang, tahsil Kasur, district Lahore ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : No. The question was considered recently. Under section 241 of the Municipal Act a notified area committee can only be set up in a place which contains a town or bazar and is not a purely agricultural village. As Raja Jang does not at present contain a town or bazar, a notified area committee cannot be set up. Government understand, however, that there are proposals for opening a mandi in this place, and if those proposals materialise, the question will be considered further.

PROFESSIONAL TAX BY THE DISTRICT BOARD, JULLUNDUR.

***4443. Sardar Hari Singh :** Will the Honourable Minister of Public Works be pleased to state whether it is a fact that the District Board, Jullundur, has decided to impose revised rates of professional tax ranging from Rs. 2 to Rs. 10 from 1st April next on non-agriculturists earning Rs. 180 annually ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : I am not aware of any such proposal.

AGITATION AGAINST PROFESSIONAL TAX BY DISTRICT BOARD,
JULLUNDUR.

***4444. Sardar Hari Singh :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that there has been a vigorous agitation against the existing rates of professional tax throughout the Jullundur district ;

[Sardar Hari Singh.]

(b) if the answer to the above be in the affirmative, reasons for dis-
regarding public opinion ?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a) I have not heard of any such matter.

(b) Does not arise.

SCHEME FOR ELECTRIFICATION OF SHAHPUR CITY AND SADAR,
DISTRICT SARGODHA.

***4445. Lala Bhagat Ram Choda :** Will the Honourable Minister of Public Works be pleased to state whether any scheme for the electrification of both Shahpur city and Sadar, district Sargodha is at present under consideration of Punjab Government ; if so, when it is expected to materialize, and if not, whether the Government has considered the question of granting permission to any private company, for that work of electrification ?

Parliamentary Secretary (Shaikh Faiz Muhammad): Applications were received from two companies in 1937 and this year for the grant of sanction under section 28 of the Indian Electricity Act, 1910, to engage in the business of supplying electrical energy in Shahpur Sadar and Shahpur City. The applicants were advised that Government is not prepared to entertain such applications in the case of towns where supply to the general public is concerned as it is considered to be to the better interest of both the supplier and the consumer to regulate the supply of energy by a licence granted under section 3 of the Act. No application for a licence has been received.

LORRY AND TAXI CAR ACCIDENTS DURING 1938.

***4460. Mrs. Duni Chand :** Will the Honourable Minister of Public Works be pleased to state—

- (a) the number of lorry and taxi car accidents during the year 1938 and the number of persons killed and the injured respectively as a result thereof ;
- (b) main causes of these accidents ;
- (c) the steps, if any, that the Government has taken or intends to take with a view to minimise the risk involved in lorry and taxi car traffic ?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a) During the year 1938 there were 589 accidents in which buses or dual purpose lorries were involved, and 19 in which motor cabs were concerned. It is not possible to give separate figures of casualties according to the type of vehicle involved. The total casualties in motor accidents in 1938 were 232 persons killed and 1,409 injured.

(b) Here again separate figures are not maintained. For all motor accidents, taken together, the figures are :—

(1) Mechanical defects	..	..	..	75
(2) Irregular loading	..	..	..	16
(3) Excessive speed	..	..	..	214
(4) Rashness or negligence	..	..	..	458
(5) Negligence on the part of pedestrians			..	116
(6) Defective road construction		..	..	17
(7) Drivers falling asleep	..	..	..	7
(8) Negligence on the part of drivers of vehicles other than motor vehicles	..	..	..	72
(9) Other causes	..	..	..	64

(c) During the last few years much has been done to improve the efficiency of the staffs responsible for the inspection of public motor vehicles, with the result that buses and public lorries are generally in a better state of mechanical fitness now than they were formerly. The traffic on the roads is also more closely controlled than it was, though measures to this end have been hampered by financial considerations. Other steps, too numerous to mention, have also been taken to reduce the number of accidents and a beginning has been made with the organisation of Safety First propaganda.

To a large extent the prevalence of accidents is the result, indirectly, of the present deplorable conditions in the trade. So long as the present cut-throat competition continues it is difficult to raise the standard of efficiency amongst drivers, or to stop the racing between rival vehicles which is one of the most frequent causes of accidents. It is hoped, however, that when the new Motor Vehicles Act comes into operation it will be possible gradually to improve conditions in the trade and so do away with some of the causes which at present lead to accidents.

QUALIFICATIONS OF PANCHAYAT OFFICERS REMOVED FROM SERVICE.

***4461. Dr. Sir Gokul Chand Narang :** Will the Honourable Minister of Public Works be pleased to state the names and academic and other qualifications of the Panchayat Officers recently removed from service and also of those, if any, appointed in their places ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : A statement is laid on the table regarding the particulars of the Panchayat Officers removed. No new appointments have yet been made.

Statement giving particulars of recently discharged Panchayat Officers.

Serial No.	Name.	Academic or other qualifications.	Particulars of substitute appointed.
1	2	3	4
1	Sardar Milkha Singh	No substitutes appointed as yet.
2	Mian Barkat Ali Khan ..	..
3	M. Khan Beg ..	..
4	Chaudhri Fazal Karim ..	..
5	Sardar Natha Singh ..	..
6	Sardar Jagjit Singh ..	..
7	B. Gurcharan Singh ..	B.A. ..	
8	Muhammad Abdullah Khan Saddozai ..	B.A., LL. B. ..	
9	Chaudhri Gurcharan Singh ..	..
10	Chaudhri Ramji Lal Lamba ..	..
11	Shaikh Muhammad Iqbal ..	M.A. ..	
12	Lala Sant Bakhsh ..	B.Sc. ..	
13	Lala Har Gopal Khanna ..	B.Sc. ..	
14	Lala Sardari Lal ..	B.A. ..	
15	Chaudhri Lakshmi Narain ..	M.A., LL. B... ..	
16	M. Ala-ud-Din Siddiqui ..	M.A., LL.B., M.O.L. ..	

**HOTU RAM, TERMINAL TAX MOHARRIR OF NOTIFIED AREA
COMMITTEE, CHICHAWATNI.**

***4468. Sardar Ajit Singh :** Will the Honourable Minister of Public Works be pleased to state whether it is a fact that one Hotu Ram, Terminal Tax Moharrir, who was dismissed from notified area committee, Chichawatni, district Montgomery, about 2½ years ago appealed against the order of dismissal and that the appeal is pending with the President for the last two and a half years contrary to the rules; if so, the reasons for this delay in the disposal of the appeal filed by the Moharrir ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : Hotu Ram was in September 1987 dismissed by the notified area committee of Chichawatni for corruption and insubordination. He appealed to the Deputy Commissioner of Montgomery who in July 1988 suggested that the committee should give the man the option of resigning; the Deputy Commissioner, however added that should the man not resign, the committee would be

justified in imposing on him such punishment as they thought suitable. Hotu Ram was then given the opportunity to resign, but as he failed to avail himself of it he was dismissed again by the committee in March 1939. So far as I know, there is now no appeal by this man pending.

REPRESENTATION OF SCHEDULED CASTES ON DISTRICT BOARD OF
SHEIKHUPURA, HISSAR AND GURGAON.

***4491. Lala Harnam Das :** Will the Honourable Minister of Public Works be pleased to state whether or not Government intends to nominate any of the members of the scheduled castes to represent the depressed classes on the district boards of Hissar, Sheikhupura and Gurgaon, elections to which have recently taken place ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : Government have appointed a member of a scheduled caste to the district board of Gurgaon. The cases of Hissar and Sheikhupura are under consideration.

Lala Harnam Das : Will the Parliamentary Secretary please give the voting strength of the scheduled castes in the Hissar district ?

Parliamentary Secretary : I do not carry these figures in my head.

RIGHT OF VOTE FOR WOMEN IN LOCAL BODIES.

***4494. Shrimati Raghbir Kaur :** Will the Honourable Minister of Public Works be pleased to state—

(a) whether it is a fact that women have not been given the right of vote in the local bodies in the Punjab ;

(b) if the answer to (a) above be in the affirmative, whether the Government has ever considered the question of removing the grievance of women in the Punjab and if so, with what result ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) Women have not the right to vote at the elections of district boards, small towns or panchayats. They can, however, vote at municipal elections where the electorate is communal provided the municipal committee concerned has at a special meeting resolved that the franchise be extended to women.

(b) The question of extending the local government franchise generally to women was last considered by Government in 1931 when the above-mentioned decision as to the municipal franchise being extended to women in certain circumstances was arrived at. The matter has not been considered since ; it is however the policy of Government to nominate lady members to local bodies when possible.

Begum Rashida Latif Baji : When is the Government going to remove the grievance of women in this respect? How long will it take ?

Parliamentary Secretary : This supplementary question does not arise from the main question. If the honourable lady member had listened to the answer with more attention she would have understood it.

Pandit Shri Ram Sharma : May I know the reason for not giving the right of vote to women in local bodies when it has been done in the case of legislatures ?

Parliamentary Secretary : If resolutions are passed to that effect in the local bodies, the right of vote can be given to women.

Pandit Shri Ram Sharma : Does the Government think it objectionable to set an example in this respect ?

Parliamentary Secretary : I am afraid the honourable member is not aware of the fact that circumstances differ at different places. This right of vote to women is liked at some places and objected to at others.

Munshi Hari Lal : Can the Parliamentary Secretary give me the names of committees which have got nominated lady members ?

Parliamentary Secretary : I am not in a position to give that information off hand. Perhaps I may mention the cases of the Lahore municipal committee before its supersession and the Ludhiana committee.

Pandit Shri Ram Sharma : May I know whether the Lahore committee was suspended because seats had been given to women ? (*Laughter.*)

Mr. Speaker : Disallowed.

Munshi Hari Lal : Was the lady member of the Lahore committee nominated by the last Government or the present Government ?

Mr. Speaker : Disallowed.

Dr. Sir Gokul Chand Narang : Is it not a fact that the Government did not make it a general rule for women either to have votes or to stand for election because the Muhammdan community objected on the ground that Muslim women would not come forward to get themselves enlisted as voters and thereby the voting strength of the Muslims in the municipalities would be disturbed ?

Parliamentary Secretary : It is difficult for me to answer this question because it relates to a period when my honourable friend was in office.

Mrs. Duni Chand : Will the Parliamentary Secretary be pleased to state whether the Government is going to consider the desirability of providing a reasonable number of seats for women in the local bodies as has been done in the case of this Assembly ?

Parliamentary Secretary : That is a request for action.

INJUSTICE DONE TO CERTAIN EMPLOYEES OF PANIPAT MUNICIPAL COMMITTEE.

***4497. Lala Deshbandhu Gupta :** Will the Honourable Minister of Public Works be pleased to state whether it is a fact that the majority party in the Panipat municipality has on more than one occasion turned down the decisions given by the Deputy Commissioner, Karnal, on the appeals made by certain employees of the said municipality who are alleged to have been unjustly dismissed ; if so, what action have Government taken and intend to take to do justice in these cases ?

Parliamentary Secretary (Shaikh Faiz Muhammad): There have been four cases in which when the Deputy Commissioner passed orders on appeals by employees of the Panipat municipal committee, the committee requested Government to reverse the Deputy Commissioner's order. In one of these cases only was the Deputy Commissioner's order reversed. In the other three, the Deputy Commissioner's order was maintained, and Government suppose that it was subsequently given effect to.

SHORT NOTICE QUESTION AND ANSWER.

REVIEW OF MUTATION PROCEEDINGS UNDER THE PUNJAB LAND REVENUE ACT.

Dr. Sir Gokul Chand Narang: Will the Honourable Minister for Revenue be pleased to state—

- (a) whether the Punjab Alienation of Land (2nd Amendment) Act has been brought into force;
- (b) whether he is aware that in some parts of the Punjab the tahsildars are going into the question whether certain transactions of sale and mortgage of lands are *benami* in character or not;
- (c) whether he is aware that such inquiries are of an extremely summary character;
- (d) whether it is also a fact that as a result of these inquiries many such transactions have been upset and new mutations have been made; if so, the law under which the tahsildars are acting in the manner referred to above?

The Honourable Dr. Sir Sundar Singh Majithia: (a) No.

(b) Yes.

(c) No such case has been brought to notice. Instructions have issued that a complete file should be made in every case of investigation by the special tahsildar and all relevant evidence taken.

(d) In cases where transactions offending against the provisions of the Punjab Alienation of Land Act have been wrongly incorporated in the revenue records as a result of mutation proceedings, the original mutation proceedings have been reviewed under section 15 of Punjab Land Revenue Act and appropriate entries have been made in the revenue records by fresh mutations, if necessary.

Dr. Sir Gokul Chand Narang: May I know when these instructions were issued?

Minister: It must be some time in 1937.

Dr. Sir Gokul Chand Narang: Under what law were the instructions issued?

Minister: I have just quoted it. Under section 15 of the Punjab Land Revenue Act.

Dr. Sir Gokul Chand Narang: Is the Honourable Minister aware that section 15 of the Land Revenue Act deals with review proceedings?

Minister: Yes.

Dr. Sir Gokul Chand Narang : Is the Honourable Minister also aware that ordinarily 90 days is the limitation for review ?

Minister : In the case of applications ; and if the order is to be reviewed by the deputy commissioner or the collector, he would do it himself.

Dr. Sir Gokul Chand Narang : Is there any limit or limitation for such review where the very nature of transactions is to be altered ?

Minister : I am not a lawyer ; but for the benefit of my honourable friend who may have forgotten the law, I may be permitted to read it.

Dr. Sir Gokul Chand Narang : The Honourable Minister need not read it ; I have got it before me.

Minister : I insist on reading it. (*Laughter.*) Section 15 says :—

A revenue officer may, either of his own motion or on the application of any party interested, review, and on so reviewing modify, reverse or confirm, any order passed by himself or by any of his predecessors in office :

Provided—

(c) an order shall not be modified or reversed unless reasonable notice has been given to the parties affected thereby to appear and be heard in support of the order."

The officer has to record evidence.

Dr. Sir Gokul Chand Narang : Do I understand that the Honourable Minister means that orders which were passed 37 years ago are now being reviewed by the special tahsildars ? Are these the instructions ?

Premier : Tahsildars are appointed by an executive order.

Dr. Sir Gokul Chand Narang : But the Honourable Minister for Revenue was taking his stand on section 15 of the Land Revenue Act. Now I find that these instructions were issued under executive orders.

Premier : Let not the honourable member try to misinterpret me or my honourable friend. What he said was that action was being taken under section 15 of the Act. These tahsildars were appointed by executive orders to go into these cases and where such cases were found the collector took action under section 15.

Dr. Sir Gokul Chand Narang : I know that. But I asked the Honourable Minister under what law he had issued these instructions to take evidence and review these mutations and he referred to section 15. Now I ask the Honourable Minister whether he has realised the position that these special tahsildars are revising orders which were passed by their predecessors, may be 25 years ago, 30 years ago or 37 years ago.

Minister : The answer I have already given is a complete answer.

Dr. Sir Gokul Chand Narang : Has the Honourable Minister satisfied himself ? Sir, the Honourable Finance Minister has advised by gesture or perhaps by word of mouth not to answer my question. Is he in order ?

Mr. Speaker : The honourable member's remark is not proper.

Dr. Sir Gokul Chand Narang : Which is not fair, sir—my submission to you or his advising the Minister not to answer my question ? I want to know whether it is unfair on my part or even remotely improper for me to draw your attention to the conduct of a Minister who has just now advised by gesture or might be as I said by word of mouth, not to answer a question which I was putting to one Honourable Minister. I want your ruling on that point.

Mr. Speaker : Assuming the honourable member's allegation to be true, Ministers' responsibility is joint and they can advise each other.

(Honourable members : "Withdraw, withdraw").

Dr. Sir Gokul Chand Narang : Withdraw what? I am not going to withdraw one syllable. (Interruption.)

Mr. Speaker : There is nothing to be withdrawn.

Minister : My honourable friend is bringing in unnecessary heat. I might say that no suggestion or gesture has been made to me.

Khan Bahadur Nawab Muzaffar Khan : On a point of order. The question that arises is whether any member can prompt another member and whether Dr. Sir Gokul Chand Narang himself has been or has not been prompting every member on this side of the House.

Diwan Chaman Lal : On a point of order. This is a most unfounded fabrication on the part of my honourable friend.

Mr. Speaker : I think members can make suggestions to each other. Question time is now over.

Dr. Sir Gokul Chand Narang : My supplementary questions are not over. Either I might be allowed to put a question or two now or I may be allowed to continue my supplementary questions on the next day.

Mr. Speaker : The next day.

ADJOURNMENT MOTION.

TREATMENT OF M. IFTIKHAR-UD-DIN AND SARDAR AJIT SINGH
BY THE POLICE.

Dr. Gopi Chand Bhargava : 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, insulting treatment meted out to Mian Iftikhar-ud-Din and Sardar Ajit Singh, M. L. As. by the Police officials outside Shahalmi Gate in Lahore on 28th March 1939, when they were watching the arrests of kisans.

Mr. Speaker : Leave has been asked to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, insulting treatment meted out to Mian Iftikhar-ud-Din and Sardar Ajit Singh, M. L. As., by the Police officials outside Shahalmi Gate in Lahore, on 28th March, 1939, when they were watching the arrests of kisans. Has the honourable member the leave of the House?

Premier : No objection. As a matter of fact I shall be glad indeed to elucidate the various allegations made by my honourable friends and to see how far they are true.

Mr. Speaker : The motion will be taken up at 7 P.M. to-day.

SITTINGS OF THE ASSEMBLY.

Premier : I beg to move—

That the proceedings of the item 'The Punjab Motor Spirit and Lubricants (Taxation of Sales) Bill' be exempted from the provisions of the rule relating to the sittings of the Assembly.

Mr. Speaker : Motion moved is—

That the proceedings on the item 'The Punjab Motor Spirit and Lubricants (Taxation of Sales) Bill' be exempted from the provisions of the rule relating to the sittings of the Assembly.

Diwan Chaman Lall : May I ask you to enlighten the House as to what is the significance of this motion?

Mr. Speaker : Similar motions have been moved more than once. The significance of the motion is that the Assembly shall continue to sit till the item is finished.

Diwan Chaman Lall : May I rise to oppose this motion?

Mr. Speaker : No speeches are permissible.

Diwan Chaman Lall : A motion has been moved and I must exercise my right to debate on the motion.

Mr. Speaker : The honourable member has no right to speak. This motion has to be put to the House without amendment or debate.

Diwan Chaman Lall : May I with your permission ask the Treasury Benches as to why they are in such a hurry?

Dr. Sir Gokul Chand Narang : You have just been pleased to say that the adjournment motion would be taken up at 7 p.m. Does it mean that after the adjournment motion is over we will come back to the Bill?

Mr. Speaker : Yes.

Mr. Speaker : The question is—

That the proceedings on the item 'The Punjab Motor Spirit and Lubricants (Taxation of Sales) Bill' be exempted from the provisions of the rule relating to the sittings of the Assembly.

The motion was agreed to.

MOTOR SPIRIT AND LUBRICANTS (TAXATION OF SALES) BILL.

Minister for Finance (The Honourable Mr. Manohar Lal) : Sir, I beg to move—

That the Punjab Motor Spirit and Lubricants (Taxation of Sales) Bill as reported by the select committee be taken into consideration.

In commending this motion to the House I need say only very few words. The first is that in the Bill as reported by the select committee the duty that was originally contemplated on lubricants has been removed (*hear, hear*). Secondly, the provisions with regard to confiscation where a party had offended against this Bill have also been removed. The third point that I need refer to is that the penalty clauses have been made much more modest. Fourthly, all such provisions as were originally contemplated to be included in the rules—and it was thought that they might possibly be *ultra vires* in the rules—have been now incorporated in the Bill. This is how the Bill emerges from the select committee. If I may speak of it in another way, it is this that the Bill as it comes to us now is a much simpler and more liberal measure. In fact, if I may say so, it is about the most liberal measure of the kind that has been produced in any Indian legislature. The pitch of the duty is the least, penal clauses are the most modest in character and we have seen that everything that should have been presented to this

House and should not have rested merely within the discretion of the Government is here before the House. I would say only one word more. It has sometimes been said that this Bill will hit the poor man hard, or that it does not touch the rich man sufficiently. I know that conflicting opinions exist on both sides. I shall only say this that so far as the poor traveller in a lorry or a bus is concerned, for his occasional excursion to a neighbouring district town once a month or so, it will probably cost him no more than somewhere between a pice or two pice a month. It is also an extremely modest bill so far as comparatively well-off owner of a motor car is concerned, it may cost him from Rs. 2 to Rs. 4 a month. A measure like this, I am quite sure, a large number of members of this House would consider extremely modest. As a matter of fact I have the opinion of a number of members that it could not possibly be considered in any respect as a hard measure, and I trust that the measure such as has emerged from the select committee where every deference has been shown to the opinion of those who wanted to liberalize the Bill, would be accepted by the House without any unnecessary discussion.

Mr. Speaker : The motion is—

That the Punjab Motor Spirit and Lubricants (Taxation of Sales) Bill as reported by the select committee be taken into consideration.

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

That the Punjab Motor Spirit and Lubricants (Taxation of Sales) Bill as reported by the select committee be circulated for the purpose of eliciting public opinion thereon by the 1st June, 1939.

In making the motion that the Bill be taken into consideration, the Honourable the Finance Minister has lavished praise on his new-born pet baby. The Bill, as it has emerged from the select committee may, from the point of view of the Government and all those sitting behind them, be satisfactory, but from the point of view of the poor passenger who is going to be burdened a little more, this is not at all satisfactory. The Bill, as it has emerged from the select committee, is still replete with certain obnoxious features which have been so ably and in elegant language brought to light in the Note of Dissent of our colleague on the select committee, Lala Bhim Sen Sachar. He has criticised the defects that still mar the provisions of the Bill as it has come out of the select committee. Apart from the merits of the measure before us to which I shall be coming in a few minutes, the Bill which is a taxation measure, must be opposed by the popular side of this House because a government which has, throughout the two years of its existence, shown to the public, has given proof to the people outside, that the public money is not safe in its hands, does not deserve that we should give them the chance to tap more sources of revenue. When I make the suggestion that public money is not safe in the hands of the Government, I do not at all mean that it is not safe in the hands of the Honourable Mr. Manohar Lal. It is perfectly safe in his hands but I say that it is not safe in the hands of the Government because that money will be spent on topheavy administration, on high salaries of the ministers, parliamentary secretaries and the host of highly paid officials who are charging such high salaries from the poor peasants of this province. Apart from that, when we go deeper into the matter, the injustice of this measure becomes quite palpable in a province like the Punjab. Anybody from the Government benches

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may stand up and say, "You people from the Congress side are opposing a measure when a similar measure has been passed in Central Provinces, and is going to be passed in the provinces of Madras, United Provinces and Bombay by governments of your own party." But I say that the circumstances of the Central Provinces are quite different from those of the Punjab. The circumstances of Madras, Bombay and the United Provinces are quite different from those of the Punjab. If a similar measure is just and necessary in the Central Provinces, it does not follow as a corollary that it will be useful in the Punjab. I have just a few arguments to show that this measure is not at all just to the people of this province. In the first place, according to the provisions of this Bill, the incidence of taxation will fall on the poor people. If we compare the figures of motor cars, motor lorries and buses in the Punjab with those in Bombay or Madras, we are led to believe that here in the Punjab the petrol tax will hit only the poor people. May I give you a few figures to show that? In Bombay Presidency the total number of motor vehicles, motor cycles, motor cars, motor lorries and motor buses is 30,600 and out of this number only 1,750 are lorries and buses which ply on hire and carry poor passengers. Out of 30,600 vehicles 1,750 vehicles are such as carry poor passengers, and administer to the needs of poor people in the presidency. In Bengal 25,972 is the total number of vehicles and out of this 4,716 is the number of public vehicles which ply for hire. In Madras 21,113 is the total number of motor vehicles and out of this number 4,993 is the number of public motor vehicles which ply on hire and carry poor passengers. In the Punjab there is a marked difference. Nineteen thousand one hundred and seventy-six is the total number of motor cycles, motor cars, motor lorries and buses and out of 19,176 vehicles 8,578 is the number of public lorries and buses which carry poor peasants, workers and labourers, the poor rural people, from place to place. So, in the Punjab the number of lorries and buses which carry passengers, poor people, is about half the total number of motor vehicles that are going to be taxed under this measure. In Bombay or Madras the percentage of such vehicles is no more than 6 per cent, in Bengal no more than 16 per cent, in Madras no more than 20 per cent and here in the Punjab about 50 per cent is the number of lorries and buses which are going to be taxed. So, to compare this measure with similar measures in the Congress provinces is misleading. If such a measure of taxation on petrol is justified in Central Provinces, Bombay or Madras, it is not justified in this province because this measure is going to hit the poor lorry passengers. As Lala Bhim Sen Sachar has in his note of dissent stated, 90 per cent of trade in petrol in the Punjab is with buses and lorries which carry poor passengers. So, 90 per cent of the incidence of this taxation will fall not on the motor-car-walla, not on the rich ministers, not on the rich parliamentary secretaries, not on the landed magnates, not on the rich industrialists like the ministers or my friend Dr. Sir Gokul Chand Narang (*Dr. Sir Gokul Chand Narang*: Why bring me in? I am a poor man) but 90 per cent of the money which will be realised under this measure will come from the pockets of the poor people for whom my friend, the Minister of Development day in and day out expresses sympathy from every platform. In the second place, leaving aside the number of lorries, the taxation levied in the Punjab, is already the highest in India. I can give you chapter and verse and quote

figures to show that what I am saying is correct. In the Punjab the tax per head of population is Rs. 4-18-0. In the United Provinces it is only Rs. 2-11-0, i.e., about half of the Punjab. In Bombay it is, no doubt, equal to the Punjab but in Madras the tax per capita of the population is Rs. 3-7-0.

In the Central Provinces it is Rs. 2-11-0, in Bengal Rs. 2-11-0 and in Bihar and Orissa it is Re. 1-11-0.

4 P.M.

Rai Bahadur Mr. Mukand Lal Puri : What year's figures have been quoted ?

Sardar Hari Singh : These are the latest year's figures. The Punjab is already the most highly taxed province and here the incidence of taxation falls on the poor people mostly. In Bombay a large portion of the money may come from the rich people : in the Punjab most of the money that fills the government exchequer comes from the man who tills the land, from the man behind the plough, Rs. 4½ crores by way of land revenue, 4 crores by way of *abiana* and similarly by excise, by stamps and other sources in which the poor man puts his money. In the Punjab the measures will be hitting in the first place the poor lorry-walas. In the second place, it will be increasing the incidence of taxation which is already the highest of all provinces. In the next place, Mr. Speaker, any increase in the charges of transport must affect the agriculturist in this province. The motor transport industry generally is an industry in the hands of the agricultural people. The lorry-walas, the lorry proprietors and all those people who are engaged in this trade are mostly drawn from the rural areas. They are the zamindars, they are the agriculturists and they are the sons of the peasantry of the province. They will be hit hard, those very people whom, these people say, they are serving day and night. So by this measure it is not the *bania* who is going to be hit, it is not the urban *lala* who is going to be hit; it is the poor man behind the plough who is going to be hit. A single pice increase in his burden of taxation will be the last straw on the camel's back. There is already a great necessity for the development of transport in this province. The motor lorries which have been plying on the roads of the province for the last 10 or 12 years carry poor people from the farthest villages to the district headquarters to the courts. Apart from that these lorries carry a large amount of soft fruit to the markets, large amount of agricultural commodities to the *mandis*. If these lorries are going to be taxed it will mean increase of taxation and increased charges on the commodities which are carried from the farthest villages to the *mandis*. Therefore this measure is going in the last resort to affect the agriculture of this province. Apart from that take the level of petrol prices in India. In Bombay petrol is selling at Re. 0-14-0 per gallon. In the Punjab it is selling at Re. 1-9-0 per gallon. There is a vast difference between the price of petrol in a rich city like Bombay and the price of petrol in the Punjab. So, if a similar measure is passed in the Bombay legislature it will not vitally affect the interests of the agriculturists there because the price of petrol is already low there but in the Punjab an increase of a single pice in the price of petrol will mean adverse effect on the agriculture of the province, adverse effect on the circulation of goods and adverse effect on the prosperity of the agriculturists. In the year ending 31st December, 1938, the total consumption of petrol in the Punjab was 11,878,809 gallons. There was an increase, so says the report of the

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petrol dealers, of 10 per cent over the petrol consumed in the previous year, and it is estimated that during the current year there will be a further increase of 10 per cent in the consumption and sale of petrol in this province. So, even at the rate of one anna per gallon suggested as proper rate in the select committee by one of the government's own members, even according to that reduced rate the government on the last year's presumption would be getting Rs. 7,40,000. Government estimates that even at the rate of one anna and three pies per gallon it will be getting 6½ lakhs as revenue from this source. Even at reduced rate considering the increased consumption of petrol, the government will be getting more than 7 lakhs. So the rate fixed in the measure is very high and a reduction in this rate would have been more appropriate, but this idea was not acceptable to the majority of members in the select committee. In the Central Provinces legislature a Bill has no doubt been passed to tax petrol consumption in that province; but that Bill is a simple measure and it is not going to affect adversely the agriculturists of the province. Besides, it is free from certain obnoxious features which mar the measure before us to-day. In the Central Provinces Bill, which is now an Act, there is no provision that the retail sellers of petrol would get a licence besides the licence which they already possess under Indian Petroleum Act. Those who sell petrol have already got a licence from the government under an existing Act, the Indian Petroleum Act. There is no reason or sense in asking them to get a fresh licence for the sale of petrol. My friend Lala Bhim Sen Sachar has argued in a very good language in the minute of dissent which I cannot improve upon. The fee to be paid on the grant of a licence or the renewal of a licence will be an additional burden not on the sellers of petrol but on the people who buy petrol, the lorry transport and on the poor lorry passengers. Besides getting a tax on petrol this additional amount of money which the government would be getting every year on account of these licence fees will be an extra burden on the poor lorry drivers. There is specially on the branch lines of railways a very keen competition between lorries and the railways. At the initial stages of this competition in order to kill, I should say, this growing transport industry, the railway department cut down their freights to a great extent. For instance, the railway passengers between Lahore and Amritsar have to pay, I think, 4 annas, so the lorries also had to cut down their rates from 8 annas to 4 annas. Similarly, between Amritsar and Jullundur and Jullundur and Hoshiarpur the railways used to charge 8 annas previously. But when the lorries came into the field, the railway cut down their freights from 8 annas to 5 annas and the lorries had also to cut down the rate from 8 annas to 5 annas. Now, when they have to pay an extra price for the petrol they will be consuming what will be the result? They will not be able to compete with the railways on the same terms and in order to meet the expenses they will have to increase the lorry fare. They cannot compete with the railway which is more organised and which is more resourceful.

On roads parallel to the railway line, the increase in price of petrol will tend to cripple motor transport. It will hit the motor industry of this province, on which depends the livelihood of a part of rural population and peasantry and also in the last resort it will affect the agriculture of this province.

Besides we may also oppose this measure on the ground that the select committee gave no chance to the people who are going to be affected by this measure to place their case before it. Neither the petrol dealers nor the motor union people were allowed to place their case before the select committee and all the suggestions which might benefit that industry and which might lessen the hardship that is going to be inflicted upon that industry were unceremoniously neglected by the select committee which is as usual a packed body. On these grounds I move my motion for circulation of the Bill. (*Cheers*).

Mr. Speaker : Motion under consideration, amendment moved is—

That the Punjab Motor Spirit and Lubricants (Taxation of Sales) Bill as reported by the select committee be circulated for the purpose of eliciting public opinion thereon by the 1st June, 1939.

Mir Maqbool Mahmood (Parliamentary Secretary) : Sir, I am sure that the House will agree with me that the Honourable Minister in charge of the Bill and the select committee, to whom this Bill was referred, are entitled to the gratitude of this province and of this House for having come forward with a very liberal and important measure. I have listened very carefully to the speech of my honourable friend opposite. I am one of those who always sincerely appreciate his industry which he applies to the various questions on which he speaks. But he will forgive me if I say that to-day he has said things that show that even for him the environment has proved stronger than his head. Sir, the main plea of his attack on this Bill has been that the incidence of this taxation will fall on the shoulders of the poor people. Now, Sir, this plea and the protection of the rights of the poor seems to be the monopoly of my honourable friends opposite. It is curiously enough that when this very Bill was introduced by a member belonging to the thought of my honourable friends opposite in the Central Provinces Assembly, the Minister in charge said that he was introducing that Bill in the interest of the poor. Now curiously enough when the same measure, the same premises and the same facts are brought forward from this side of the House, we are charged with having brought forward a measure that would place an additional burden on the poor, while the same measure when coming from the friends belonging to the political thought of our friends of the Opposition, is considered to be a measure brought by the saviours of the poor classes. Arguments of this nature, if I may say, with due deference, detract from the courage, from the importance and from the sincerity of the arguments cited by my honourable friends opposite. I do not wish to make a long speech on this question, but I would like to meet the two or three objections taken by my honourable friend opposite. He said that the incidence of this taxation would fall on the poor classes. On that point, I would do no better than invite his attention to a reply to this very question given by the Central Provinces Minister who introduced a similar Bill. One member of the Opposition said that the incidence of that taxation would fall on those who run lorries and who are poor. This is what Mr. Mehta, Minister in charge of that Bill in reply said on the 2nd March, 1938—

....the argument of my honourable friend opposite in opposing this levy of 5 per cent, if I may use the expression, is mere bunkum.

I wonder whether it is Parliamentary.

So that this argument of touching the poor man's pocket and the burden falling on the poor man is not an argument which requires to be met.

[Mir Maqbool Mahmood.]

(*Sardar Hari Singh* : Conditions are different there.) My honourable friend says that conditions there are different. May I ask him and others who might follow that line, is it or is it not a fact that the question as to what percentage of the cars and lorries licensed in the province are plying on hire does not take away from the argument that the incidence of this taxation, if it is to fall on the poor, will also fall on those persons who use lorries and if the number of lorries is greater, then it is detracted from the argument that the incidence of this taxation to that extent must, according to my honourable friend, fall on the poor classes ? That is not the position. There is a fallacy underlying the very argument of the Minister in charge of the Bill in the Central Provinces Assembly to which I beg to invite the attention of my honourable friends opposite. They will find that the conditions here with regard to this matter are exactly the same. Two years ago when petrol was selling cheaper than it is to-day, the people going from Amritsar to Lahore had to pay a fare from 12 annas to one rupee. But now when petrol is selling at a higher price, people have to pay only one-half or one-third of the old rate. So, in a matter of this nature it is not merely the price of petrol which primarily affects the fare which is to be paid by a person who uses these lorries. Here again, I find that the experience of the Central Provinces is exactly the same. When the Minister in charge spoke there he said :—

I might remind the honourable members of this House that when petrol was selling at Re. 1-2-6 the fare from Nagpur to Jubbulpore was probably about Rs. 3. Now when the price of petrol is Re. 1-6-6 the fare is only Re. 1-8-0.

Therefore, I submit that it is wrong to deduce that it is only the rise in price which can primarily affect the fare to be paid by persons who use lorries.

Secondly, as my honourable friend the Finance Minister made clear in his lucid and able speech, what is the incidence of that taxation ? It will not fall on an average man who uses lorries and on this point also I beg to put some figures with regard to petrol consumption and mileage which have been collected for the Central Provinces and which equally apply here. The Minister for Revenue of the Central Provinces said :—

A motor bus generally travels 20 to 25 miles on a gallon. That means that there would be about half a pie increase per mile. Does any honourable member think that half a pie per mile in the price of petrol would increase the fare ? A bus carries 25 passengers and if half a pie is divided into 25 passengers the increase in cost per passenger is insignificant. There is, therefore, no danger of the fares being increased on account of this Bill.

I submit that there is a good argument there. There is no argument here. And even if according to my friend's figures, the percentage of lorries plying in those provinces is lower than the percentage of lorries plying in this province, that does not detract from the argument which I have submitted.

With regard to the figures which my honourable friend gave about lorries, I do not know where he has got them from. I have obtained figures of lorry licences up to 31st December 1938 from the Licensing Authority and I find that in this province there are 4,975 cars which have been licensed, there are about 1,900 motor cycles and there are only 2,175 lorries which are allowed to run passengers. There are in addition 8,800 lorries which have a licence for goods traffic. But I want my honourable

friend to remember that in this province there are about 5,000 car licences and only about 2,000 licences for cars which ply for hire. I will deal with this matter later.

The second point raised by my friend was—and here he quoted from the minute of dissent of my honourable friend Mr. Bhim Sen Sachar when he referred to the licensing provision which figured in our Bill and which did not figure in the Central Provinces Act. On that point I beg to invite the attention of my friends opposite to sections 5, 6, 7 and 8 of the Bombay Bill which has been drafted and introduced by the Bombay Government. What do you find there? There you find that every trader has to be licensed for..... (*An honourable member*: Which Bill is this?). I am talking of the Bombay Goods Sales Act. My honourable friends will find that according to the schedule it is not only the persons who sell motor spirit and lubricants, it is not only they who will have to take a licence but persons who sell manufactured cloth or silk yarn and so on. They will all have to be licensed and not only will they have to be licensed for every shop that they run, the punishment for not securing a licence is very severe. If they fail to take a licence they can be fined up to Rs. 5,000 and on second offence they can be fined up to Rs. 500 per day. Surely, I submit that it is not fair to charge the select committee for having brought in harassing provisions in this Bill. (*An honourable member*: Bombay has a rich peasantry.) My honourable friend says that the Bombay peasantry is rich. If that is his argument, then it answers the other argument that incidence of taxation in the Punjab is higher. My honourable friend raised another point. He said that in the Punjab our incidence of taxation is higher. I submit that, in the first place, that argument is irrelevant, but apart from that on merits our income includes extraordinary receipts from sale of land and irrigation projects which are productive and which have been taken into calculation in that figure. Secondly, I submit that if you deal with taxation figures and try to work *per capita* the income, it is clear that you exclude that income from the sale of land, and if you do so you will concede that his figures were not justified. If my honourable friend comes and sees me I will convince him that the incidence of taxation in this province is actually lower than in most of the provinces. (*An honourable member*: Question.) I have not calculated the incidence of money-lending transactions. If that is included then certainly it is higher.

My honourable friend said that the Motor Unions and others affected by this Bill had not been given a chance to express their point of view. I invite your attention to the fact that there may be a smaller number of lorries or larger, but lorries do exist in the Central Provinces. What happened there? On the 24th February the Bill is gazetted. On the 2nd March it is introduced. On the 9th March the select committee report is presented. And five days later the Bill is passed. What happened in the United Provinces? There, I understand, the Bill was introduced and taken into consideration the same day and passed forthwith. There no opportunity was given to such interests to give expression to their views. But here my friends wish that there should be special provisions always found so that they may be able to delay matters, even matters which affect seriously the provincial revenue or where substantial moneys are required for famine relief.

[Mir Maqbool Mahmood.]

Let me say one word with regard to motor industry. I have more than once declared that I am one of those who feel that those of our countrymen who ply lorries on hire are entitled to our sympathy and goodwill, and I claim that there are many amongst them who have shared our worries during the elections and who are doing useful work in the public service to-day, but let us remember that it is unfair to those honest people if we try to give them wrong impressions of what is happening in other provinces and thereby create disappointment amongst them. I have stated before that when the question of the legitimate grievances of the lorry-walas were brought forward I was one of those who pleaded with the Revenue Minister who is in charge of that section, and I am prepared, in his absence, to say that it is to his credit that with such promptitude and sympathy he dealt with their case and forthwith removed two-thirds of the grievances and promised to give further consideration to the remaining one-third. I can assure all reasonably-minded persons from amongst the lorry drivers that so far as their legitimate grievances are concerned they will find no better person to deal with them than the Honourable Minister for Revenue. But I would also let them know that it is against their interests that they should allow themselves to be exploited by party people or political people.

One word more and I have done. My honourable friend opposite suggested that the purpose of this tax is to give a premium to the railway people in their competition with the lorries. Here again, I could have answered this question in the language of the Honourable Minister, Mr. Mehta of the Central Provinces. He said :—

“ It is pre-eminently suited because the tax will not touch the poor man's pocket at all.

The other argument which was advanced from some quarter on the opposite benches was that it will help the railways. I do not see why we should fight shy of helping the railways. After all, though we have nothing to do with the administration or the property in the railways at the present moment, we are surely going to get the right of administering these railways some day in future.”

But that is not the argument that I would use now. My submission is that according to the figures worked out by the Finance Minister, the effect of this tax, assuming that there are no competing factors, would come to about 1½ pies per passenger between Lahore and Amritsar.

While at present the fare between Lahore and Amritsar is somewhere between three and five annas and so is cheaper than railway fare which is somewhere between six to eight annas, I may even say that the lorry fare is cheaper than the railway return fare. I am sorry that my honourable friend, Bhim Sen Sachar, should have given the weight of his authority to a statement which he has quoted in his minute of dissent that ‘ 90 per cent. of the trade in petrol is with buses and lorries.’ If I am correct, I believe that statement was taken by him from a statement made by a representative of the Burma Shell Company in a certain committee. Unless he has taken that statement from some other authority I submit that I should challenge the correctness of that statement. Surely in a province where there are about 5,000 cars and a number of lorries and buses it is not possible to say who consume the most petrol. When we go to a petrol pump to take petrol nobody asks whether the petrol is for a car or a lorry or a bus. Moreover when we ask for tins of petrol nobody keeps an account as to whether they are to be used by a lorry or by a car. In view of this, my friend, Lala-

Bhim Sen Sachar, before giving his weight to a statement by affixing his signature to it which is entitled to our respect, should have made sure of the correctness of it. I can assure him that those who have given some thought to it consider that this figure is exaggerated. With these remarks I oppose the motion for circulation, because the select committee has introduced nothing new in the Bill whereas it has made it more liberal and simple.

Lala Bhim Sen Sachar (North-Western Towns, General, Urban) : If otherwise it was not necessary for me to say anything in reply to what my honourable friend opposite has said, his remarks with respect to me in the concluding part of his speech make it incumbent on me to reply to a few of the arguments that he has put forward before the House. If I may begin to deal with his arguments in the reverse order, I shall take first the argument that I had not taken proper care before quoting in my minute of dissent that "90 per cent of the trade in petrol is with buses and lorries." My honourable friend was good enough to tell the House that I took this statement from the proceedings of a committee which consisted of such gentlemen as the Financial Commissioner, the Home Secretary of the Punjab Government, Secretary to Government, Finance Department, Development Secretary, Deputy Commissioner of Lahore, Assistant Legal Remembrancer, Assistant Inspector-General of Police, Excise Assistant to the Financial Commissioners, representatives of the Burma Shell Company, representatives of the Standard Vulcan Oil Company and the representatives of the Caltex Limited and the Under-Secretary of the Public Works Department. The proceedings of this committee were made available to the members of the select committee so that they might be in possession of relevant materials when they came to attend the meeting of the select committee. This information was supplied by the Government itself and not even once was it suggested in the select committee that the figures were not correct even though I did make a reference to this figure in the discussions of the select committee. The correctness of that figure was never disputed in the select committee.

Mir Maqbool Mahmood : May I interrupt for a while ? Was this statement referred to by the honourable member made by the committee itself or was it the statement of a representative of the Burma Shell Company in the course of his remarks in the committee ?

Lala Bhim Sen Sachar : This statement was made by a representative of the Burma Shell Company and nobody challenged the correctness of it. After all, nobody need fight shy of dealing fairly even with one's adversary. If the honourable member for whom I have the weakness of an old friend, could even now quote a figure different from the one supplied by the representative of one of these oil companies, I shall be the first to modify my statement. Till a contrary figure is suggested it is not fair on the part of my friend to expect me not to trust the word of those who are in the trade, get returns compiled have a well-established organisation and are in a position to speak with authority on that particular subject. Therefore, I do hope that in all fairness my friend will not think so hard of me as he did just a few minutes ago when he blamed me for putting my signature to a statement which had not been verified by me personally. I do admit that I did not compile the figures myself, but I have no reason to doubt the accuracy.

[Lala Bhim Sen Sachar.]

of the figures supplied to such exalted persons as the Financial Commissioner and the other officials of the Punjab Government.

There were two other charges which the honourable member opposite saw fit to level against the Opposition. His first charge was that pursuant to the dilatory tactics of the Opposition this motion was intended to delay the passing of this measure. His second charge was that we did not hesitate to exploit the ignorance of the people and give them a wrong lead by telling the lorry-wallas that this particular tax will hit them most. He was good enough to admit that at a time when petrol was cheaper than now these lorry people used to charge 12 annas and one rupee as against the four or five annas that they charge now. I put it to him, is he really serious in giving this argument? It is surprising that a gentleman of his keen intelligence should resort to this as a point of attack on the Opposition.

The point is a very simple one. It is this. The railway administration financed and organised as it is, is too powerful for these lorry people and therefore every little pie that you add to the cost of transport by these lorries is bound to affect adversely their trade in competition with the railways. It is a different matter if you say, "what then, why should we not help the railway"? I would not be uncharitable in suggesting that people do not expect anything very different from my honourable friends on the opposite benches when they have to support a certain government administration or a certain vested interest. I would not suggest that. What I am at present making out is this, that any little thing that you add to the load that is already there is bound to drive the lorry and the lorry industry into an inferior position when compared with the railway administration. It is absolutely immaterial that it is half a pice or it is a pice to him. I may be permitted to remind my honourable friend that even half a pice may be heavier than the proverbial straw that breaks the camel's back. There is a reasonable apprehension that that trade might be adversely affected.

Again with respect to the charge that we want to delay the passing of this measure, with your permission I want to examine this a little and see whether or not we plead guilty to this charge and if we do plead guilty whether or not there is ample justification for us in taking up the attitude that we have. Sir, the object of this measure in the words of the honourable Finance Minister is "to secure permanent addition to our revenues." This is the object of this measure. Now, Sir, the question before us is a very simple one. It is this; when the Government comes forward with a fresh demand in the shape of taxation whether there is justification for that demand or not. If there is justification for the demand, I dare say there is none whose conduct can be justified if he stands in the way of that measure being carried through the legislature. But if there is no justification for an additional taxation, I am confident, even in spite of the expression of his view to the contrary my honourable friend will not hesitate to admit that there can be no justification for passing a measure which cannot otherwise be justified. I am not referring to what my honourable friend Sardar Hari Singh has adverted to. I would not say that the price of petrol in the Punjab is higher than what it is in the Central Provinces to which so many references, so often are made. If in the Central Provinces the price of petrol is Re. 1-6-6, in the Punjab it is 1-9-0. There may be a justification for

levying a certain tax in the Central Provinces whereas that very tax if levied at a place where the price of petrol is already so high may adversely affect the whole society. I need not make a reference to the price of petrol at seaports. It is common knowledge and my friends are aware of it. Unless those levels are equal we could not say that the same conditions prevail in all the places where these measures or similar measures are in force. —

Another point to which I want to make a reference is this. In the Punjab, as my honourable friend, Sardar Hari Singh, has pointed out, we are paying roughly about Rs. 5 per head of taxation, my honourable friend said, "exclude the extraordinary receipts and exclude other contributions." I invite him to exclude those items. Similarly, exclude those items from the accounts of other provinces and then get up to contradict the statement that we are making on the floor of this House, namely, that whereas the provincial taxation in the United Provinces is near about Rs. 2-7-0 and Rs. 3 in the Central Provinces, in the Punjab it is roughly about Rs. 5. May I know from my honourable friend, if he can quote figures to show that our figures are wrong? We would not let this false impression go out to the province that we do not quote reliable figures and even when reliable figures are quoted to us we do not accept them. We will most willingly accept those figures and modify our statements. But till those figures are there—and who does not know in this House that my honourable friend, endowed as he is with a silver tongue, would never fight shy of quoting those figures and throw them in our faces if he did possess them—he has an army of officials at his back, towards his right, towards his left and just in the twinkling of an eye and at the mere lifting of his finger he would get any amount of figures which we could not dispute—and because those figures are not forthcoming, are we not right in saying that the incidence of taxation in the Punjab *per capita* is higher than it is in the provinces to which reference has been made by my honourable friend, in which measures similar to this have been proposed or are enacted? Again, Sir, I ask, is there a case made out for adding to the burden of the tax-payer in the Punjab in the shape of a permanent legislation? What is the position in the Punjab? Referring to the speech of the Honourable Finance Minister, I may submit that on page 8 of his speech, referring to the budget estimates for the year 1939-40, he says—

Now I come to the year 1939-40 for which the budget is being presented to-day. The total estimated revenue receipts are Rs. 11.67 lakhs and expenditure Rs. 11.96 lakhs providing for a deficit of Rs. 29 lakhs. As can be easily foreseen, this deficit is entirely due to famine, which again dominates the finances of the year..... The total effect of famine in 1939-40 is thus Rs. 55 lakhs—Rs. 38.85 in direct expenditure and Rs. 16 lakhs in reduced revenue—as against a budgeted deficit of Rs. 29 lakhs.

And these words are very important—

But for the famine there would have been no deficit at all, and under normal conditions a surplus of Rs. 29 lakhs may have been expected. And, we must remember that even as it is the extraordinary receipts during the year are estimated at Rs. 35 lakhs with no corresponding expenditure and therefore the real effect of the year's working on our financial position is not in any minus direction.

Taking the normal revenue receipts with the extraordinary receipts, technically so called, together, on the present estimate, we actually have a surplus of Rs. 6 crores.

And mark the words coming from so great an authority as the Finance Minister of the Punjab Government—

This establishes the essential soundness of our financial position.

Mr. Speaker : What is the honourable member speaking to ?

Lala Bhim Sen Sachar : I am discussing the reason for our opposing this measure.

Mr. Speaker : The Bill was committed to a select committee. So, its principle was accepted. The motion now before the House is that it be circulated for eliciting public opinion, thereon.

Lala Bhim Sen Sachar : I do not propose to discuss the principle at all. What I am saying is why we are supporting this motion of my honourable friend Sardar Hari Singh. The effect of this motion is to postpone the enactment of this measure and I am going to give you the reason why we do not hesitate to delay the measure and the last sentence to which I make a reference is this—

“ I might intimate to this House that this has been kept very strictly in view in estimating expenditure during the year and spending our resources to the fullest possible extent that there is no occasion to be disturbed about our financial position. ”

The object in quoting from the speech of the Honourable Finance Minister is to show to this House that in the opinion of the Honourable Finance Minister of the Punjab the position of the finances of the Punjab is essentially sound. If the position is essentially sound, and but for the famine expenditure of Rs. 55 lakhs, there would have been a surplus of Rs. 26 lakhs, I put it to you where is the justification for coming to this House and merely on the strength of the votes that a particular Government happens to have, thoughtlessly adding to the burden of the province ?

Mr. Speaker : But the Assembly has accepted the principle of the Bill.

Lala Bhim Sen Sachar : The Assembly is of course committed to the principle. There is no doubt about it. But it is up to us to oppose and to try to postpone it as long as we can so that the tax-payer, the poor tax-payer of the Punjab can be spared the additional taxation as long as possible. This is the reason for the motion that we have brought before the House. The justification that is sought to be made out is that there is an expenditure of Rs. 55 lakhs under the head Famine. Now, Sir, my submission is this. This expenditure is not an ordinary expenditure. This is an extraordinary expenditure.

Mr. Speaker : The honourable member is not in order.

Lala Bhim Sen Sachar : I would most willingly abide by your ruling whatever it is and shall try to act up to it, but I was submitting that the motion is that it should be circulated for public opinion. My honourable friend opposite says, I charge you with the offence of trying to delay the passing of this Bill, and we are merely trying to show why any delay in passing this Bill will not be of very great matter and our reason is this. This new addition to the burden of the tax-payer in the Punjab is not called for and that is our justification for trying to delay this measure and this is all that I was trying to make out with reference to the quotation from the speech of the Honourable Finance Minister. My friend therefore when he said that the incidence of taxation *per capita* in the province is not relevant I should think he was not very serious in his arguments. Again my honourable friend Mir

Maqbool Mahmood was good enough to make a reference to the Bombay Government's Bill and its clauses 5, 7 and 8. He absolutely forgot that the provisions of the Bombay Bill are entirely different from the provisions of the Bill that we have before us. There the object of the Bill is to regulate the doing of business by the various people. The object of the Bill here is different. It is merely a fiscal measure to raise some more revenues. Therefore to try to make a reference to the Bombay Bill was not very happy to say the least. My honourable friend Mir Maqbool Mahmood also said, look here, the argument which prevails in the Central Provinces does not prevail here with our friends in the Punjab. He went on to quote from the speech of the Central Provinces Minister when that Minister said, we are raising it in the interests of the poor. The taxation on petrol is being levied in the interests of the poor. My honourable friend says when we say that it is in the interests of the poor, you do not accept and you have your objections. When the Central Provinces Minister said that it is in the interests of the poor people one can quite understand it when that additional income which was being raised in the Central Provinces would be utilised really in the interests of the poor people, but, Sir, what is the position here? If the Government had come forward and had told us that we are going to remit so much from the existing taxation which falls on the poor and in its stead we are going to raise this additional taxation one could have understood it. As I have said in my minute of dissent and that is the position of the Congress Party, the Congress Party is perfectly willing and is accepting this principle that if a case can be made for additional taxation there should not be and there could not be the slightest hesitation in giving the party support to such measures the incidence of which will fall on those who are rich, but it is merely to try to add to the burden of the present taxation and is hardly justified. And, Sir, when we say there are big landlords here, big people here, the answer comes, where are the big landlords in the Punjab, there are all petty peasant proprietors. My submission is, if there are all poor peasant proprietors, it necessarily shows that the incidence of taxation must be equally distributed. Does it not mean that every one of the poor who is already groaning

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under the heavy taxation in the province will be further burdened? Do something to reduce the abnormally high expenditure of the administration and not do something to overburden the poor who already needs relief. Do something in the way of giving relief to him. The Honourable Finance Minister came to this House and said that but for an extraordinary event that has happened in the shape of Hissar famine which has cost 25 lakhs, the estimated additional income would have been 6½ lakhs.

Pir Akbar Ali : May I know if the honourable member is speaking to the motion?

Mr. Speaker : I have already pointed out to the honourable member that he is going rather too far. I request him to speak to the motion.

Lala Bhim Sen Sachar : I want the Government to be really given time to think over the implications of their proposals. They have been in a hot hurry to get through this measure in the select committee. The Honourable Finance Minister estimated an additional income of 6½ lakhs.

[Lala Bhim Sen Sachar.]

Where is the justification for not giving time to the House in order that it might see that if the proposal of the Honourable Minister, as it stands to-day, is passed in its present form, will it not be imposing an additional burden not to the extent of 6½ lakhs but to the extent of 9,28,031 on the poor? (*Interruption.*)

Mr. Speaker : That is indeed a very good reason for not passing the Bill.

Lala Bhim Sen Sachar : I think I had better not take time of the House any longer because that is the wish of the Honourable Speaker. I was giving it as an argument for the justification of the apparently unobjectionable conduct of my friend Sardar Hari Singh in trying to stand in the way of the measure being placed on the statute. I was trying to establish the justification. I will accept your suggestion. I think I should not say anything more because if there were anything really to be said for this measure, my friend Mir Maqbool Mahmood would have come out with it, but the very fact that he has not placed any figures before the House or has not been able to give any argument which would be convincing, is an argument in support of the motion of my friend Sardar Hari Singh.

Mr. Speaker : The question is—

That the question be now put.

The motion was carried.

Mr. Speaker : The question is—

That the Punjab Motor Spirit and Lubricants (Taxation of Sales) Bill as reported by the select committee be circulated for the purpose of eliciting public opinion thereon by the 1st June, 1939.

The motion was lost.

Mr. Speaker : The next question is—

That the Punjab Motor Spirit and Lubricants (Taxation of Sales) Bill as reported by the select committee be taken into consideration.

The motion was carried.

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

Clause 1.

Mr. Speaker : The question is—

That clause 1 stand part of the Bill.

The motion was carried.

Clause 2.

Lala Duni Chand (Ambala and Simla, General, Rural) : I move—

That in sub-clause (2) (b), line 3, for the word "second" the word "first" be substituted.

My object in moving this amendment is that the magistrates empowered under this Act to exercise their powers should be first class magistrates. After the principle of the Bill has been accepted, all that remains for me and others is to improve this Bill so far as it lies in our power. This amendment, which is one of the series of my amendments, seeks to take the sting out of this Bill or to prune this Bill of its objectionable features. It will be difficult to deny that the second class magistrates do not inspire that amount

of confidence which first class magistrates do. Ninety-five per cent of the second class magistrates are either tahsildars or naib-tahsildars or honorary magistrates. I want to know whether any honourable member in this House will seriously deny that this body of officers does not command very much the confidence of the litigants. (*Pir Akbar Ali* : They command more confidence than first class magistrates. They come in contact with the public.) If you have got the courage of saying this, you can shut your eyes to what is taken to be true in this province. I do not say that all second class magistrates do not inspire the confidence of the public but I do venture to say that the majority of them do not inspire confidence of the litigants. It should be necessary, therefore, that this Act should be administered in such a way that everybody concerned should feel that he is safe before the magistrate before whom his case comes up. This class of magistrates is not altogether free from importing extraneous considerations into the decision of these cases. Who can possibly deny that the honorary magistrates do not command the confidence of the people? The honorary magistrates are generally recruited from among those people who, by hook or crook, secure the good will of the highly placed men and thus secure these positions. The same thing can be said about the tahsildars and naib-tahsildars. I would particularly say that since communal considerations have begun to be imported into the question of appointments of tahsildars and naib-tahsildars and class considerations have begun to be imported into the question of the appointments of these officers, whatever confidence was commanded by this class of officers, has very much weakened. There is a large number of tahsildars and naib-tahsildars who get the appointments on account of their belonging to certain communities or on account of their belonging to certain castes.

Mr. Speaker : The honourable member is not relevant.

Lala Duni Chand : I am trying my best to say not a word with regard to which you may be pleased to say that it is not relevant. I am trying to show who should be second class magistrates. Here powers are given to second class magistrates and I am trying to say that the second class magistrates who are likely to exercise powers under this Act are such as will not command, in the majority of cases, confidence of the litigants. I am trying to say that in respect of the powers going to be exercised by second class magistrates, these second class magistrates do not generally speaking command the confidence of the people and they are not expected to do justice as impartially as the 1st class magistrates. I am simply comparing the second class with the first class magistrates whom, I want to substitute for the second class magistrates. I was submitting through you that since these communal considerations have been brought in—

Mr. Speaker : The honourable member should not repeat his arguments.

Lala Duni Chand : I am only pointing out that I was relevant.

Mr. Speaker : That is a very remote reason. Even among first class magistrates there are magistrates of various communities.

Lala Duni Chand : The morale of the general body of magistrates appointed on account of communal considerations, whether they are Muslims, Hindus or Sikhs, is affected by the reason of their being appointed as such.

[Lala Duni Chand.]

That was the argument I was placing before the House. Up to this time we know that the Central Provinces government has placed a similar Bill on the statute book. In that Bill very effective safeguards have been provided for. I would have been content with the retention of the provision regarding second class magistrates if there had been any effective provision provided in this Bill. No effective provision has been provided in this Bill. I would draw the attention of the Honourable Finance Minister to the provisions on this point in the Central Provinces Act. In that it is provided that no case under the Central Provinces Motor Taxation Act will be taken up except on the complaint or report made by the Deputy Commissioner. If there is any such provision in this Bill I would have said that certain safeguards have been provided for. In the absence of any effective safeguard having been provided for I am encouraged to say that we should have first class magistrates to try the cases under this Act because I do admit that first class magistrates in cases like this will command the confidence of the litigants. Very extensive powers have been given to the investigating officers under this Act and these investigating officers can exercise these powers to the detriment of the persons concerned. Therefore it is all the more necessary, it is all the more desirable that the magisterial powers should be given in the hands of those persons who may command the confidence of the litigants. It is not with the idea of saying anything against the second class magistrates that I move this amendment. My object is that this Act should be administered in such a way that it should give satisfaction to the people concerned and create a sense of confidence among those people against whom it will be used. With these words I move the amendment and I hope it will be accepted.

Mr. Speaker : Clause under consideration, amendment moved is—

That in sub-clause (2) (b), line 3, for the word "second" the word "first" be substituted.

Pandit Bhagat Ram Sharma (Kangra West, General, Rural) : Sir, I have to make two submissions in respect to the amendment before the House. The section which provides a penalty in this Act is section 10. I will read this section for the information of the House—

Whoever contravenes the provision of section 6 shall be punishable with fine which may extend to one thousand rupees or to a sum double the amount of the tax due in respect of the sale of any motor spirit conducted by or on behalf of such person, whichever is greater.

This provision clearly shows that rupees one thousand is the fine provided as a punishment under this Act. In the definition of the magistrate the legislature contemplates to put second class magistrate. Under the Criminal Procedure Code, section 82, it is clear that a second class magistrate can inflict a fine of only 200 and not more than that. If the real intention of the legislature as contained in this law is to bring the culprit to book, there is no reason why a first class magistrate should not be given this power, and the words 'second class magistrate' should be replaced by 'first class magistrate'. That is all I have to submit.

Mr. Speaker : The question is—

That in sub-clause (2) (b), line 3, for the word "second" the word "first" be substituted.

The motion was lost.

Sardar Hari Singh : I beg to move—

That in part (e) of sub-clause (2), line 8, for the word "areas," the words "area or areas" be substituted.

This is only a verbal change.

Mr. Speaker : Clause under consideration, amendment moved is—

That in part (e) of sub-clause (2), line 8, for the word "areas," the words "area or areas" be substituted.

Minister for Finance : May I say one word. Whether you say "a particular area" or "particular areas" or "particular area or areas" it means exactly the same. I do not know what satisfaction is to be derived by merely multiplying the words. That is the real position. In view of this I trust that the honourable member would not insist on introducing this unnecessary multiplication in words: it means exactly the same.

Mr. Speaker : The question is—

That in part (e) of sub-clause (2), line 8, for the word "areas", the words "area or areas" be substituted.

The motion was lost.

Lala Bhim Sen Sachar (North-Western Towns, General, Urban) :
Sir, I beg to move—

That in part (i) of sub-clause (2), lines 2-3, the words "offering and exposing for sale" be omitted.

I have my apprehension about this clause and I too put it to the Honourable Finance Minister that if there is room for my apprehension, he will kindly accept my amendment. If I am wrong I may be corrected. Definition of the word "sale" includes "offering and exposing for sale." The intention of the Bill is that if there is an actual sale of motor spirit then a tax should be levied. But here a person may be merely exposing his petrol for sale and before it is actually sold, somebody may come and say, "You must pay because you are exposing it for sale." There is no sense in it I know. But why should we have language of that type in our provisions? We lose nothing by omitting these words.

Mr. Speaker : Clause under consideration, amendment moved is—

That in part (i) of sub-clause (2), lines 2-3, the words "offering and exposing for sale" be omitted.

Minister for Finance : For the information of the House I might state that this definition is exactly the same as in the corresponding United Provinces Act. But I am not committed to the language of that Act in any way and if the honourable mover of the amendment wishes that these words may be omitted, I have no objection whatsoever to their omission. (*Hear, hear.*) I accept the amendment moved by him.

Mr. Speaker : The question is—

That in part (i) of sub-clause (2), lines 2-3, the words "offering and exposing for sale" be omitted.

The motion was carried.

Mr. Speaker : The question is—

That clause 2 as amended stand part of the Bill.

The motion was carried.

Clause 3.

Pandit Bhagat Ram Sharma (Kangra West, General, Rural): Sir, I beg to move—

That in line 5, the words "and three pies" be deleted.

Sir, my purpose in moving this amendment is to point out that one anna and three pies, as proposed in the original Bill, is excessive. I do not want to take much time of the House, but I have only two reasons to give in support of what I am submitting at present. I submit that in the Punjab, the price of petrol per gallon is already much too excessive and it will be highly unjust on the consumers of petrol in the Punjab if such a high fee is levied. As was made clear by my honourable friend, Sardar Hari Singh, most of the petrol is consumed here in this province by the lorries and the burden of taxation falls mainly on the poor agriculturist class. Therefore, as proposed in this amendment, if the tax is levied at the rate of one anna per gallon, it will really give much relief to the poor agriculturists who will suffer by the high rate of taxation.

Mr. Speaker : Clause under consideration, amendment moved is—

That in line 5, the words "and three pies" be deleted.

Lala Bhim Sen Sachar (North Western Towns, General, Urban): Sir, I must say a word in support of this amendment. What I want to say is that there does not appear to be any justification in keeping the figure of Re. 0-1-8 and that also on the very ground of the Honourable Finance Minister himself. The Honourable Finance Minister told us that this additional taxation would amount to 6½ lakhs and in his calculation he kept that figure, and when he was keeping this figure at 6½ lakhs, he was also contemplating to levy a tax on lubricants. As my honourable friend, Sardar Hari Singh, has pointed out, the consumption of petrol in the year 1938 was 1,18,79,809 gallons. At the rate of one anna per gallon it will give the Government Rs. 7,42,425 which is more than the need, for which, as I submitted a little while ago, there is no justification for making a permanent addition to the tax of the province. But with all that if one anna can give Rs. 7,42,425 on the basis of consumption in the year 1938, then,—as we have it, the consumption of petrol is on the increase every day and it is estimated that the sale of petrol during the present year may be about 10 or 12 per cent more than the consumption of petrol during the year 1938—on that basis if we have to fix it at one anna per gallon, then we will have Rs. 9,28,031. I just put it to the very fair-minded Finance Minister, why should he not be satisfied? He wanted 6½ lakhs. My honourable friend shakes his head. No, he did not want 6½ lakhs. I may be permitted to remind him of his own speech in which he said that he should have only 6½ lakhs out of this revenue and that was his own estimate. As I have submitted, there is no justification for any permanent tax of this kind because the Hissar famine itself has consumed Rs. 55 lakhs and the Government is not justified in adding any burden to the revenues of the province. According to the Honourable Finance Minister himself, if the Hissar famine was not there, instead of a deficit of 29 lakhs, there would have been a surplus of 26 lakhs. They should also not hesitate to consume extraordinary receipts in the extraordinary circumstances of the case like famine. Why did you not create a

famine fund? Does not my honourable friend remember when a warning was given by my honourable friend, Diwan Chaman Lall, that to-day you are taking away the famine fund and you are depleting that fund, the time might come when there will be no money left? My friend is not here. He should have gone on multiplying that fund rather than creating spectacular funds or adding a dole here or a dole there.

There is no justification therefore keeping the taxation at one anna and three pies, when according to the showing of the Honourable Minister, according to the statistics supplied by his own Department, according to the information of his own Government, taxation at the rate of one anna per gallon would give Government a sum of Rs. 7,42,425 and at the rate of one anna and three pies it would give Rs. 9,28,031. I hope the Finance Minister who in certain parts has enjoyed the reputation of being a fair-minded gentleman will give positive proof of his fair-mindedness by accepting this amendment.

Munshi Hari Lal (South-Western Towns, General, Urban): The taxation *per capita* in this province is higher than in other provinces. The Honourable Minister for Finance requires 6½ lakhs. If you calculate the rate of taxation as provided in clause 3, you will find that it will bring in more than he needs. Punjab requires to be industrialised. Petrol is being used not only for car purposes, it is being used in many ways in order to promote industry, not only industry but agriculture as well. I hope the Honourable Minister, in view of the possibilities of the development of industries in future as well as agriculture, will see that the rate of taxation in this province on the sale of petrol should not be so high as he proposes. This taxation will ultimately fall on the consumer. The incidence of 3 pies sought to be removed will be borne by the consumer. A retail dealer will no doubt pay 3 pies, but he will have it from the consumer. I asked only the other day a retail dealer that if the tax was 3 pies, how much he will be charging from the consumer. He said and he gave me as his considered opinion that it would be at least one anna. He would be keeping registers in order to provide information to the Government as to the sale of petrol. He would be employing extra labour and extra workers in order to give correct information to the authorities. He would be paying one anna three pies to Government no doubt, but from the consumer he would realise more. Who are the consumers?—those who travel in the lorries, those who travel in the motors and those who make use of the buses and petrol. The lorry owners are mostly agriculturists, and ex-military service men, who are to bear this tax. Consumers will eventually be very heavily hit. If only one anna be charged, there would be some relief to the poor for which the Government professes so much love and for which the Government says that it lives. It is in the interests of the poor, it is in the interests of the agriculturists, it is in the interests of the labourers and it is in the interests of the motor owners and the lorry owners who make their living by this trade, that only one anna should be charged.

Minister for Finance (The Honourable Mr. Manohar Lal): In opposing this motion I shall only say two words. Firstly, it has been found from a letter by the very gentleman on whose figures Mr. Bhim Sen Sachar relies that it is not correct to say that in the year 1938 the consumption of

[Minister for Finance.]

petrol was 1,18,79,800 gallons, but that gentleman has corrected his figures to say that the consumption was 1,09,50,000 gallons. (*An honourable member* : It does not make much difference.) It does make a difference at one anna of about Rs. 50,000. But let me go further. The second argument was that I came up to this House only wanting Rs. 6½ lakhs. When I estimated the yield—I am free to admit—my estimate was not quite correct if a whole year of 12 months is taken that this tax will yield only Rs. 6½ lakhs. But may I say that if this measure were to yield ten or twelve lakhs, every penny of it is wanted by us and can be spent to profit. The Punjab has need for more schools, it has need for greater agricultural advance, it has need for larger industrial development, it needs money for consolidation of holdings and there are a score of other ways in which we can profitably employ this amount.

Further, it has been said that we have not been able to build up a famine relief fund. If this tax yields us more money, I may be able to build up more rapidly than I might otherwise, the very famine relief fund to which reference has been made. I might repeat again that I want every penny of the yield from this tax, whether it goes up to 10 lakhs or even higher.

Diwan Chaman Lall (East Punjab, Non-Union Labour) : It is a most extraordinary statement that I have heard from the Finance Minister when he says for the first time on the floor of this House that when he contemplated an addition of 6½ lakhs to the revenues of this province by virtue of this tax he contemplated possibly an addition of 12 lakhs, may be 15 lakhs. I do submit, Mr. Speaker, that in dealing with financial matters and the financial destiny of this province, a Finance Minister should be a little more exact in telling this province and this House as to what his actual proposition is. Why did my honourable friend, may I ask, remain in purdah in regard to this matter? Why did he not disclose on the floor of this House that the intention of Government was not merely to demand a sum of Rs. 6½ lakhs upon which basis, may I remind my honourable friend, all his budgetary estimates have been so far made, but to get as much as 12 lakhs or 15 lakhs from this tax?

I submit that it is the duty of the Finance Minister not only to enlighten the House but the province also and tell us the truth about the taxation proposals of the Government. It is not my duty nor of the Opposition to inform the House as to what the exact implications of the measures are. It is the duty of the Finance Minister who is so well paid by this House for doing his duty to inform this House correctly about the budgetary position of the Government and in regard to the effects of this taxation proposal. I have never in my experience heard a statement so lightly made by a finance minister that I had any dealings with in regard to the taxation proposals. With a flourish of his hand he says that the revenue expected from this tax may not be only 6½ lakhs, it may be 12 lakhs or 15 lakhs and so on.

Mr. Speaker : I request the honourable member to proceed to discuss the merits of the motion.

Diwan Chaman Lall : It is a very serious proposition that my friend makes. Is he going to under-estimate budget in this particular manner? If that is so, no reliance can be placed upon any taxation proposal of his.

The Finance Minister says that this tax may be utilised for the purpose of building up the Famine Relief Fund. I am very glad my honourable friend Lala Bhim Sen Sachar referred to what actually happened in regard to the Famine Relief Fund. At the time he raided on this Famine Relief Fund, did he have any pact with Providence that there would be no more famines in this province? At that time he raided this fund to the extent of 20 lakhs and he actually took ten lakhs out of this fund for the purpose of ordinary expenditure. He had no business to do that. He cannot now come forward and say "Gentlemen, I want you to tax yourselves, levy further burden upon yourselves, because I made a mistake at that time in raiding the Famine Relief Fund which had not been raided for many years and which was held a sacred trust until provincial autonomy was introduced." Under the rules that Fund should not have been touched. Now, let us know definitely what the Finance Minister's proposition is. Does he want 6½ lakhs or 12 lakhs or 15 lakhs? Is he sure of his figures now? It is his job to come forward with correct figures and if he does so, then we will be in a position to consider how far we should help him. But how can any assistance be given when he himself is not sure as to what the implications of this tax are going to be? It is up to him to tell us definitely what the requirements of the Government are and how much he proposes to secure by this taxation proposal.

Sayed Amjad Ali Shah (Parliamentary Private Secretary): May I answer Diwan Chaman Lall and draw his attention to a similar provision in the Bill sponsored in the Legislative Assembly of the North-West Frontier Province where the tax is not specified at all but is to be the same as the Punjab Government may levy. May I ask my honourable friend whether that particular legislation is not vague? That is my first point. I may also draw his attention to the objects and reasons of a similar Bill in the Assam Legislative Assembly. It says—

Government consider that it will be expedient to increase the revenues of the province in order to finance the budget and provide funds for nation building schemes. The object of the Bill is to levy a tax on motor spirit and lubricants.

I may also draw the attention of the honourable member to the speech of the Finance Minister of the United Provinces—

He declared that once it was conceded that money was required, the proposed tax was a most convenient method of taxation. There was no basis, in his opinion for the criticism that the tax would impose a crushing burden on road transport.

Half a pice per mile in additional cost would not mean an increase in charges for those travelling lorries. He said that the transport authorities would be instructed to see that the tax was not used as a pretext to victimise travellers. Those who had opposed the employments tax should have the satisfaction that the petrol tax would be shared by all classes. He concluded by asking the Opposition to suggest any alternative tax.

May I also remind the honourable members on this side of the House that in the United Provinces the price of petrol is Re. 1-10-0 to Re. 1-12-0 whereas in the Punjab the highest price is Re. 1-10-0 per gallon. Secondly, may I also draw their attention to the fact that the tax to be levied in the United Provinces may run to as high as two annas per gallon against 0-1-3 proposed in our province?

Sardar Ajit Singh (Urdu): May I point out that the honourable member is making an incorrect statement? The price of petrol in Meerut is Re. 1-7-0 per gallon.

Sayed Amjad Ali Shah : The price in Meerut may be low, but in the United Provinces petrol is generally sold at Re. 1-9-0 or Re. 1-10-0 per gallon. (*An honourable member :* In some places it is Re. 1-8-0 per gallon.) That may be so in some places. But in Cawnpur, Lucknow and Allahabad the price goes up to Re. 1-12-0. To support my argument further, may I quote a sentence from the *Statesman* of 20th February, 1939.

In view of the fact that petrol to the retail consumer in the United Provinces costs much more than in Bombay—there being a difference of eight to 10 annas per gallon at places—it would be unfair to motor transport in the province that consumers should be required to pay twice as much as Bombay will pay.

Adding Re. 0-8-0 and Re. 0-10-0 per gallon to $\frac{1}{2}$ the price in Bombay the rate comes to Re. 1-10-0 and Re. 1-12-0 as stated by me.

Again I may draw attention to a similar legislation passed in Madras. There the original Bill provided for a tax of one anna per gallon, but the select committee enhanced it to one anna and six pies. (*An honourable member :* What is the price of petrol there?) In Madras itself being a port the price is Re. 1-5-6 per gallon. Here I may read an extract of the proceedings as reported in the papers—

The Madras Assembly passed on the 25th March the Madras Sales of Motors Spirit Taxation Bill as amended by the select committee. The measure seeks to levy a tax of one and a half annas per gallon of petrol and six pies per gallon in the case of any other motor spirit sold in retail. An amendment moved by the Opposition urging reduction of tax from the one and a half annas per gallon of petrol to one anna was rejected.

I have one word more to say and that is with regard to Bombay. I may draw the attention of honourable members to a leading article which appeared some time back in the *Bombay Chronicle*, a paper with which they must be familiar and which has been in season and out of season praising our contemporary ministries in other provinces. This paper says—

That decision of the Federal Court on the question of tax on the sale of petrol is of interest in the country. The decision will be heartily welcome by all provincial governments as opening a new avenue of taxation for ministers who to-day in all provinces are struggling hard to make both ends meet.

I have nothing else to add to what has been said in other provinces on the introduction of similar Bills. I will only say that if my friends had been gifted with the spirit of sportsmanship they should have come forward and welcomed the Bill brought by the Finance Minister as it is far better than similar measures sponsored in other provinces.

Mian Abdul Aziz (Urdu) : Sir, through you, I wish to enquire from the Honourable Minister for Finance whether he wishes to have only Rs. 6½ lakhs as a result of taxation of petrol or like the *bania*, he wishes to lay hands upon as much revenue as may accrue from it. This is an important matter and we should like him to throw some light on the subject.

Finance Minister (The Honourable Mr. Manohar Lal) : I only want to give one small fact and that is this. The pitch of duty that the Government proposes is one anna and three pies which we consider a very modest pitch of duty. This duty as now calculated on the latest figures would yield a net revenue very likely of 8 lakhs of rupees not in 1939-40, but in a full year of 12 months. All that I need further add is that if in later years this tax should yield more, I am sure the Punjab Government has abundant programme to utilise that money.

Diwan Chaman Lall : Why did he not mention this fact before in his budget speech ?

Mr. Speaker : I decline to allow the question.

Sardar Ajit Singh (Urdu) : Sir, my question is that if the Honourable Minister for Finance wishes to have a greater amount of money than Rs. 6½ lakhs, he should instead of levying a general tax of one anna per gallon on petrol, impose a tax of 8 annas a gallon on the owners of motor cars.

Mr. Speaker : The question is—

That in line 5, the words " and three pies " be omitted.

The Assembly divided : Ayes 34, Noes 83.

AYES

Abdul Aziz, Mian.
Ajit Singh, Sardar.
Bhagat Ram Choda, Lala.
Bhagat Ram Sharma, Pandit.
Bhim Sen Sachar, Lala.
Chaman Lall, Diwan.
Dev Raj Sethi, Mr.
Duni Chand, Lala.
Gopi Chand Bhargava, Dr.
Hari Lal, Munshi.
Hari Singh, Sardar.
Harjab Singh, Sardar.
Harnam Das, Lala.
Kabul Singh, Master.
Kapoor Singh, Sardar.
Kartar Singh, Chaudhri.
Kartar Singh, Sardar.
Kishan Singh, Sardar.

Krishna Gopal Dutt, Chaudhri.
Muhammad Abdul Rahman Khan, Chaudhri.
Muhammad Hassan, Chaudhri.
Muhammad Iftikhar-ud-Din, Mian.
Muni Lal Kalia, Pandit.
Partab Singh, Sardar.
Prem Singh, Mahant.
Sahib Ram, Chaudhri.
Sampuran Singh, Sardar.
Santokh Singh, Sardar Sahib Sardar.
Sant Ram Seth, Dr.
Shri Ram Sharma, Pandit.
Sita Ram, Lala.
Sohan Singh Josh, Sardar.
Sudarshan, Seth.
Uttam Singh Dugal, Sardar.

NOES

Abdul Hamid Khan, Sufi.
Abdul Rahim, Chaudhri (Gurdaspur).
Abdul Rahim, Chaudhri (Gurgaon).
Afzaal ali Hasnie, Sayed.
Ahmad Yar Khan Daulatana, Khan Bahadur Mian.
Ahmad Yar Khan, Chaudhri.
Akbar Ali, Pir.
Ali Akbar, Chaudhri.
Allah Bakshsh Khan, Khan Bahadur Nawab Malik.
Amjad Ali Shah, Sayed.
Badar Mohy-ud-Din Qadri, Mian.
Bhagwant Singh, Rai.
Chhotu Ram, The Honourable Chaudhri Sir.

Dasaundha Singh, Sardar.
Faiz Muhammad Khan, Rai.
Faiz Muhammad, Shaikh.
Faqir Hussain Khan, Chaudhri.
Farman Ali Khan, Subedar-Major Raja.
Fateh Muhammad, Mian.
Fazl Ali, Khan Bahadur Nawab Chaudhri.
Fazl Din, Khan Sahib Chaudhri.
Fazal Karim Bakhsh, Mian.
Few, Mr. E.
Ghazanafar Ali Khan, Raja.
Ghulam Mohy-ud-Din, Khan Bahadur Maulvi.
Ghulam Qadir Khan, Khan Bahadur.

Ghulam Rasul, Chaudhri.
 Ghulam Samad, Khawaja.
 Gopal Singh (American), Sardar.
 Habib Ullah Khan, Malik.
 Haibat Khan Daba, Khan.
 Hari Chand, Rai Sahib Rai.
 Harnam Singh, Captain Sodhi.
 Het Ram, Rai Sahib Chaudhri.
 Jafar Ali Khan, M.
 Jagjit Singh Bedi, Tikka.
 Jagjit Singh Man, Sardar.
 Joginder 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.
 Muhammad Akram Khan, Khan
 Bahadur Raja.
 Muhammad Amin, Khan Sahib
 Shaikh.
 Muhammad Ashraf, Chaudhri.
 Muhammad Azam Khan, Sardar.
 Muhammad Faiyaz Ali Khan, Na-
 wabzada.
 Muhammad Hassan Khan Gurchani,
 Khan Bahadur Sardar.
 Muhammad Hayat Khan Noon,
 Nawab Malik Sir.
 Muhammad Jamal Khan Leghari,
 Nawab Sir.
 Muhammad Nawaz Khan, Major
 Sardar.
 Muhammad Qasim, Chaudhri.
 Muhammad Raza Shah Jeelani,
 Makhdumzada Haji Sayad.
 Muhammad Saadat Ali Khan, Khan
 Bahadur Khan.

Muhammad Sadiq, Shaikh.
 Muhammad Sarfraz Khan, Raja.
 Muhammad Shafi Ali Khan, Khan
 Sahib Chaudhri.
 Muhammad Yusuf Khan, Khan.
 Mushtaq Ahmad Gurmani, Khan
 Bahadur Mian.
 Muzaffar Ali Khan Qazilbash, Sar-
 dar.
 Muzaffar Khan, Khan Bahadur
 Captain Malik.
 Muzaffar Khan, Khan Bahadur
 Nawab.
 Nasir-ud-Din Shah, Pir.
 Nasrullah Khan, Rana.
 Naunihal Singh Mann, Lieutenant
 Sardar.
 Nawazish Ali Shah, Sayed.
 Pir Muhammad, Khan Sahib Chau-
 dhri.
 Pohop Singh, Rao.
 Ram Sarup, Chaudhri.
 Ranpat Singh, Chaudhri.
 Riasat Ali, Khan Bahadur Chaudhri.
 Ripudaman Singh, Thakur.
 Shahadat Khan, Khan Sahib
 Rai.
 Shah Nawaz Khan, Nawab Sir.
 Sikander Hyat-Khan, The Honour-
 able Major Sir.
 Singha, Diwan Bahadur S. P.
 Sumer Singh, Chaudhri.
 Sundar Singh Majithia, The Honour-
 able Dr. Sir.
 Suraj Mal, Chaudhri.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sar-
 dar.

Mr. Speaker : Question is—

That clause 3 stand part of the Bill.

The motion was carried.

Clauses 4 and 5.

Mr. Speaker : Question is—

That clauses 4 and 5 stand part of the Bill.

The motion was carried.

Clause 6.

Pandit Bhagat Ram Sharma (Kangra West, General, Rural) : Sir, I beg to move—

That in lines 1-2 for the words 'two months' the words 'six months' be substituted.

In the clause as it stands two months are provided for those who are engaged in the petrol trade to secure their licences.

6 P.M. My purpose in moving this amendment is that two months are insufficient for a person to wind up his business. After this legislation there may be some people who would like to wind up their business and start another one, for it may not be worth their while to continue. They may like to change their profession and take to another one. I have suggested that they should be given at least six months to wind up their business and choose another one. I want that sufficient time should be given to all those businessmen who want to wind up their present business due to the imposition of the new conditions on their trade. I therefore request all honourable members to support this motion because this particular clause as it stands imposes certain restrictions on the trade. Therefore it is the duty of all legislators sitting here to give due care to this particular aspect of the question and vote in favour of my amendment because it gives reasonable time to all those businessmen who want to wind up their business and select a new one. This is all that I have to say.

Mr. Speaker : The question is—

That in lines 1-2 for the words 'two months' the words 'six months' be substituted.

The motion was lost.

Mr. Speaker : Question is—

That clause 6 stand part of the Bill.

Lala Bhim Sen Sachar (North-Western Towns, General, Urban) : I rise to oppose this clause and I would, through you, request that, if possible, the Honourable Premier may be good enough to spare just a few minutes for my observations. The House has decided that the tax should be imposed and there is no quarrel so far as the imposition of the tax goes. All those provisions which are necessary for effecting realisation of the tax have this party's whole-hearted support. Everything in the nature of a register or in the nature of a facility being provided for making a search of any premises with a view to find out if a certain person is storing petrol there, has our support. We have no quarrel there. We have to try to understand the real object of this measure. The real object of this measure is that those persons who sell petrol should pay so much per gallon to the Government. The whole amount has got to be realised from those persons who sell petrol. It cannot be denied that the people who deal in petrol, can be most easily found out and traced. Apart from everything else, apart from this fact that there are petrol pumps which declare to the world of there being a dealer in petrol, apart from the fact that even when a person sells petrol at his shop, there are a number of lorries coming and going and standing there for petrol, it is not at all difficult to find out and compile a list of the persons who can be made liable for the payment of this tax. Therefore, my submission is that when we say that every retail dealer in petrol should be licensed, there-

[Lala Bhim Sen Sachar.]

must be a purpose for that provision. If the object of the licensing provision is that nobody should sell petrol without obtaining a licence, then my submission is that should have been a different measure. If the Government wants to control the shopkeepers or control the traders in a particular line, perhaps a different measure is called for and perhaps it will be just in the fitness of things if the Government could be legally advised that it should take steps so that a good deal of money could be realised from those petrol companies which are selling petrol in large quantities and are making profits, which, to the knowledge of every one, are enormous. For that a different measure is needed. What is the effect of this provision for licensing a petrol dealer? It has absolutely no effect excepting this that you compel a man to go and apply for a licence. You compel a man to part with some money even if it is five rupees a year. You compel a man to run the risk of his licence being suspended or his licence being cancelled. But the existence of such a provision does not in any way help the Government in the better realisation or in the more effective realisation of the tax. May I, through you, be permitted to address the Government benches and to remind them that there is such a thing as the Petroleum Act of 1934 on the Statute Book? If you will be so good as to refer to the provisions of sections 3 and 4 of the Indian Petroleum Act, 1934, you will be pleased to see that every possible provision that is required with a view to control the sale of petroleum, with a view to require a man to take out a licence, with a view to enable an officer to make a search in the premises of that petroleum dealer, every provision that is necessary with a view to see if unauthorised petrol is kept, every provision enabling the Government to make a search for petroleum if they suspect it even in the case of a moving vehicle, and every provision which is required with a view to confiscate petroleum if a confiscation is justified, is found in this Act—the Petroleum Act of 1934. It absolutely passes my comprehension why, when these provisions are already there, when an Act of the Indian Legislature gives more than ample control over a dealer in a particular commodity, there should be what they call *kathi par kathi* کاتبی پر کاتبی. I cannot possibly understand this. Can there be any justification for requiring a double licence? For the same purpose it may not be forgotten that under the Indian Petroleum Act the storage of petroleum is regulated. You cannot store petroleum for the purpose of sale except under a licence. I draw the attention of the Government to the fact that under the provisions of the Petroleum Act you cannot store petroleum—more than six gallons in quantity—if you want to sell it, unless you have taken a licence from the Government. For that purpose there is also a licence fee and the conditions of the licence can also be prescribed. May I, therefore, ask the Honourable Finance Minister as to the necessity for this provision? I had made my humble effort in the select committee but, as I have said in the minute of dissent, there was pressure of time and even when there would perhaps have been willingness to consider a suggestion under some other circumstances, it was apprehended that discussion of these things might lead to waste of time and perhaps that is why the Honourable Finance Minister could not go further than he did in accepting some of my humble suggestions in the select committee. I now put to you, on the floor of this House, that considerable time to-day of the House will be saved if the Honourable Finance

Minister and the Government will accept this suggestion that it is not at all necessary to insist on the issue of a licence. You very often have heard the honourable friends on the opposite benches giving references of the Central Provinces Act. The Central Provinces Act, my honourable friend the Finance Minister will readily accept, does not contain any such thing as the licensing of a retail dealer. All that is laid down in the Central Provinces Act is that he shall apprise the district magistrate or the deputy commissioner or the collector whoever he is. Another point that must be remembered if we are to quote the Central Provinces Act is this, that registration is to be made free of all charges. In the Central Provinces the registration is to be made free of all charges. It is a perfectly reasonable thing because the Central Provinces Act aims at raising a revenue on the sale of petrol. The idea is not to take more money out of the pocket of the petrol dealer. If you want to take more money out of the pockets of the petrol dealers, say so. That is a different question. My submission is that it will be unnecessary harassment of the petrol dealer. If the Honourable Premier had time to go through the provisions of this Bill, he will remember that this Bill creates an offence and for that purpose what have you done? You have invested every person—the police officer and all that—with powers to conduct investigation as in the case of a cognisable offence. What have you done? A particular person may be arrested. For what? I hope I am right and if I am wrong in my reading of any provision of the Bill I shall be most readily willing to stand corrected but I hope I am not wrong. What have you done? No persons shall sell petrol except with a licence. If he sells, this becomes an offence and the penalty is one thousand for that offence—I speak subject to correction. That is the provision. Any magistrate may issue a warrant: any person may investigate as a cognizable offence. Why is it all necessary? Now I may be permitted to make a reference to the Petroleum Act of 1934. I want to make this reference merely because I feel that if we come to some sort of decision with respect to this clause, many other clauses in the remaining part become unnecessary and redundant. We do not require them, we do not need them for the purpose of effecting collection of the revenue. You do not require them for the purpose of tracing out a person from whom taxation should be realised. Take the case of income-tax. The Income Tax Department does not keep a list of all persons from whom income-tax is to be collected and yet notices are issued. They depend on certain information and here is the particular case. The whole of the information is in possession of the Excise Department itself. The entire information can be obtained from the petroleum companies. There are four or five big petroleum companies operating in this country. They keep a proper record of persons who deal with petroleum. There is absolutely no difficulty in finding out the names of the persons. Perhaps you will observe all these provisions are there in the Indian Petroleum Act. Then why do you object because the provisions of the Indian Petroleum Act are applicable to every retail dealer in petrol, because if a person keeps a store of petrol exceeding 6 gallons for the purpose of sale then the provisions of the Indian Petroleum Act of 1934 apply to the condition of licence, fees for license, confiscation of petrol and other penalties are provided for in the Indian Petroleum Act of 1934? They are readily available. In the select committee it was suggested that it would be very difficult if somebody has a moving shop in the sense that if somebody conspires with an

[Lala Bhim Sen Sachar.]

unscrupulous petrol company, fills a tank of petrol and goes about in a lorry selling petrol without being detected and if he is detected you will have no power to arrest him. May I be permitted to remind my honourable friends that only if they had taken the trouble of going through the provisions of the Indian Petroleum Act they would have seen that it gives them full power to regulate not only storage, but transport of petrol. The power to regulate transport petrol is there. Therefore an officer authorised under this Act of 1934 can act and can have all the information necessary for the purpose of realising the tax, because you do not want anything more than this that you should know the person from whom the tax is required. Lest fair weight should not be attached to my observation, may I say that in the Indian Petroleum Act we have all the provisions for transport, storage of petrol, rules for the import, transport and storage of petroleum, production, refining and blending of petroleum, receptacles of dangerous petroleum to show a warning, no licence needed for small stocks of non-dangerous petroleum not in bulk, no licence needed for small quantities of dangerous petroleum, exemptions for motor conveyances and stationary engines, no licence needed by railway administration acting as carrier, exemption of heavy oils, so on and so forth.

Permit me to invite the attention of the Honourable Finance Minister again to the provision of the Petrol Act itself, where the Act lays down a very healthy and salutary provision of law. And what is the provision? The provision is if a person takes a licence once for the same thing he should not be required to take out another licence. I am referring to the provision in the Petroleum Act which says—

That the owner of a motor vehicle who pays regular motor vehicle tax and takes a regular licence shall not be required to take a licence to keep petrol in the receptacle attached to the motor car.

That makes an exception that he cannot keep more than six gallons so long as that petrol is in the receptacle attached to the motor car. Therefore when we have provisions already to this effect, when we can successfully get hold of the person by the neck, by the lock or by the forelock then there does not appear to be any justification or any reason to try to harass that man. In making this observation I am actuated by the fairest motives. As I have said in the select committee my only desire is, if we can, to avoid having an ugly legislation. There is no reason for having a legislation which is quite uncalled for. Therefore in all fairness I ask Government as to where is the difficulty in accepting this suggestion? If you accept the suggestion and do away with extra licence in the case of those persons who take a licence under the Petroleum Act we shall be saving the time of the House and shall not have to sit till 7 P.M. and even after the adjournment motion, and yet not an iota of the provision necessary for the successful realisation of the tax will have been affected. Therefore my submission is that the arguments I have adduced on the floor of the House may be weighed on their merits and if there is any reason I hope the Government will have no hesitation in accepting the amendment.

Lala Duni Chand (Ambala and Simla, General, Rural) : Sir, clause 6 is the most crucial clause on which we on this side are determined to give a fight (*hear, hear*). While this measure is a purely fiscal measure it is being

treated as a penal measure and that is the greatest objection we have got. So far as the realisation of the tax is concerned we do not mind. Let Government have tax at the rate of one anna three pies per gallon. We have no quarrel on that account. But why is this Bill being treated as if it is an opium Bill or an excise Bill? Why are such restrictions being placed? After all the selling of petrol is a perfectly legitimate trade. Anybody can sell it. It is not an article like opium or anything like that. It is a perfectly legitimate trade for anybody to take up. There are no reasons why unreasonable restrictions should be placed upon the freedom of trade. That is the real point. This is the only point that matters so far as we are concerned. If the Government is prepared to delete clause 6, then we have no quarrel with the Government. Let this Bill be passed in any form. If the Government is not going to accept the deletion of clause 6 and if the Government decides it by sheer vote of members then it is a different thing. Why should this clause be there? We have got the Central Provinces Act before us and section 80 of that Act says that anybody who wants to start and who wants to commence petrol selling, should straight away go to the deputy commissioner and make an application for being registered and then he is issued a registering certificate without any payment. Not only this, Government make provision for taking out licences but they also want to tax them in that way. What we object to is this that in this way you want to officialise and dominate private commercial life. What right have you to do so? In this way you can call upon hundreds of people to take out licences. Are they criminals? You cannot say that petrol sellers are making a lot of money and therefore you want to levy a tax. All that you want is to impose tax on the sale of petrol. You can do so by all means. Why should you levy another tax from petrol sellers? After all these are not people who are making a lot of money. Some are making Rs. 50, some are making Rs. 100. If they are making any taxable amount, they are paying income-tax. Why should you impose this additional tax upon them?

Another point is, are you really in danger of being deprived of your revenues that you want to tax them through this Bill? There is no such danger. Unless a purchaser and a seller of a single gallon of petrol enters into a conspiracy there is no risk to the Government of being deprived of any part of the revenue. The purchaser will not pay a pie more and the seller will not take a pie less. If this Act is passed everybody shall have to pay Re. 0-1-3 more. Are there any serious apprehensions that the seller or the purchaser will enter into a conspiracy to deprive the Government of its revenue? Are there any reasonable grounds for believing that? Moreover sellers are known to all people. As my honourable friend, Lala Bhim Sen Sacher, has said in his note of dissent, even a half-blind eye can see that there is a petrol seller. What are your apprehensions and what are your dangers, to remove which you are going to make this provision? Is there any reason for it? I submit that there are no reasons for putting this restriction. There is no danger. You are going to provide for taking out licences and also want to make a provision for cancelling and suspending the same. Do you know what will be the effect? The effect will be that there will be lot of intrigues and lot of rivalry between different petrol sellers. One man will come forward and say I want a licence against another person and in this way there will be lot of intrigue and that

[Lala Duni Chand.]

would lead to false cases. Why are you going to create a spirit of intrigue and a spirit of rivalry between different petrol sellers.

You can very easily ascertain how much petrol has been sold by a particular petrol-pump or petrol shop. After all, this petrol comes from big companies. The Burma Shell Company is the most important and famous company that supplies petrol to retail dealers. You can have the figures from this company and you can at once see whether you have got the proper amount of taxation. It is not a thing that can be concealed from anybody. It shall always be visible. It will be the easiest thing for the Government to know how much petrol a particular seller has sold. There will be no difficulty. If the Government does not experience any difficulty why should this unreasonable method be adopted? It is not possible for anybody to conceal any quantity of petrol. Nobody will have any motive or incentive to deprive you of Re. 0-1-8. When there is total absence of any motive on the part of anybody to deprive you of one anna and three pies, why should you tax these people? You are really putting shackles on them. If there are any reasons, I could well understand it. If these people had done something of a criminal nature I could well understand it and think that the Government is justified in making this provision. But there is nothing like that. I have no doubt whatsoever that the object of the Government is nothing but to officialise or dominate the private commercial life of the people. The Government has absolutely no reason to do so and we shall be justified in drawing the inference that the Government has not got any fair motive in making this provision. If the Government really want to convince us that they are actuated by the best motives, then they should declare that they do not want this provision. This is the most important part of the Bill and so far as other provisions are concerned we are prepared to meet half way if they accept this amendment, and then we shall be satisfied. I submit that we are in a hopeless minority and the Government does not listen to our arguments and it does not want to pay attention to what we say, because it thinks that it is entrenched behind a very strong force. We do say, kindly see whether our arguments and whether our points have got any weight and whether by the acceptance of our points of view, the Government loses anything in any way. I submit that if there is any fairness on the side of the Government, they would accept the deletion of clause 6.

(Honourable members : Question may now be put.)

Mr. Speaker : The question is—

That the question be now put.

The motion was carried.

Mr. Speaker : The question is—

That clause 6 stand part of the Bill.

The motion was carried.

Clause 7.

Pandit Bhagat Ram Sharma (Kangra West, General, Rural) : Sir, I beg to move—

That in sub-clause (i), line 1, the words "except as provided hereunder" be deleted.

My purpose in moving this amendment is, in the first place, that there is no necessity of a provision for licence. Much has been said by Lala Bhim Sen Sachar with respect to the Petroleum Act, 1934 and the provisions which are made thereunder. He has made it abundantly clear that already there are existing at present provisions under which licences are provided for the sale of petroleum, so that there will be no difficulty in locating as to how much petroleum is sold, and there will be no difficulty in collecting all taxes which will be levied under this Act. He has made it elaborately clear. I do not like to waste the time of the House by repeating it but if the Finance Minister wishes to tax those who are engaged in this trade and wishes to provide extra fees for the licence, I have to submit that there is no justification whatsoever for making a provision for double licensing and to make an extra provision for levying more fee for additional licensing which you are imposing unnecessarily on the people. It will be all right for those who are not already engaged in this trade but if they have secured licences under any law, there will be no justification whatsoever in persuading them or compelling them to get licences over again and pay additional fee for the additional licences.

Mr. Speaker : Clause under consideration, amendment moved—

That in sub-clause (i), line 1, the words 'except as provided hereunder' be deleted.

Sardar Ajit Singh (South-West Punjab, Sikh, Rural) (*Punjabi*) : Sir, I rise to support the amendment moved by my honourable friend Pandit Bhagat Ram Sharma. My submission is that the whole burden of the proposed tax would be shifted on to lorry-walas by the petrol dealers. They would not only charge the price of petrol from the former but also the amount of tax paid by them to the Government. But the lorry-walas in their turn would not be able to shift it further on to the passengers. The reason is quite obvious. In these days there is a hard competition going on between the motor lorry service and the Railway department. These lorry-walas are already charging an amazingly low rate of fare from their passengers, simply to offer them better monetary inducements than those given by the Railway department. So they would not be able to enhance the rate of fare. Thus the whole brunt of the present measure would indirectly fall on these lorry-walas.

You would be pleased to see, Sir, that most of the lorry-walas in the Punjab belong to the agriculturist community. Now-a-days agriculture is decidedly an unprofitable profession. When these people found that land did not yield enough to keep their body and soul together they sold it and bought lorries under the impression that by running lorry service they would be able to live a respectable life. But they were soon disillusioned when they found themselves hard pressed by the road-rail competition. Now their condition is awfully pitiable. On the one hand they have lost their land and on the other they are running a losing business. In other words they are at present on the verge of utter ruination. Although the Indian Motor Vehicle Bill of the Central Assembly has not been brought into operation as yet many of these lorry-walas are already determined to give up this business. Thus the imposition of the new tax would mean the last straw to them. With these few words I request the Government to reduce the rate of the tax to one anna per gallon.

Sayed Amjad Ali Shah : Sir, the honourable member's amendment is quite different to what he has expressed in his speech. He has wasted the time of the House.

Pandit Bhagat Ram Sharma : May I, with your permission, say a word ? A point has been raised that I have wasted the time of the House and have not spoken to the motion. I beg to submit that if the honourable member takes the trouble to understand my speech he will see that I have spoken to the motion. I will make no speech on the next amendment.

Mr. Speaker : Question is—

That in sub-clause (i), line 1, the words "except as provided hereunder" be deleted.

The motion was lost.

Pandit Bhagat Ram Sharma : I beg to move—

That in sub-clause (i), lines 4—6, the words "on payment of a fee of not more than five rupees, if any, as may be prescribed" be deleted.

Mr. Speaker : Clause under consideration, amendment moved—

That in sub-clause (i), lines 4—6, the words "on payment of a fee of not more than five rupees, if any, as may be prescribed" be deleted.

Munshi Hari Lal (South-Western Towns, General, Urban) : Mr. Speaker, this clause has a flaw. Under the Petroleum Act I require a licence, I pay a fee, but I cannot carry on the business of petroleum in the Punjab and cannot take advantage of the licence that is granted to me under the Petroleum Act. The present clause creates a restraint upon the power to deal with petrol which I acquire by obtaining a licence under the Petroleum Act. Licence fee is not consistent with the Preamble of the Bill which runs thus : A Bill to provide for the levy of a tax on the retail sale of motor spirit. It is not only the tax which a retail dealer has to pay, but he has to pay an additional licence fee of Rs. 5 in addition to what he pays to the Government under the Petroleum Act.

Mr. Speaker : All this was said by the honourable members of the opposition while discussing clause 6.

Munshi Hari Lal : It may have been said before but this is the proper place for its discussion when we are discussing clause 7. The extra fee of Rs. 5 in addition to the licence fee under the Petrol Act is inconsistent with the object of the Bill. The object is to tax motor spirit, or rather the sale of motor spirit and not to tax the licensee. As I have already paid the fee under the Petrol Act I should be allowed to carry on the sale of motor spirit, I should not be subjected to double licence fee. Whenever I sell, the Government of the Punjab will charge me at the rate of one anna and three pies per gallon. Why charge this additional fee of Rs. 5 ? I do not know where this Rs. 5 will end. In a subsequent clause, there is a provision that on the renewal also I may be required to pay fees. I am thus to be subjected to triple taxation, first to pay a tax on the sale of petrol, secondly to pay the licence fee under the Petroleum Act and thirdly, I have to pay Rs. 5 under this clause. This will prove very hard to the consumer because the licensee who pays Rs. 5 will not pay it out of his own pocket, he will be subsequently realising it from the consumer. The Government is not going to tax the licensee alone, but it is going to tax the whole of the consumer class.

In the Central Provinces absolutely no licence fee is charged. In the garb of a licence fee this Government proposes to levy another tax which is not fair. With these words I support the amendment.

Mr. Speaker : The question is—

That in sub-clause (i), lines 4—6, the following words be deleted—

On payment of a fee of not more than five rupees, if any, as may be prescribed.

The motion was lost.

Mr. Speaker : The question is—

That sub-clause (i) stand part of the clause.

The motion was carried

Lala Duni Chand (Ambala and Simla, General, Rural) : I beg to move—

That in sub-clause (2), lines 2—5, for the words 'only up..... annually' the words 'for the period of 5 years ending on 31st day of March of the fifth year' be substituted.

The object of the amendment is that if the licence is to be taken out then I submit that the period of licence should be at least five years. I move this amendment by way of asking for a small mercy. We on this side have already strongly expressed ourselves that the retention of the provision regarding the taking out of the licence is most unjust, unfair and inequitable, but if the Government is going to insist upon the retention of this provision I submit that those people who have to take out the licence should be given sufficient time during which period they should be able to say as I submitted a short time ago that the pursuit of this kind of trade is perfectly legitimate. I do not see why unreasonable restrictions should be imposed upon the traders. If you are going to provide for the licence, let them at least feel the satisfaction that once having taken the licence they will not be bothered for five years. After five years, if you so wish, you may charge a small fee for the renewal of the licence. With these words I move the amendment.

Mr. Speaker : Clause under consideration, amendment moved—

That in sub-clause (2), lines 2—5, for the words 'only up..... annually' the words 'for the period of 5 years ending on 31st day of March of the fifth year' be substituted.

Munshi Hari Lal (South-Western Towns, General, Urban) : The period of licence provided in this clause is very small. Evidently the Honourable Minister does not know the trouble to which people are put while getting their licence renewed every year. They have to undergo a good deal of worry to get the licence. They have to dance attendance on the authorities for the purpose. What is suggested is that the traders should at least feel the satisfaction that having once taken the licence they are saved the trouble for a certain number of years. Five years period which has been suggested in the amendment is a fair and equitable one and should be acceptable to the Honourable Minister. If he places himself in the position of a person who has to renew his licence every year he will realise the trouble, inconvenience and annoyance to which these people are put. My honourable friend appealed to the mercy of the Honourable Minister. I am sure if that mercy is there and is shown it will be well exercised. With these words I support the amendment.

Mr. Speaker : The question is—

That in sub-clause (2), lines 2—5, for the words 'only up..... annually' the words 'for the period of 5 years ending on 31st day of March of the fifth year' be substituted.

The motion was lost.

Mr. Speaker : The question is—

That sub-clause (2) stand part of the clause.

The motion was carried.

(At this stage it being 7 of the clock the debate on the adjournment motion was taken up. Mr. Speaker left the chair and it was occupied by Mr. Deputy Speaker.)

ADJOURNMENT MOTION.

TREATMENT OF M. IFTIKHAR-UD-DIN AND SARDAR AJIT SINGH
BY THE POLICE.

Dr. Gopi Chand Bhargava (Lahore City, General, Urban) (*Urdu*) :
I beg to move—

That the Assembly do now adjourn.

Sir, before offering my observations on the motion, I would like to make it clear that I am commending this motion to the House without any feeling of anger or spite or party motives. The only consideration by which I am actuated is that the matter involves privileges of the honourable members and the dignity of the House. When to-day I tabled the motion of adjournment of the business of the House, the Honourable Premier readily agreed to its being discussed and was pleased to make the following remark :

“No objection. As a matter of fact I shall be glad indeed to elucidate the various allegations made by my honourable friends and to see how far they are true.”

As regards this remark I and other honourable members of my party will endeavour to prove the correctness of our allegations. Now I should like to draw the attention of the House to the statement made by my honourable friend Mian Iftikhar-ud-Din. It has already been published in the newspapers and a reference too was made about it on the floor of this House. The facts are that when the first *jatha* of the *kisans* of Lahore district was making a peaceful demonstration at Shahalmi Gate, Mian Sahib received information to the effect that excesses were being committed by the police who beat and maltreated the onlookers. In this connection I may inform the honourable members that on the 29th instant the police arrested Comrade Ram Chandra along with the peasants. On being produced before the Magistrate he had stated that he was controlling the crowd. This news was published in the newspapers and so far it has not been contradicted. Again according to Mian Sahib, two other persons who were not connected with the peasants' procession had the misfortune of having the same bitter experience. They were maltreated and challaned by the police, but were eventually acquitted by the court. These instances indicate that police went out of its way to harass innocent people and what Mian Sahib has stated is true. Then there is the statement of Mian Sahib's own experience. It is to the effect that when he went to the spot to see things for himself, most insulting and objectionable treatment was meted out to him by the police.

Besides, I wish to draw the attention of the House to a similar incident. In 1928 Chaudhri Muhammad Abdul Rahman Khan, an honourable member of the Legislative Council, was insulted by the Deputy Commissioner of Jullundur. The incident gave a rude shock to the honourable members.

of the Council. They considered it a wanton attack on the dignity of the House, and the privileges of the members of the highest legislative body of the province. Consequently my honourable friend Shaikh Muhammad Sadiq who was then on the opposite benches, took up the cudgels and tabled an adjournment motion in regard to this matter. He delivered a lengthy speech and scathingly criticized the objectionable attitude of the high placed officers. The honourable Sir Geoffrey deMontmorency, the then Finance Member, agreed to the motion being discussed. I may be permitted to quote an extract from his speech which he delivered in reply.

Sir, I wish to assure this House that the dignity and honour of this House is as dear to Government as it is to any member of this House (*Hear, hear*). I desire to give them the assurance that any question relating to the status and position of the members of this House is considered by Government a very important question, and that is the reason why when this motion for adjournment was raised yesterday, I took no sort of objection to it. (*Hear, hear*). I agree that in the matter which the honourable mover has brought forward a very important point of principle, quite apart from the episode, is involved. I agree that all members of Government, in whatever department, however highly placed, however lowly placed, should, quite apart from that courtesy which they should offer to all visitors, be particularly courteous to members of this House on account of their public position.

Further on the Honourable Sir Geoffrey remarked that the Deputy Commissioner had written to him a letter in which he had denied having given any abuse or used harsh words. He also said that that was the version of the Deputy Commissioner but he had not seen the file. But at the end of his speech he held out a sort of assurance in the following words —

“ I consider that local officers should take the M. L. C's. into their confidence and *vice versa*, and that in them they have been given under the new constitution a fresh and valuable assistance in the performance of their very important duties.”

I need not quote from Shaikh Muhammad Sadiq's speech because now he takes his seat among the ministerial benches and at present I am not aware of the views that he holds in regard to this matter. I might give the substance of the views expressed by Chaudhri (now Sir) Zafrullah Khan. The honourable member remarked that it was difficult to disbelieve the Deputy Commissioner and equally difficult to characterise the statement of Chaudhri Muhammad Abdul Rahman Khan, as false. He, therefore, proposed that a thorough inquiry should be made into the question, not an *ex-parte* enquiry, but an inquiry through an agency in which there would be implicit confidence. After this I may be permitted to read an extract from the speech of Chaudhri (now Sir) Chhotu Ram, which is as follows :—

“ Sir, the next point to which I would like to draw your attention is when an honourable member of the House has definitely stated before us that the Deputy Commissioner has used words of abuse against him or against another member of the Council, we should not leave the matter where it stands only because a letter has been received from the Deputy Commissioner stating that he did not use any strong word against any member of this House. In my opinion it would be highly unfair for the Deputy Commissioner, for that honourable member and for even the Government to leave the matter where it stands. I would ask the Government with all the emphasis at my command to institute an enquiry into the matter so that we may be able to lay our hands on the wrong doer.”

Now you will remember, Sir, that I was also a member of the Council at that time. The Honourable Premier too occupied a seat on the opposition benches. Both he and Sir Chhotu Ram strongly supported the motion

[Dr. Gopi Chand Bhargava.]

as they could not brook an honourable member of the legislature being disgraced and insulted by an official of the Government. They, therefore, demanded an independent inquiry into the matter. Consequently the adjournment motion was carried without division.

But now much water has flown under the bridge. To-day when we bring to the notice of the Government a case which is on all fours with the incident of 1928, the Honourable Premier says in a light-hearted manner that he should like to see as to how far the allegations of the honourable members are true. There is absolutely no reason why my honourable friend, Mian Iftikhar-ud-Din, should have made a misstatement. Last year too he was maltreated, nay, beaten by the police but he had shown large heartedness by saying that he did not want the adjournment motion to be pressed. He bore no grudge against the police and his mind was free from malice. He even admitted the version of the police to be correct, and the report of the police also paid a tribute to his peaceful behaviour by saying that had some other person been in the place of Mian Sahib, blood would have been shed. My point is only this that there is no reason to disbelieve the statement of Mian Sahib. But if the Government come forward to assert on the basis of the police report that he has not been badly treated, we will place no reliance on that view. In a court of law, in criminal cases, one is expected to prove that there was some enmity or other reason which leads one to make false allegations against another person. In that case the Government will have to ascribe some motive to Mian Sahib for having made a misstatement. Admitting that the police report will deny the allegations made from this side of the House, or by Mian Sahib, I would urge upon the Government not to blindly believe that report or support it. At least that used to be the view of most of the prominent members of the present Cabinet and the Ministerial party. In the old Council, the Honourable Premier and the Honourable Sir Chhotu Ram who were members along with perhaps the Finance Minister and Shaikh Muhammad Sadiq and several others, had shown that reliance should not be placed on a one-sided version of the police when it was strongly contradicted by an honourable member of the House. I cannot say if the honourable members have changed their views since they have assumed the reigns of Government and have become responsible, but it does not mean that they were irresponsible at that time. Even if we admit that Mian Iftikhar-ud-Din committed a mistake or a crime by going to the scene of occurrence, does it mean that the honourable member of this House should be maltreated by the police on that account? I will read a few words from a copy of a Government Circular published in the *Tribune*, dated the 15th of March, 1939, which runs as follows :—

My personal view is that under a good Government the honour of even the humblest citizens should be protected as jealously as that of the biggest personality. No Officer of the Crown has any right to use abusive language or force. In the present case an important member of the House and what is more, the representative of the very district of Lahore where this unfortunate incident has occurred, had gone to see what was going on there. But instead of supporting his mission of peace, the police dishonoured him and roughly handled him. In this the whole House has been disgraced. Let not the Government think that if they will confess the excess of the police the Government will be censured. On the other hand their responsibility will become less in the matter.

Let me here remove a misunderstanding. I am not supporting the adjournment motion because a very important member of the House or an intimate friend of mine or a capable person has been maltreated by the police. I am advocating the cause of this adjournment motion on a question of principle. Otherwise, I have no expectation of a better treatment at the hands of this Ministry. In this behalf I am not going to beg mercy from them. When two political parties are at variance with each other such things do happen. My only objection is this that if such a state of affairs is permitted or covered by a Government, lawlessness will be encouraged in the country and life and property will no longer remain safe. It is from this point of view, that is, from the point of view of law and order, that I am pressing this adjournment motion.

With these few words, Sir, I move the adjournment motion.

Mr. Deputy Speaker : Motion moved—

That the Assembly do now adjourn.

Sardar Kartar Singh (Lyallpur East, Sikh, Rural) (*Punjab*) : Sir, my submission in connection with the adjournment motion which is now under consideration, is that the police generally goes on disgracing the public but its atrocities come to light very rarely. Whenever persons of great respectability are subjected to a humiliating treatment by the police, it is then and then alone that the public becomes aware of the undesirable attitude of the police. Generally the excesses of the police go unnoticed, while in fact they deserve strong condemnation. I want to submit in this behalf that every citizen is as honourable as any other. All citizens should be respected equally. The police have proved by assaulting Mian Iftikhar-ud-Din in their usually bad way that they are devoid of all human feelings.

It is really strange that whenever we complain of the atrocities committed by the police, the Government brush aside our allegations by saying that we are not in possession of the true facts of the case, but when we proceed to the scene of occurrence for ascertaining the truth as Mian Iftikhar-ud-Din did, the police comes down upon us, and takes us to task for witnessing the acts of highhandedness of the police. Thus we are prevented from placing the facts before the public. What happens in the end is that the Government gives its reply which is based on the police report. I am afraid that even in the present case the Honourable Premier will say something against Mian Sahib instead of condemning the police.

Premier : No. Nothing will be stated against Mian Sahib.

Sardar Kartar Singh : Well, then it will be against your habit. We have seen your conduct during the last two years. Even if the police commits the most serious blunder or is guilty of highhandedness, the Government is not in the least moved. On the other hand, it is always prepared to defend the police. Perhaps the Government considers the police to be infallible and innocent like God Himself. The pity is that the Honourable Premier like a lawyer in court defends the police as if he holds a brief on its behalf.

[Sardar Kartar Singh.]

These insults which we receive every day at the hands of the police are intolerable and the people of the Punjab feel greatly annoyed over them. It may be in the minds of the authorities that a patriot like Mian Sahib who belongs to a highly respectable family in the Punjab has put up with this insult quietly. Apparently there prevails peace in the province notwithstanding the excesses of the police. I would, however, warn the authorities that there is always a lull before the storm. If this disgraceful state of affairs continues, a storm will surely overtake them. They should remember that when a storm of unrest and disturbance breaks out it shakes even the most powerful Government to its foundations. I am sorry to remark that the Government is anxious to shield the police but is not prepared to protect the people against its highhandedness. If the storm comes, you will be swept away like chaff and it would be difficult for you to stand on your legs. I would like to say one word to Mian Sahib and that is that we cannot expect the Government to take the wrong-doers to task. The authorities have no sympathy with you. However, the people of the Punjab (two crores and 35 lakhs of them) look upon this action of the police with contempt. (*Hear, hear.*) The honourable members over there will retort that the representatives of those two crores and 35 lakhs are sitting in this House and will not vote against Government on this adjournment motion. In reply to this, I would submit that the members will fail in their duty which they owe to their electorates if they do not vote against Government to-day. They should realize their duty while voting on this motion. It is the first and foremost duty of the members of this House to voice the grievances of their respective constituents and protest against the excesses of Government officials and urge upon the Government to see that its officers behave properly towards the people. If the members will not do their duty, they should remember that they will also receive the same treatment that has been meted out to Mian Sahib by the police officers. I would, therefore request the honourable members to refrain from conniving at the action of Government officials, otherwise they will run the risk of being insulted even by ordinary police constables. Let us then clearly understand that we will be failing in our duty if we refrain from voting for the motion now before the House. We should see that the police desists from its nefarious activities. I would say to the Honourable Premier that he is not answerable to the police but the latter is answerable to him. He has to exercise control over them. He should not believe the reports submitted by the petty officers as if they are gospel truths. He should cease defending the police in season and out of season. I would request the Honourable Premier to see that in the case now under consideration the culprits are brought to book. If they are let off scot free, the police will be encouraged and the spirit of *goondaism* that is already in abundance in its members will increase and they will begin committing atrocities with still greater impunity. Consequently the people will be all the more disgraced and insulted by Government officials.

Chaudhri Muhammad Abdul Rahman Khan (Jullundur North, Muhammadan, Rural) (*Punjabi*): Sir, I strongly support the adjournment motion now before the House. It is akin to one moved by me in 1928. That related to me. Before I proceed to say anything in connection with

this motion I would like to quote the following verses which will cover the whole ground of my speech :—

آب لئے تو بجے جل سے
جل کو لئے تو بجے گامے سے
اور کہے تو کہوں بیٹا سے
بیٹا کہے تو کہوں کس سے

In 1928 I moved an adjournment motion and during my speech I described the attitude of the officers and quoted the words the Deputy Commissioner, Jullundur, used about me and Chaudhri Afzal Haq. The Deputy Commissioner got out of the quandary by declaring that he had never used those words. That incident has now become very old, but even now I am prepared to invoke the worst of curses on my own head if I told a single lie in connection with it. Similarly, I would say that if these two honourable friends of mine have made incorrect statements, may God's wrath visit them. (*Laughter.*)

It is no exaggeration to say that misbehaviour of the police in our province has now exceeded all limits. Things have come to such a pass that a supporter of the Unionist party can do anything with impunity. Even if he is the most corrupt official, nobody can touch him. I have personal knowledge of people being beaten to a jelly for no worse crime than raising a dissenting voice in a meeting organized to sing praises of the Unionist party. The police is working under the instructions of such officers and, therefore, sometimes in order to gain favour with them it overdoes itself and acts in a manner which even these officers could never think of. If that were not so, how could the police mete out such a treatment to my honourable friend Mian Muhammad Iftikhar-ud-Din who besides being an honourable member of this House is a great *rais* of Lahore and a millionaire? Since he is an opponent of the Unionist party nobody can ask the police to refrain from insulting him. In the religious books of Islam you find a mention of a certain place called the Hades. Now quite a Hades is being created here in Lahore for the political opponents of the Unionist party. The Government should know that Mian Iftikhar-ud-Din is not one of those members who may be called selfish or bargaining. He spent a huge sum of money on his election not for any personal gain but in a spirit of public service. I warn the Government not to give the police such an unbridled licence to commit atrocities. You know that once a snake has bitten a human being he gets accustomed to it and then there is no end to its biting. Similarly if you do not put a check to the atrocities of the police it will some day mete out the same treatment to you which it is meting out to us.

An honourable friend was pleased to remark that had the honourable Mian obtained permission before going there he would not have been insulted and that, therefore, the wisest course in such cases is to obtain permission beforehand. Well, Sir, if that is really an argument then the Government had better enact a law forbidding members of this honourable House to go anywhere without a licence. Then again, if a member does not obey the Speaker in this House that action on his part constitutes an insult to the whole House according to our rules. Now the Speaker is one member of this

[Ch. Muhammad Abdul Rahman Khan.]

House and if an insult offered to him is an insult to the whole House then how can you say that this insult to two honourable members does not constitute an insult to this House? (*Hear, hear.*)

Some honourable members have told us here that constable No. 779 dragged two innocent outsiders, Tarlok Chand and Gulshan into the cordon line and similar treatment was meted out to Mr. Ram Chandra, B.A., by Ram Labhaya, a C.I.D. man. I would request you not to resort to this *Sikha Shahi* (*Laughter*). You should put an end to these lawless acts on the part of the police and award punishment to the officers who have insulted two honourable members.

Chaudhri Muhammad Hassan (Ludhiana, Muhammadan, Rural) (*Urdu*): Sir, I have given my serious consideration to this most disgraceful incident and have reflected much on the point as to why the police always adopts such a highly objectionable and undesirable attitude towards peaceful citizens on certain occasions. The real reason for this, I am sure, would be in the personal knowledge of the Honourable Premier under whose portfolio the police department falls. But to my mind the reason for adopting such an attitude is that to-day those who are at the helm of affairs have no love or sympathy whatsoever with the people of the Punjab. Thus the police being emboldened by the indifferent attitude of the higher authorities, is growing disrespectful towards the public. It discharges its duties in a despotic manner and does whatever it likes. Our Ministers always declare at the top of their voice that they are the true servants of the public, but I fail to understand the way in which the servants of our servants make a display of their loyalty towards their masters by making *lathi* charges on them. Anyhow I am sure, the Honourable Premier would soon closet with his officers and try to find out some justification for this incident.

They must know that if the Ministers of the Punjab Government, save the Honourable Minister for Education who is always in the habit of calling somebody as offender and another as culprit, decide to continue the same old policy which they have so far been pursuing, it would amount to a criminal neglect of their duty. If they do not see that the honour of respectable citizens is protected from the highhandedness of such officers, they would not be proving true to their salt. If they come forward and say that the officer concerned has done his duty, it would mean that they want to protect such officers who are a bane of the province. It is not definitely known at whose instigation he has done this. Probably the Honourable Chaudhri Sir Chhotu Ram might be in the know of the matter. This much is certain that such an attitude on the part of the officers who are servants of the public cannot be tolerated. Mian Iftikhar-ud-Din is not only an honourable member of this House, he is a respectable citizen at the same time. I am of the opinion that if any member or members are insulted or maltreated it should be the duty of the Honourable Ministers to regard such insults and maltreatment as a personal affront to them. Sir, you must have read the words that the police officer used in the presence of the honourable members of this House. He said: "Go to hell with the Assembly and down with the M.L.A.'s." He must know that if the Assembly goes to hell along with it the Ministers will also go to hell, from whom he is drawing his salary, and, lastly, he would also go to hell. He cannot go scot free. He will have

to take the consequences of his actions. He should not think that there is no hell waiting for him. I would like to make it clear that one day he must receive the just reward of his sins. If he sows the wind he shall have to reap the whirlwind. He should know that the attitude that he has adopted towards the honourable members is such which cannot be tolerated and I can vouch for it that there is not a single individual in the world who would like to put up with such insults and maltreatment. If the Honourable Ministers think over the matter for a while they will find that such maltreatment as has been meted out to my honourable friends is not only a disgrace to them alone, but it is a disgrace to the whole House, to the Government and to the whole province. I may assure them that not to speak of this officer whose conduct is now before the House and who is merely a Deputy Superintendent of Police, we cannot tolerate such treatment even from the highest of the officers of the Government. It is the duty of the Punjab Government to give such an exemplary punishment to this officer so that no police officer in future should dare to adopt such an attitude towards any respectable citizen. Fortunately the two members who had been maltreated, i.e., Mian Iftikhar-ud-Din and Sardar Ajit Singh are zamindar members. If instead of them there had been a *bania* member who had been insulted, it would have been said by my friends over there that he was only a *bania* member and that as *banias* trouble the zamindars, therefore it was but right that he got what he deserved. Moreover it would have been stated that only an officer who belonged to the agriculturists, had insulted him, and therefore it was not such a matter which required any notice by the Government. I do not know whether the Honourable Premier feels ashamed of this act of the police officer or not, but on our part we do feel ashamed that in the Punjab police there is an officer whose behaviour is so very questionable. Let me tell him that he has got that office through the efforts of a Minister of the Punjab Legislative Assembly, and in return he is showing such a bad spirit that he even goes to the length of abusing the whole House. The two honourable members went there in order to know the real state of affairs and to get the two innocent persons released who had been taken into custody by the police. When these honourable members went there what did that officer say to them? He said, "Go to hell with the Assembly and down with the M.L.A.'s." I would like to tell my honourable friend the Premier that that police officer adopted very arrogant attitude and in fact he insulted not only the two members but the whole House. I do not think that anyone from the treasury benches will stand up to justify his conduct. However, if my friends wish to encourage such officers to behave badly they may disbelieve the statements of my honourable friends over here.

Further, my honourable friend over there asked : Why did Mian Iftikhar-ud-Din go to that place? I may tell him that Mian Iftikhar-ud-Din is a respectable citizen and he is a representative of the Lahore district. He represents the Kasur constituency. He went there to hear the grievances of the kisans and to see with his own eyes the excesses of the police. He came back from that place and informed the Honourable Premier about the whole affair, for it was just possible that he might take some action against the said officer. Instead of taking any action against the said officer,

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if he rises up to justify his conduct to-day, I may submit that he would not be doing justice to the House or to himself. If he rises in his seat and begins to defend the conduct of that officer he would indirectly encourage the police officers to do the same acts of violence in future as well. In my opinion the police officer concerned should be given a deterrent punishment so that no other police officer follows his example.

Besides, I am of the opinion that if the kisans had gathered outside the Shahalmi Gate, there was nothing wrong with their gathering. They had gathered simply to see the Honourable Premier and wanted to lay their grievances before him. As a matter of fact they wanted to request the Honourable Premier and the Honourable Minister for Revenue that the rate of their land revenues had been increased in the recent settlement and it should be decreased. In this connection I may point out that the Honourable Premier showed his readiness to meet the representatives of the kisans provided they did not bring any outsider with them to plead their cause. I am sorry to say that I have not been able to understand the queer logic of the Honourable Premier. If the zamindars are allowed to hire the services of lawyers to plead their cases before magistrates, why should they be deprived of the same facility to lay their grievances before the Ministry in connection with land revenue? I do not see that there is any harm in allowing them to bring any experts with them. As a matter of fact they have every right to get the services of an agriculturist or even a non-agriculturist expert to lay their grievances before the Government. That no one from Montgomery can represent the Lahore zamindars or *vice versa*, is a problem which can only be justified by this Ministry alone. To my mind it means that the Honourable Ministers over there do not like that the kisans should lay their grievances before them. I think that the kind of treatment which they met at the hands of the Ministers, led the officer concerned to insult and maltreat the kisans and their representatives. These poor people gathered there to lay their grievances before the Honourable Premier and the Honourable Minister for Revenue. The fault of my friends Mian Iftikhar-ud-Din and Sardar Ajit Singh amounted to so much that they went to see the excesses of the police with their own eyes and also they wanted to get the innocent persons released who had been arrested by the police. But they were insulted and maltreated. It may not be a matter of shame for the Government, but for every member of this House it is a matter of shame and regret that the two honourable zamindar members of this Assembly went there to see and hear the troubles of the zamindars, but a Deputy Superintendent of Police maltreated and insulted them. I quite agree with my honourable friend Chaudhri Abdur Rahman that the officer concerned is a favourite of the present Ministry. I may inform the honourable members that I am calling that person as officer because my honourable friends over there call their servants as officers, otherwise in my opinion it is wrong to call that person as officer. I may submit that the mind of the said officer has gone off the rails. He should know that he is a public servant. As a matter of fact he is the servant of the public servants. The Government are public servants and it would be well for them to keep a strict control over their own servants. If they find that anyone of their servants adopts atrocious and cruel attitude it is their bounden duty to bring him to

book. If, on the other hand, they do not take any action it would mean that they are indirectly encouraging such officers and police men to repeat such acts of violence in future as well. Mian Iftikhar-ud-Din is an honourable member of this House and not to speak of meting out such an insulting treatment to him, such a treatment should not be even accorded to any respectable citizen at all. I, therefore, respectfully submit that that officer was not entitled to mete out such an insulting treatment to the two honourable members of this House. He gets his bread through the good grace of one of the Ministers of this Government and in fact he is the servant of the public servants. In my opinion he has not proved true to his salt. I think he should be given such a deterrent punishment that he should not dare to mete out such a cruel, atrocious, detestable, and abominable treatment to any member of the public. In view of the above-mentioned remarks, I support the adjournment motion now before the House. Besides, Mr. Deputy Speaker, through you I would like to request the Government that they should not regard this adjournment motion as an ordinary motion. They should not oppose it merely for the sake of opposition, but it is up to them to assure us that the officer concerned would be severely dealt with. With these words I resume my seat.

Chaudhri Kartar Singh (Hoshiarpur West, General, Rural) (*Urdu*) : Mr. Deputy Speaker, you must remember that some time ago when a similar adjournment motion was moved in the House, the Honourable Premier was pleased to remark that the matter involved was of a trivial nature and so the best course open to the Honourable Leader of the Opposition was that instead of wasting the precious time of the House he should see him in his room and settle the matter with him by mutual consultation. But a few days later, the Honourable Mian Iftikhar-ud-Din was pleased to state in the House that one Chaudhri Ram Singh, Deputy Superintendent of Police, had offered an insult to him and to the Honourable Sardar Ajit Singh and had misbehaved in a highly undesirable manner. Now it would have been much better on the part of the Honourable Leader of the House to discharge his moral duty by fulfilling his promise. It was incumbent upon him to invite the honourable Leader of the Opposition in his room and then after making a sifting inquiry from him into the matter call the explanation of the officer in question. But I am really surprised to see the honourable members opposite keeping mum instead of fulfilling their pledge. Now three or four honourable members from this side of the House have made speeches in this connection but none of the members opposite has participated in the debate. We are therefore at a loss to anticipate what the Honourable Premier would say in the matter. It was his bounden duty to suspend the officer forthwith or if not that at least to transfer him from Lahore without waiting for this adjournment motion. But I am sorry to say that no such action has so far been taken against him. This officer, being still in Lahore, is daily arresting a number of kisans. I am sure the Honourable Premier would say that Mian Sahib, being puffed up with the idea of being a member of this House, had used some indecent words against the said officer and maltreated him so much so that he has been obliged to tender his resignation, and that the situation has taken such a turn that the Government would jeopardize its own prestige if it fails to take any action against Mian Sahib.

[Ch. Kartar Singh.]

We were under the impression that there would be some striking difference between the old bureaucratic Government and the present popular one. But I am sorry to say that we do not see any difference worth the name between the attitude of both the Governments. In those days when Sir Malcolm Hailey was bent upon crushing the Akali movement he used to shower praises on Mian Abdul Aziz and Mr. Beatty. It is indeed a matter of great regret that the popular Government of the day is following in the footsteps of the old bureaucratic Government. It intends to rule over the province by the help of a few officers of its own choice. I do not propose to make any sentimental speech but I would like to submit that the nominees of Sir Sikander Hyat-Khan and Chaudhri Sir Chhotu Ram are terrorising the whole province. During the Hoshiarpur District Board elections I had ample experience of this reign of terror. And now it has become a matter of daily experience for the various Congress committees of the province which are responsible for promoting nationalist movement in the Punjab. Even the memory of the painful and tragic scenes that were enacted by the police at Asaudha makes one shed tears. It is indeed a sufficient proof of the fact that the Government of the day is bent upon crushing the Congress by force. It is a pity that the honourable representatives of the Punjab are being insulted and molested under the very nose of the Government through a favourite Deputy Superintendent of Police of Chaudhri Sir Chhotu Ram. I would request the honourable members opposite to inquire from their Honourable Ministers as to why they have not felt the necessity of taking any action in the matter even after the expiry of four days. Had this treatment been meted out to an honourable member of a Parliament of an independent country or an independent Government, the official responsible for the insult would have been dismissed from his post there and then. But since our present Government knows that it has to contest elections and to get the Unionist candidates elected by the help of the police, it is therefore obliged to put up with the tantrums of its police officers.

Mir Maqbool Mahmood : On a point of order, Sir. Is the honourable member justified in making any insinuation ?

Mr. Deputy Speaker : The honourable member should not be personal and he should speak to the motion.

Sardar Sampuran Singh : He is attacking the Ministers and that is why he is saying all this.

Chaudhri Kartar Singh : Sir, I hope you would allow me to say a few words as a reply to the point of order raised by my honourable friend opposite.

Mr. Deputy Speaker : I would request the honourable member to speak to the motion.

Chaudhri Kartar Singh : Sir, when the general elections to the first Legislative Assembly under the Provincial Autonomy were being contested the Honourable Premier asked the local officers of the Hoshiarpur district to help his nominee against Chaudhri Afzal Haq.

Mr. Deputy Speaker : I would request the honourable member to speak to the motion.

Sardar Sampuran Singh : On a point of order. First of all tell him where he is irrelevant and then ask him to speak to the motion.

Chaudhri Kartar Singh : Sir, I was submitting that it is extremely strange that our Honourable Ministers do not condescend even to call for the explanation of the Deputy Superintendent of Police who has insulted certain honourable members of this august House under the very nose of the Government. I think they have adopted this attitude because the stability and solidarity of their Government entirely depends upon the police department. Here in this province our Ministers do not hesitate even to ask Government officials to help their favourites during the election campaigns. As I was submitting, it is a fact that during the last elections the Honourable Premier accompanied by Maulvi Fatah-ud-Din, Deputy Director of Agriculture, visited the Hoshiarpur district with a view to do propaganda work against Chaudhri Afzal Haq. Sir, I am submitting that

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it has been stated by the Honourable Premier himself that he wanted to promote democracy in the province. Let me ask him whether this is the progress that has been made in promoting democracy under the new régime. I have already submitted and now again I submit that I am not making a sentimental speech on the floor of this House. I am expressing my conviction. My honest conviction is that most of the responsibility lies on Government and Government alone, because it is up to Government to warn officers not to work on party lines and also to stop Secretariat people from taking part in politics. But our Premier Honourable Sir Sikander-Hyat is not doing so. He is intoxicated with vanity of his Government, I would say, and is doing whatever he likes. I would request him to always remember that the minority should not be overlooked. Every dog has his day. It is just possible that a party which is in a minority to-day may come to power to-morrow. In this connection I wish the Honourable Premier to remember the time when Hitler came to German Parliament with nine members only for the first time, and the newspapers in England reviewed the speeches of Hitler saying that Hitler was a mad dog. What has become of that Hitler now? To-day the edifice of the Government of Sir Sikander's Grand Master is shivering on its foundation with fear of Hitler. How regrettable it is that under this critical moment Sir Sikander is neglecting his duty, in intoxication of his power and strength.

Mr. Deputy Speaker : The honourable member is not relevant.

Chaudhri Kartar Singh : I am submitting, Sir, that the Honourable Premier should not sit idle with a solid majority of 115 members behind him. He should not neglect his duties on this score. His foremost duty is to work seriously for the good of the province. Let me submit that we are tired of his lip sympathy. If he is really sincere he should give us proof of his sincerity. If he ever tries to protect masses from the atrocities of the police we will be convinced of his sincerity. But this is my belief that a great change has taken place in him. He is not that Premier that he was 1½ years ago. I may add that if he is vain and proud of his power I would request him to consider this vital point most seriously that if the Government is not going to change its attitude what would become of the Province. It would be led astray. I may again submit that I am not

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making a sentimental speech. These are hard facts. My speech is nothing but truth—may be bitter truth for the Government. If the present Government have forgotten I may remind them that the sacrifice of brave Sardar Baghat Singh was due to those *lathis* which had been showered upon Lala Lajpat Rai. I am sure if the Government make serious efforts to control the present circumstances of the province, it would be quite wise and reasonable on their part. But to my great surprise, the Government is not going to control the masses. (*Interruption.*) The Government is playing with the sentiments of people. The Honourable Premier interrupts me every now and then, I know that every word of mine is going right down to his heart. (*Laughter.*) Blows are going home. As a matter of fact the maltreatment shown by Saunders made young blood boil. It was his misbehaviour which made young men conspire against the whole of the Government and they did not hesitate to sacrifice their sweet life. I beg you—the Masters of Unionist Government, I beg you—the despots—the so-called well-wishers of zamindars, I request you who are ruling as the Czar of Russia was once ruling, to drive out vanity and pride of power from your minds. As a matter of fact, I am afraid that the aggressive policy of this Government will lead young men astray, and then the Government would say they are conspirators and therefore they must be sentenced to death; I must say this is high time for the Government to control the public and young men as well. It is meet and proper that the present Government should not let any opportunity escape. If the Government does not take time by the forelock, then I am sure the trouble would become double. The prestige of the Government and the peace and safety of the public would be thrown to the wind, and the youth of the province would be led astray and in that case plenty of time would be spent on putting them on the right path.

If Government want peace and tranquillity in the province I would request them not to excite the passions of young men. I give them an assurance that the young people of to-day cannot tolerate the atrocities of the police and they can no longer be ill-treated now.

Let me again submit to my respected Chaudhri Sir Chhotu Ram and warn the Honourable Premier that if the police commit any atrocity again they will have to bear the consequences. I may add that the responsibility of misbehaviour shown by the Deputy Superintendent here at Lahore, which has forced us to move this adjournment motion, also lies on their shoulders. Hence they ought to satisfy those people who have much resented the shameful attitude of the Deputy Superintendent. Before I resume my seat I would request the Honourable Premier not to give evasive answers regarding this most important matter as he has been doing for the last few days. What he should do is this. He should hold a thorough inquiry into this matter to find out whether Mian Sahib and Sardar Ajit Singh were really so badly treated as to warrant an adjournment motion before the House or whether they only wanted to waste the time of the House.

Let me inform the Government by saying in the end of my speech that it is not that I want to please my voters by supporting this adjournment motion. What I want to submit is this that the Honourable Premier

should announce the policy of the present Government, so that we may know what policy this Unionist Government have adopted regarding this matter.

Mr. Deputy Speaker : Honourable member's time is over.

Chaudhri Kartar Singh : Very well, Sir, with these remarks I resume my seat.

Dr. Gopi Chand Bhargava : I submit that several honourable members on this side have spoken and therefore we want to hear the Government version of the matter. The question cannot be fully discussed unless the Government puts forward its case also before us. Besides, I cannot reply to the debate unless I know what the Government has to say on the subject. If it does not propose to participate in the debate at all, that is a different matter. But if it proposes to speak on the motion, then it is desirable that the Premier or some other member of Government intervenes in the debate at this stage so that I may be in a position to reply to the points that may be raised on the Government side.

Premier : I must claim the privilege of having the last word in this matter which I have got under the rules. I am going to be the only speaker on the Government side, because the matter is such that other honourable members on the Government side cannot possibly participate in the discussion, because they do not know anything on the subject. My honourable friend who opened the debate gave me certain facts and I will reply to him. But before I rise to reply I should like to know whether other honourable members on the other side have got any further allegations to make so that I may reply to them also. Otherwise, if I make a speech now and if honourable members thereafter make any further allegations I may not be able to meet them and consequently the real object of the debate will not be achieved. We are here to elucidate all matters and so I would like to hear all points before I rise to reply.

Dr. Gopi Chand Bhargava : I agree that the Honourable Premier should have the last say. But I may point out that even if he participates in the debate now, he will have another occasion to speak on this motion after I have given the reply. Therefore I would like him to place before the House the Government side of the case so that we may be able to meet his points if necessary.

Diwan Chaman Lall : It is for you to hold whether a proper debate can be held unless the Honourable Premier gets up and meets the charges levelled by this side of the House. But I may ask, how is it possible for honourable members on this side to deal with the matter properly unless they know whether the Government admits the facts that have been placed before the House or denies them; and what action Government has taken or proposes to take in regard to this matter. Unless this side knows the position of the Government no real debate can be conducted. The Honourable Premier is a very able debator and can in a very few words place the Government case before us to enable the Leader of the Opposition to accept or refute what the Premier has got to say.

Premier : I only want to know whether anybody else wants to participate in the debate. If any other honourable members want to place any more facts before the House I should welcome them so that I may give one reply covering all the points. If no other honourable member wants to speak I should have no objection to make a speech now.

Diwan Chaman Lall : My honourable friend can take it that the actual case has been put very briefly and concisely by the Leader of the Opposition. That is the case now before the House and I think that case is worthy of being met by the Honourable Premier.

Premier (The Honourable Major Sir Sikander Hyat-Khan) (Urdu) : Sir, I intended to confine my remarks strictly to things mentioned by the honourable Leader of the Opposition but the severe and unwarranted criticism levelled against this side of the House by the honourable members opposite calls for a reply. Now when both sides have had their say it will not be difficult for one to sift the truth. The matter is quite simple. It is in fact regrettable that my friend over there has transgressed the proper limits and said things which ought not to have been said. When my learned friend was making his speech, I was reminded of the theatrical company of Cowas Jee who used to stage performances wherein the characters appeared on the stage armed with wooden swords covered with silvery white paper, which they brandished in a very ludicrous manner (*laughter*). We have been described by our friends as Hitlers and Czar. I may tell them that we never feel offended by such nicknames because we know that the principal aim of our friends is to attain cheap notoriety in the press. They feel satisfied when they see that the reports of their speeches appear in the press under sensational head-lines. But there is one thing which has really pained me much and that is that my honourable friend made the most objectionable insinuation against me, and had the audacity to say that during the last general elections I went to Hoshiarpur and employed local official influence there to ensure the success of a candidate opposing Chaudhri Afzal Haq of the Ahrar Party. I must say that this is an utterly false statement. There is not an iota of truth in it. It is a white lie. Let me assure the House that during the last elections I never stooped so low as to use the influence of Government officials in procuring votes for any particular candidate.

Sardar Sampuran Singh : On a point of order, Sir. Are the words "white lie" (*sarikh jhoot*) parliamentary?

Mr. Deputy Speaker : The expression used is not unparliamentary.

Premier : Well, Sir, I would request that as there is a time limit for speeches on adjournment motion, I may be permitted to proceed with my speech without any interruption. I am obliged to my honourable friend who has given me an opportunity of giving a befitting reply to those honourable members who strayed into the realm of irrelevancy. My friends Chaudhri Muhammad Hassan and Sardar Kartar Singh severely criticized the conduct of the police and said that the latter committed excesses and treated the citizens most disgracefully. I am at one with Sardar Kartar Singh when he says that all citizens have equal rights of citizenship. I entirely agree with him that even if Mian Iftikhar-ud-Din had not been an M. L. A. he should not have been maltreated

and insulted by the police, because when all is said and done he is a citizen of Lahore and as such he expects proper treatment at the hands of the police. There is no doubt about the fact that a wholesome change is needed in the mentality and outlook of the police. I may tell you that since the time I assumed office it has been my constant endeavour to bring about a wholesome change not only in the outlook of the police officials but also in that of all Government officials in various departments. There has been no public meeting or function which I attended where I did not tell the people that if they had any complaint against any official, they should report to the higher authorities without any hesitation and in case their grievances were not redressed, they could see me. I hope the honourable members will be interested to know that with the exception of the districts where subversive movements were afoot and where some heat was engendered in public meetings held during my tours, I had the opportunity of visiting other districts twice and found that the conduct of the district officials especially that of the police officials had undergone a marvellous change. (*Hear, hear*). This has been admitted by my honourable friend opposite that during the last few months there has been a commendable change in the conduct of the police. This is definitely a great achievement. In this connection I may be permitted to refer to a speech made by the Honourable Chief Justice of the Lahore High Court.... (*Interruption*).

Lala Duni Chand : May I know who are these powerful and influential persons referred to in that speech ?

Premier : People who interfere and unjustly try to influence officials and if my honourable friend does it he would come under that category.

Sardar Sampuran Singh : Persons in authority.

Premier : Authority and influence. My friend is an influential person in the Lyallpur district. (*Interruptions*.) If I am going to be interrupted like that, it would be very difficult for me to proceed with my speech. I request the Honourable Leader of the Opposition to control the restive members of his party and ask them not to interrupt me. As regards my honourable friend, Sardar Sampuran Singh, he never misses an opportunity to interrupt me.

Sardar Sampuran Singh : On a point of order, Sir. I was very much interrupted yesterday.

Premier : Sir, I was saying that the Honourable Chief Justice in the course of his speech pointed out the reasons why sometimes the police committed excesses. I do not say that the police officials are angels..... (*Interruptions*.)

Khan Bahadur Captain Malik Muzaffar Khan : Sir, it is regrettable that when any honourable member from our side begins to make a speech, members on the opposite side begin to chatter—

Sardar Sampuran Singh : My friend has used the word 'bawas' (chatter). It ought not to have been used. He must withdraw it. It is unparliamentary.

Khan Bahadur Captain Malik Muzaffar Khan : Sir, what I said was that whenever speeches are made by the Opposition, we on this side of the House listen to them quietly without making any interruption. On the contrary, whenever an honourable member on the ministerial benches begins to make a speech, opposition benches indulge in making noise and unnecessary interruptions and go on chattering.

Premier : The honourable member may withdraw this remark.

Khan Bahadur Captain Malik Muzaffar Khan : If my honourable friend Sardar Sampuran Singh feels offended at the expression, I withdraw it.

Premier : I do not hold that all the members of the police force are really nice. They too are human beings like ourselves and there must be some black sheep among them as all other groups of mortals have. I am not, therefore, prepared to tar them all with the same brush. Some of them are very good and some of them may be very bad, but my honourable friends opposite should remember that even the policemen are human beings and have their difficulties. When they are abused to their face by some members of the public, they naturally take it ill and it is the way of all flesh. I would, therefore, appeal to my honourable friends belonging to the Opposition to co-operate with me in removing the defects wherever they exist. Some gentlemen add to my difficulties by using filthy language against policemen while others multiply my worries by making friends with honest officers and asking them to show favours to them. All these things add to my difficulties. Sometimes when I want to take action against a corrupt officer, he is unduly shielded by some honourable friends of mine. Only the other day I had to punish an officer but I was surprised to learn that a weekly paper victimised us for having done our duty. Public opinion should condemn such moves. I admit that there are about 10 per cent corrupt officers in the police department, but then every other department has its own black sheep. However the majority of the police officers are very honest and conscientious workers (*Opposition : Question !*) My honourable friends have ventured to question my statement. I have an authentic report about the recent elections at Hoshiarpur where the police were called the most vulgar and filthy names and in spite of this grave provocation they remained calm. The honourable members of the Opposition should realize that such things lower the prestige of the Government and the police because people think that they are impotent. The callow youths get into trouble for their unbridled exuberance while the real mischief-mongers quietly sit in their factories or indulge in their favourite pastime of criticizing my honourable colleague Sir Chhotu Ram. I should like to take this opportunity of warning those honourable members who have been constantly raising difficulties in my way by their conduct in public life. I have overlooked many things in the past but if in future anybody has the temerity to offend against the law of the land I would be compelled to take action even against the honourable members of this House. All citizens would be equally treated in this respect. (*Hear, hear.*)

Coming to the subject matter of the adjournment motion, I would like to observe that the resolution of 1928 to which the honourable members of the Opposition have referred cannot be quoted to support the motion

under discussion. In that case an honourable member of the old Legislative Council had gone to see the Deputy Commissioner whose duty it was to receive all people alike. Besides, he appeared before the Deputy Commissioner in the capacity of an honourable member of the Council and the Deputy Commissioner knew this fact. When it came to our notice that the Deputy Commissioner had treated the honourable member badly we took up cudgels on his behalf in order to vindicate the honour of the House. But in the present case even my honourable friend Mian Iftikhar-ud-Din would admit that there was little chance of his being recognised in a crowd. Even I cannot claim to be recognised by each and every officer in the Punjab. You will believe me when I say that I came to know the name of the officer concerned only yesterday. How could any of my honourable friends expect that they would be recognised by every constable in a crowd? I am sorry to observe that my honourable friend, the Leader of the Opposition, declared at the very outset that I had instructed the police to insult the honourable members. Nothing could be farther from truth than this. On the other hand, my instructions were only to the effect that *jathas* be stopped, because the so-called *kisans* were trying to mislead the people. (Sardar Sohan Singh Josh : (آپنی کمرہی نکل دیتی). The boot is perhaps on the other leg. (Interruption by Dr. Sir Gokul Chand Narang). My honourable friend is in the habit of getting impatient during my speech, but I would request him to hold his peace for a while so that I may be able to have my say. Last year my honourable friend Mian Iftikhar-ud-Din himself verified the statement of the police and admitted that they had not unduly harassed him. Although he was injured yet it was not the police that was responsible for it. It was the crowd that jostled him. My instructions to the police were that they should arrest the persons who were fomenting trouble by instigating the public to do unlawful things. I had, however, instructed them not to be rude to any one and not to be harsh to the public. When these were my general instructions, how could anybody think that I would allow any honourable member of this honourable House to be maltreated or insulted by the police. I see and meet *kisans* every day. The other day I attended a meeting of the *kisans* held in Baghbanpura where I had a frank discussion with them. I expressed my willingness to receive a deputation on behalf of the *kisans* of the Lahore district provided it did not include any person who was not directly connected with the Lahore district. The honourable member opposite remarked a while ago that *مہاری کمرہی نکل دیتی* and this seems to be their real object. Most of the people arrested so far belong to the Hoshiarpur, Ludhiana and Jullundur districts and some of them are *kisans* of Sutarmandi, Water Works and Bradlaugh Hall. My friend, the Leader of the Opposition, said that the police did not even spare the spectators and wayfarers. May I ask whether Ram Chandra and Comrade Yograj had gone there merely as spectators? Why did the agitators insist on the inclusion of their names in the deputation? Now my friends will say that these two persons were not members of the *jatha* and they did not actually join it. But the two persons referred to by Mian Sahib, when produced before the court, stated that they had nothing to do with the agitation and that they had committed no offence. They

[Premier.]

were consequently discharged by the court. In fact they were going from place to place making inflammatory speeches couched in the most offensive and abusive language. They actually came with the *jatha*. Is this the sort of kisans whom you are out to defend? When these two persons were produced before the court they pleaded not guilty and stated that they had nothing to do with this affair at all. They were therefore discharged by the court. If they had actually joined the *jatha* and had been arrested and later on they made a false statement they behaved like cowards. Let me now turn to the subject matter of the adjournment motion. I must say that even if Mian Sahib had not been an M. L. A., I would have been as much sorry to hear of the alleged treatment meted out to him as I am to-day because it is the legitimate right of every citizen to receive fair treatment at the hands of all Government officers. If all that has been alleged has actually happened I would personally make a sifting inquiry into the matter. My friend Mian Sahib has made two allegations. One, that he was beaten by a police officer. About this I would say that I am quite prepared to permit Mian Sahib to sue the officer concerned in a court of law. If he is found guilty he would be punished by the court and I would also proceed against him departmentally. The next allegation made by Mian Sahib was to the effect that the officer was told that he was misbehaving towards an M. L. A. when he remarked, "Damn the M. L. A.'s and "to hell with the Assembly". This is no doubt objectionable and one must resent it. It has been said that the said officer is related to the Honourable Sir Chhotu Ram. With regard to this I would say that the officer is as much related to Sir Chhotu Ram as he is related to Chaudhri Kartar Singh. (*Laughter.*) I assure the House that before this incident I did not even know the name of this officer. And you can very well imagine that one cannot be expected to know the names of all Deputy Superintendents and Inspectors of Police. I was really upset to hear about this incident, first, because a respectable citizen had been badly handled by the Police and, secondly, because he is so dear to me. If my friends over there supply me all the material relating to this incident I would make a complete and thorough inquiry into the matter. I have already made inquiries as to the officers who were present there and I know their names now. If you also supply me the information in your possession I would do all that is possible for me to do. At the same time I would like to say one thing to the honourable members of the House and that is that if it comes to their notice that the police are committing excesses somewhere, they should not personally interfere in the matter. They should come to me so that I may send a more responsible officer on the spot to keep the police well under control. If they personally interfere in the activities of the police it is possible that in the heat of the moment they may not be identified by the police. I may mention that several times my own car has been held up by them for that very reason. However, non-identification does not take away the seriousness of the offence. I once again assure the House that if it is proved that the officer concerned used the words attributed to him then he would himself stand damned and not the M. L. A.'s. I again assure the House that an inquiry will be instituted in the matter and every possible effort will be made to record

the evidence of persons who were present on the spot. Since I intend to make a full and sifting inquiry into the allegations, I am prepared to accept more names which may be put forward by the honourable Leader of the Opposition as witnesses. I am fully conscious of the fact that if these words, to which exception has been taken were really used by the police officer concerned, the question of the honour of the whole House is involved in the matter. It is not a question of the honour of one honourable member. It is the question of the honour of the whole House. I may tell the honourable members opposite that an insult offered to any honourable member of this august House is an insult to me. And any insult to me means an insult to this whole House which is tantamount to an insult to the whole province. *(Cheers.)* But I would make a request to my honourable friends opposite that they should not meddle with such matters. If they ever have any grievance against the conduct of any police officer or if they find any irregularities or excesses being committed anywhere they should at once bring the matter to my notice. They are free to ring me up even at late hours in the night. In all such cases I promise to take prompt action and send a responsible officer to visit the spot and hold inquiry into the matter. I may submit, Sir, that since the police department is under my control I feel it my duty to express my regret at any untoward happening of the kind. I again assure the House that I shall make a thorough inquiry into the matter and if the police officer concerned is found guilty of the alleged offence he would undoubtedly be taken to task. *(Cheers.)*

Mr. Deputy Speaker : Question is—

That question be now put.

(The motion was carried.)

Dr. Gopi Chand Bhargava (Lahore City, General, Urban) *(Urdu)* : Sir, there are certain points in the speech of the Honourable Premier which have nothing to do with the matter under discussion. I have no desire to touch those irrelevant points and, therefore, I shall confine my remarks to only two or three points. The Honourable Premier has been pleased to remark that what happened in 1928 was not at par with the present incident. His contention is that at that time a member of the Legislature went to see the Deputy Commissioner and the treatment meted out to him was objectionable, but in the present case the two M. L. A.s' had not gone there to see any officer as members of the Assembly. Now, Sir, let me draw your attention to the following words of the circular issued by the Government which appeared in the *Tribune*, dated the 15th March :

Members of the Legislature are no doubt members of political parties and as such their energies are often directed towards party propaganda but they are also frequently in a position to give assistance to officials in the discharge of their duties. In such circumstances and when officials can properly avail themselves of such assistance, they should not hesitate to do so.

A circular letter on similar lines was issued by the Punjab Government some time ago when it was emphasized that officials should, consistently with the nature of their duties, show special consideration to M. L. A.s' in the matter of granting interviews and discussion of questions of public importance connected with the duties of the officials concerned and the interests of the M. L. A.s' constituents.

[Dr. Gopi Chand Bhargava.]

My submission is that just as an honourable member had gone to see the Deputy Commissioner as a member of the Legislature and to draw his attention to some matter of public importance, similarly Mian Iftikhar-ud-Din and Sardar Ajit Singh had drawn the attention of the Deputy Superintendent of Police to the fact that some people who did not belong to the *jatha* were being brought into the *jatha* and beaten by the police. Thus these two gentlemen were in a way rendering assistance to the police officer in the proper discharge of his duties. On finding him highly discourteous they informed him that they were members of this House and it was then that he used such objectionable language as "to hell with the M. L. A.s"; "to hell with the Assembly", etc. Thus he insulted and molested them knowing full well that they were members of this honourable House. The two incidents are, therefore, absolutely on all fours. I think you will now have no hesitation in admitting that much.

Again he told us that he had given orders for the arrest of instigators as well, and, therefore, the police were justified in arresting even those who were not in the *jatha* at the time of the arrest. Now, Sir, the orders so far as the public is aware are that section 144 has been promulgated and those who break it shall be liable to punishment provided by the law. Under these circumstances the public is justified in expecting you to arrest only those who act in contravention of the provisions of section 144. If you want to arrest any other person for any other reason you can do so with the good offices of your Criminal Investigation Department and police force. You have sections 107 and 151 to deal with those who break your orders under section 144 and you can add to them any other section if you so desire. But it is no business of the police to drag outsiders into the *jatha* and arrest them. Let us see what Comrade Ram Chandra says in his statement. He says :—

At the time of arrest he was merely controlling the crowd when a Criminal Investigation Department man caught him by the coat and violently dragged him out and threw him into the lorry, Master Kabul Singh, M.L.A., and representatives of various newspapers saw this incident.

Now I do not assert that Comrade Ram Chandra has no sympathy with the cause of these kisans or that he does not want their grievances to be placed before the Premier, but I do contend that at the time of his arrest he was not breaking section 144 but only controlling the crowd. The mere fact that you have released some persons on the ground that they did not belong to the *jatha* that acted in contravention of the provision of section 144 shows that your orders were to arrest only those who broke that section and not to arrest anybody whom the police came across. Again, even if you had given the orders about the arrest of the so-called instigators your officer carried out those orders in such a manner as has brought shame on you. Besides, my honourable friend has stated two other things and I wish to give a reply to them. In the first place, the Honourable Premier has stated that if Mian Iftikhar-ud-Din wished he could file a suit against the police officer in a court of law and he would give his permission for the prosecutions of the said officer. Secondly, that we ought to have informed him (the Honourable Premier) about the state of affairs and that we should not have proceeded to the scene of action ourselves. So far as the question of

filing a suit in a court of law is concerned we do not wish to seek the aid of courts in such matters. We wanted to leave this matter to the Honourable Premier to see whether he moved in the matter or not.

Besides, I may submit that I along with other members of my party went to the spot and watched the whole affair. When the demonstrators were pushed in the prison van I and other members of the Assembly tried to go to the Assembly Chamber. But the police stopped us. We told them that we were all members of the Assembly and that we wanted to go to the Assembly Chamber. But in spite of that the police prevented us from going to the Assembly Chamber. After a few minutes the police raised their cordon and they allowed us to go. But a few paces further on they again stopped us. The members told them that they wanted to go to the Assembly Chamber but still the police would not allow us to depart. But when we told them that they would be responsible for this action of theirs they allowed us to go. After all this maltreatment that was meted out to us I did not complain to the Honourable Premier, for I wanted to see what action the Honourable Premier would himself take about the insulting treatment that was meted out to us. We wanted to see whether the Government was going to take any action against that Deputy Superintendent of Police or not.

So far as the filing of a suit against the police officer in a court of law is concerned, I may submit that we regard it a personal insult to file such suits. We wanted to see how far the Government was going to take any action in order to improve the department. Whenever any atrocious and abominable treatment is meted out to anybody, the whole responsibility lies on the Government and so it is the duty of the Government to come forward and to clear their position.

As regards the second thing, I may state that whenever we receive any reports we generally send them to the Government. But I may submit that when any incident takes place under our very nose and in the very city of Lahore, why should we inform the Government about it? On the other hand, we wanted to see all these happenings with our own eyes so that if we found that there was something wrong or that some mischief was being done to the public, we should come and inform the Government about it. But I am sorry to state that we went to see the happening and such an insulting and outrageous treatment was meted out to us. Let me point out that it is the duty of my honourable friends opposite to remove the doubts of the people, if there are any and to satisfy them that the Government are trying their utmost to help them. I am perfectly aware of the fact that such an order could not have been issued by the Honourable Premier, but I had hoped that the Honourable Premier must have received some information about the insulting treatment that was meted out to us and I expected that he would say that he was sorry to learn all that had happened and that he would hold a sifting inquiry and take action against the persons responsible for that action, but I am sorry to state that the Honourable Premier only stated, "I repudiate the charge and it is a very uncharitable view." I know that personally the Honourable Premier has nothing to do with the affront that has been meted out to the honourable

[Dr. Gopi Chand Bhargava.]

members of this House, but permit me to point out that whatever is done by his department is done under his name and therefore the responsibility lies on him.

Now as regards the matter that we should inform him the very moment that we hear of police excesses, I may be permitted to submit that he had said similar things before long ago. But we wanted to see things ourselves and then report if we found the allegations correct. We went there and got this insulting treatment. But we would even now see what action he takes about this matter. My submission is that the Honourable Premier should hold an independent inquiry into the matter. Inquiry can only be independent if the person involved thinks that he is being treated fairly and justly. Here I may submit that we have no confidence in the inquiries that are being made by the Government departments. That is why we require that there should be independent inquiry and we should be also asked to participate in it. So long as my honourable friend over there does not hold any independent inquiry, we cannot be satisfied with the departmental inquiries, nor can we rely on them. In the end, I may submit that the reply that has been given by the Honourable Premier is not such as can satisfy us.

Premier (The Honourable Major Sir Sikander Hyat-Khan) (*Urdu*): I would like to reply in one sentence to the two observations made by my learned friend on the opposite in order to remove the misunderstandings, if any, in the minds of honourable members. It is not correct to say that I asked that instigators and abettors should also be arrested. I think that my honourable friend has not been able to catch the significance of my words. What I said was that those people who joined the *jathas* and instigated the people to commit acts of violence, should be arrested. In this connection only two persons were apprehended. According to my information they delivered inflammatory speeches and incited the *kisans* to commit violence. Ram Chand was among the *jathawalas* and he too was delivering fiery speeches, so he was also arrested. But when he declared that he was not one of the *jathawalas* he was immediately released.

Besides, many honourable members of the Opposition went to the spot and they themselves have admitted that they had gone there and that the police threw a cordon round them, thus preventing them from going away. Yet how could the police know that they were all M. L. A.s' for they had no badges to distinguish them from the *kisan* mob? (Dr. Gopi Chand Bhargava: This question does not arise. The *jatha* at that time had been pushed by the police into the prison van and was taken away.) The Deputy Superintendent of Police only knew Sardar Sampuran Singh and that on account of his long flowing beard. (*Interruptions and laughter.*) I was submitting that according to my friends' own version they were stopped by the police but after a few minutes when my friends informed the police that they were not members of the *jatha* but M. L. A.s' who were on their way to the Assembly Chamber they were allowed to proceed and the cordon was raised. (*Voices: Question.*) This is my information. May I know whether my friends were not prevented in the first instance and that when they declared that they were not going with the *jatha*, they were allowed to

proceed to the Assembly Chamber. Let me tell my friends over there that although they are M. L. A.s' yet section 144 applies to them as well. But if my friends say that this was not the case, and that they were pushed back, then all I can say is that I have received no such information. I have received only this information that when my friends stated that they were members of the Legislative Assembly and they wanted to go to the Assembly Chamber, they were allowed to go their way.

All the same I would like to assure my honourable friends over there that in order to uphold the dignity of this House and to keep up the prestige of the Government and, lastly, in order to uphold my own honour I would make inquiries into the matter and take strong action provided my friends supply me with all the requisite information.

My honourable friends have asked for an independent inquiry into this matter. Let me point out to them that if they do not regard me as independent and impartial, whom would they regard as such? They have also asked me to include them in that impartial tribunal in order to give weight to its impartiality. Let me claim for myself as much impartiality and fairness from them as they entertain for themselves. They should leave the matter entirely in my hands and should see how the matter is inquired into and decided.
(Hear, hear.)

9 P.M.

Mr. Deputy Speaker : The question is—

That the Assembly do now adjourn.

The motion was lost.

MOTOR SPIRIT AND LUBRICANTS (TAXATION OF SALES) BILL.

Mr. Deputy Speaker : The Assembly will now resume discussion of clause 7 (3).

Lala Duni Chand (Ambala and Simla General, Rural) : I move—

That sub-clause (3) be deleted.

Sub-clause (3) runs as follows :—

The grant or renewal of a licence may be refused if any previous licence of the applicant has been cancelled or if the Petrol Taxation Officer is satisfied that the application has been made only for the purpose of enabling any person to carry on business as a retail dealer without a licence.

I beg to submit that the retention of sub-clause (3) is absolutely unnecessary. The Honourable Premier very often indulges in the claim that his Government does better things than any of the Congress Governments. In connection with this I may present to him section 3 of the Central Provinces Motor Taxation Bill. That says that all that is required is that the person who wants to do petrol business should simply apply to be registered and his name will be registered. If he copies this lead that has been given by the Central Provinces Government, we shall be thankful to him. If the honourable members of this House study closely sub-section (3) they will find no sense in it. What is the sense in it ?

[Lala Duni Chand.]

I submit that if the previous application of an applicant for the grant of licence has been refused, that can be no ground for refusing a similar application, say a year later or two years later or three years later.

Another reason is that if the applicant does not want the licence for himself, but his object is that on his behalf somebody else might carry on petrol sale, supposing A applies for a licence but he does not want to do the work, his brother wants to do the business on the basis of that licence on behalf of his brother, how does Government suffer in any way? In any case the licence will be there. Somebody else will be working. A gets the licence, but B works. What difference will that make? A gets the licence, but B, his servant who sells the petrol should be considered the licensee. The servant will be doing the work on behalf of the man in whose name the licence stands. Two licences are not required....

Chaudhri Krishna Gopal Dutt : There is no quorum in the House so far as I can see.

(Division bell was rung and thereafter a count was made.)

Mr. Deputy Speaker : The House has got quorum.

Lala Duni Chand : The last sentence that I want to say is this. This is nothing but a halter round the neck of the poor people. One halter after another is sought to be put round the neck of these people and it is quite unnecessary. With these words I move this amendment.

Mr. Deputy Speaker : The question is—

That sub-clause (3) stand part of the clause.

The motion was carried.

Mr. Deputy Speaker : The question is—

That sub-clauses (4) and (5) stand part of the clause.

The motion was carried.

Mr. Deputy Speaker : The question is—

That clause 7 stand part of the Bill.

The motion was carried.

Clause 8.

Munshi Hari Lal (South-Western Towns, General, Urban) : I beg to move—

That in sub-clause (3), line 4, for the words "such fee" the words "a fee, if any not exceeding rupees five" be substituted.

You will see that in this sub-clause the words are 'on payment of such fee as may be prescribed.' There is no limit to fees here. Government wants to enjoy unrestricted power. While at the time of grant of the licence they say 'on payment of a fee of not more than five rupees', there is absolutely no such restriction at the time of renewal or grant after the cancellation or suspension of the licence. This limit of the fee has to be prescribed by rules. Government thus wants an absolute and unrestricted power only qualified by rules which it may prescribe.

There is absolutely no reason why there should be no limitation here. The restriction should be such as not to allow the fee to exceed Rs. 5. This will be quite consistent with the previous clause which provides that the fee is not to exceed Rs. 5. My object in moving this amendment is, to place restriction if the Government has a mind to charge a fee exceeding Rs. 5. It is quite a reasonable and equitable amendment. I hope it will appeal to the Honourable Finance Minister; I hope that the Government will see the reasonableness of the amendment and accept it.

Mr. Deputy Speaker : Clause under consideration, amendment moved—

That in sub-clause (3), line 4, for the words 'such fee' the words 'a fee, if any, not exceeding rupees five' be substituted.

Lala Bhim Sen Sachar (North-Western Towns, General, Urban) : I speak subject to correction, but my impression is that while in the select committee, we did not intend that there should be any amount specified so far as this fee was concerned. There is no doubt on the face of it that there is no sense in this proposal that in the case of granting a licence the fee should be Rs. 5 and for the renewal of the licence there should be no restriction in the matter of fees and that the Government should be left absolutely unfettered. There is no guarantee that a fee of Rs. 50 will not be imposed for the renewal of the licence. Therefore I think it is only fair that the House should accept the maximum limit suggested in the amendment.

Mr. Deputy Speaker : The question is —

That in sub-clause (3), line 4, for the words 'such fee' the words 'a fee, if any, not exceeding rupees five' be substituted.

The motion was lost.

Lala Bhim Sen Sachar : I rise to oppose the whole clause. I am perfectly aware of the disadvantage of speaking at this late hour to a tired House. But I must draw the attention of the House to the fact that this clause provides that an officer may suspend or cancel a licence. I cannot understand what the possible purpose of this clause can be. In this clause we only want to regulate the collection of the tax. If you refer to clause 24 (3) you will find that Government is given power to make rules whereby any breach is liable to be punished with fine which may extend to Rs. 200. When there is a provision like this for the punishment of breach of any of the conditions of the licence, I do not see any point in making a provision like this for the suspension or cancellation of the licence. I do not propose to dilate the point any longer, because of the mood of honourable members and because the argument is very clear on the face of it.

Mr. Deputy Speaker : The question is—

That clause 8 stand part of the Bill.

The motion was carried.

Clause 9.

Mr. Deputy Speaker : The question is—

That clause 9 stand part of the Bill.

The motion was carried.

Clause 10.

Lala Duni Chand : I beg to move—

That in lines 4-5, for the words 'one thousand' the words 'two hundred' be substituted.

I move this amendment without any speech.

The motion was lost.

Mr. Deputy Speaker : The question is—

That clause 10 stand part of the Bill.

The motion was carried.

Clause 11.

Lala Bhim Sen Sachar : I move—

That part (a) of sub-clause (1) be omitted.

With respect to clause 11, I do want to make a submission in spite of the fact that nobody does feel inclined to hear me. This clause provides that a warrant may be issued for the arrest of any person who there may be reason to believe has committed an offence punishable under this Act. But what offence can be committed under this Act?

The offence that can be committed under this Bill is that that person would be selling without obtaining a licence. Here I may be permitted to point out even at the risk of being a nuisance that that man cannot possess any petrol for the purposes of sale unless he has got a licence under the Petroleum Act. If he for instance begins to sell without a licence what harm will he do? You can at once find out and can realize double the penalty you have provided in the Act and I do not understand why the Government should be armed with these powers that a person even if he is a respectable man, even if he is a knight and is having petrol premises may be arrested. To-morrow the Government might say, if such a man has failed to take out a licence a warrant should be issued and he should be arrested. This is absolutely indefensible and I, therefore, oppose it.

Mr. Deputy Speaker : : Question is—

That part (a) of sub-clause (1) be omitted.

The motion was lost.

Mr. Deputy Speaker : Question is—

That clause 11 stand part of the Bill.

The motion was carried.

Clause 12.

Lala Bhim Sen Sachar (North-Western Towns, General, Urban) : There is only one thing in this connection and it is this that the clause as it stands in the present Bill makes a provision in the chapter relating to search and I have merely taken the amendment out of the Petroleum Act and put it. If you want to have it in the interests of improving the Bill well and good. But I might remind the Honourable Finance Minister

inspite of the fact that he is not willing to hear anything that probably he has not read it but there is a provision relating to search and all that. I, therefore, move the amendment in my name—

“That for clause 12, the following be substituted—

‘The provisions of the Code of Criminal Procedure, in so far as they are applicable, shall apply to all searches made under the provisions of this Act.’”

The motion was lost.

Pandit Bhagat Ram Sharma : Sir, what happened to my amendment ?

Mr. Deputy Speaker : I was under the impression that the honourable member was not inclined to move his amendment, but now a later amendment has been put and lost, his amendment is out of order.

Pandit Bhagat Ram Sharma : I was not called upon to move. You called upon Lala Bhim Sen only.

Mr. Deputy Speaker : In view of the fact that the next amendment has been moved and voted upon, his amendment is now out of order. Question is—

That clause 12 stand part of the Bill.

Pandit Bhagat Ram Sharma : I rise to a point of order before you put this clause. I had given notice of an amendment to clause 12 and it stands in my name on the Agenda. I want to know the reasons for its being left out and now being declared out of order. (*An honourable member : No. It is out of order.*) What business has the honourable member to say that it is out of order ? You may be pleased to rule it out of order, but I think I have a right to know the reason why. You were pleased to call upon Lala Bhim Sen to move his amendment but you never called me to move mine. Most probably it was a case of inadvertance. I am, therefore, within my rights to ask you to allow me to move my amendment.

Sayed Amjad Ali Shah : May I draw your attention to clause 13 ? What the honourable member wants to do is already there in clause 13.

Mr. Deputy Speaker : I have already held that Lala Bhim Sen's amendment having been reached, your amendment *ipso facto* becomes out of order (*hear, hear*). The honourable member should have risen in his seat at the time when Lala Bhim Sen rose to speak.

Pandit Bhagat Ram Sharma : I want to know the law under which my amendment is out of order.

Mr. Deputy Speaker : I have already explained that this amendment was to the effect that something should be substituted for the whole clause, but when the House has already said that the whole clause stands, this amendment becomes out of order.

Pandit Bhagat Ram Sharma : It was your duty to call me first and then to call Lala Bhim Sen. But not having done so, now you give me the reason that because Lala Bhim Sen's amendment has already been voted upon, therefore my amendment is out of order.

Mr. Deputy Speaker : The honourable member did not move his amendments to the previous clauses, I was therefore under the impression that the honourable member was not inclined to move any amendment whatsoever.

Pandit Bhagat Ram Sharma : When I have not moved certain amendments standing in my name, it does not mean that I do not want to move any. This is no justification for depriving me of my right to move the amendment which I wish to move.

Mr. Deputy Speaker : The honourable member should have drawn the attention of the chair to the fact that he wanted to move his amendment.
*Question is—

That clause 12 stand part of the Bill.

The motion was carried.

Clauses 13—23.

Mr. Deputy Speaker : Question is—

That clauses 13—23 stand part of the Bill.

The motion was carried.

Clause 24.

Mr. Deputy Speaker : Question is—

That sub-clause (1) of clause 24 stand part of the clause.

The motion was carried.

Parliamentary Secretary (Thakur Ripudaman Singh) : I beg to move—

“That at the end of sub-clause (2) the following be added—

“(A) prescribing the period (which shall not be less than one month from the date of the order appealed against) within which an appeal under section 22 of the Act may be presented; and prescribing the manner in which such appeal shall be presented.”

The motion was carried.

Mr. Deputy Speaker : Question is—

That sub-clause (2) as amended stand part of the clause.

The motion was carried.

Lala Bhim Sen Sachar : There are two amendments standing in my name which I beg to move and discuss together. The first is—

That in sub-clause (3), line 4, for the words ‘two hundred’, the word ‘fifty’ be substituted,
and the other is—

That in sub-clause (3), line 6, for the word ‘fifty’ the word ‘ten’ be substituted.

It is not necessary for me to make a speech on these, but if the Government think it fit, they may accept the suggestions.

Mr. Deputy Speaker : Clause under consideration, amendments moved are—

That in sub-clause (3), line 4, for the words ‘two hundred’, the word ‘fifty’ be substituted.

That in sub-clause (3), line 6, for the word ‘fifty’, the word ‘ten’ be substituted.

Minister for Finance (The Honourable Mr. Manohar Lal): If any honourable member would be prepared to accept the figure one hundred in place of two hundred and twenty in place of fifty, I shall be glad to accept the proposal.

Mr. Deputy Speaker: Question is—

That in sub-clause (3), line 4, for the words 'two hundred' the words 'one hundred' be substituted.

The motion was carried.

Mr. Deputy Speaker: Question is—

That in sub-clause (3), line 6, for the word 'fifty', the word 'twenty' be substituted.

The motion was carried.

Mr. Deputy Speaker: Question is—

That sub-clause (3) as amended stand part of the clause.

The motion was carried.

Mr. Deputy Speaker: Question is—

That clause 24 as amended stand part of the Bill.

The motion was carried.

Preamble.

Mr. Deputy Speaker: Question is—

That Preamble be the Preamble of the Bill.

The motion was carried.

Long title.

Mr. Deputy Speaker: Question is—

That the title be the title of the Bill.

The motion was carried.

Minister for Finance (The Honourable Mr. Manohar Lal): Sir, I beg to move—

That the Punjab Motor Spirit (Taxation of Sales) Bill be passed.

Mr. Deputy Speaker: Motion moved is—

That the Punjab Motor Spirit (Taxation of Sales) Bill be passed.

Sardar Uttam Singh Duggal (North-West Punjab, Sikh, Rural): Sir, I rise to oppose the motion under consideration. In doing so, I beg to express my surprise at the wisdom of the Punjab Government in proposing this extra taxation on such an essential commodity as motor spirit. You are aware of the part petrol plays in the development of the country and of the special care which governments of free countries take in keeping the price of petrol as low as possible. In England and other European countries the price of petrol is exceedingly low, but in India, barring ports, the price of petrol ranges from Re. 1-8-0 to Re. 1-9-0 per gallon. To add the new taxation to this already high price of petrol is certainly not wisdom. It would be interesting to analyse the various factors which add to the price of petrol. Petrol is being sold in Bombay and Karachi at fourteen annas per gallon.

[Sardar Uttam Singh Duggal.]

and this includes customs duty of ten annas a gallon, thus leaving four annas for the company, as cost of petrol, their overhead charges and two annas as commission for the retail seller. So, you will now realise what percentage of duty we are already paying on petrol. In the Punjab petrol is sold at Re. 1-8-0 or Re. 1-9-0 per gallon. The particular point that I would like to bring before the House, through you, Sir, is that this rate of Re. 1-8-0 or Re. 1-9-0 contains a flat rate of Re. 0-5-6 as railway freight from Karachi to every station. You will see that the major portion of the Punjab is being supplied with petrol from the Attock Oil Company which has its headquarters and refinery at Rawalpindi and it costs the marketing company only Re. 0-1-6 throughout the province as railway freight. It is, if I am permitted to say so, nothing else than day-light robbery on the public. (*Interruption.*) Please do not interrupt. I may bring to your notice that the Punjab Government is levying this extra tax on the poor people, and since they say that they represent the poor classes, they ought to have approached the marketing company with a view to see that they reduce their rates instead of proposing this tax on the poor people. Through you I may inform the House, and particularly draw the attention of the Honourable Minister in charge of this Bill, that the marketing company is making about fifty thousand rupees as net profit per day in India and still you have the courage to impose this extra tax on the poor people. (*Sayed Amjad Ali Shah* : Which company ?) The marketing company which markets petrol in the Punjab and everywhere else. Their net profit, as I have said, is about fifty thousand rupees a day, but you are asking the poor people to pay this extra tax and the Government has certainly not the courage to ask the company concerned to reduce their rates for the simple reason that it is purely a British concern and the present Government dare not ask the company to reduce their rates.

Sayed Amjad Ali Shah : On a point of order. May I suggest to my honourable friend that he may reserve his speech for the Bill which I shall be introducing because it relates to the fixation of minimum and maximum rates of petrol and not speak at the moment on this point ?

Mr. Deputy Speaker : The honourable member may go on with his speech.

Sardar Uttam Singh Duggal : Under the circumstances you would agree with me that there is no justification for imposing this extra taxation on the poor people of the Punjab. With these words I oppose the motion.

Chaudhri Kartar Singh (Hoshiarpur West, General, Rural) (*Urdu*) : Mr. Deputy Speaker, several members of the Opposition have already expressed their views on this Bill. An All-India Vehicles Act is going to be enforced in the various provinces of India. Rates of fares will be determined in consultation with the Railway officers. This Bill will most of all affect the lorry-owners. Unless this Vehicles Act is enforced in each province, this Bill will affect the poor zamindar who travels by lorries. Before introducing the Bill, the Government would have been well advised if it had considered whom the Bill was going to affect. You are levying tax on petrol which will ultimately fall on the poor zamindars. Most of the lorry-owners with the few exceptions like those of the Nanda and the Crown Bus Cos. are poor zamindars. This Bill is going to adversely affect their interests. The

zamindar members of the House should have thought twice before they supported the Bill because it was the poor zamindar who was going to be affected by it. I wish that another Bill instead of the one now before the House had been brought by which a tax could have been levied on private cars. The owners of big factories and industrial concerns possess cars. Tax should be levied on them. There are from fifty to seventy thousand private cars in the Punjab. If you impose a tax of one and a half rupee per private car, you will have an income of several lakhs. The poor zamindar is already heavily taxed. It would be sheer cruelty to tax him further. The zamindar members of this House should have protected the interests of the poor zamindars. But it appears that they feel more concerned with the provincial budget than with anything else. I know my voice will prove a cry in the wilderness. I fail to understand why this Bill is being pushed through in hot hurry. The way you are proceeding with it, shows that there is a serious danger of the Punjab being invaded by Herr Hitler, and this Parliament is considering in all haste how to meet this emergency. Well Sir, have your will. Go on taxing the poor. What can we do for them? With these words, I oppose the Bill now under consideration.

Lala Bhim Sen Sachar (North-Western Towns, General, Urban) : Sir, I request that I may not be blamed for rising at this stage of the third reading of the Bill to express myself in a manner which certainly cannot be appreciated by the official benches. We have tried to give our best co-operation in the interest of forging a measure which should have been acceptable from every point of view. But, unfortunately, it appears to me again that pressure of time is mainly responsible for that lack of close attention which should otherwise have been given to many of the provisions of the Bill.

The reasons why we have felt it necessary to oppose this measure in certain respects is, firstly, that we feel there is no justification for adding permanently to the taxation of the province. Secondly, some of the provisions of the Bill are so thoughtlessly conceived that it merely shows that those who are in charge of the Bill did not even take the trouble of going through the provisions of another piece of legislation which is on the statute book and which covers all those provisions which they have sought to introduce in the Bill. We tried to reason out on the basis of the figures that even taxation at the rate of one anna per gallon would give much more to the Finance Minister than his estimate; but in spite of the force of figures, in spite of the reasoning that has been placed before them and in spite of the fact that no answer was given to all the objections taken by the Opposition, the Government, purely on the strength of their votes, has thought it fit to bring on the statute book a piece of legislation which is open to objection from several points of view. It is for these reasons that we cannot but oppose the measure as it is.

Mr. Deputy Speaker : The question is—

That the Punjab Motor Spirit (Taxation of Sales) Bill be passed.

The motion was carried.

The Assembly then adjourned till 2 p. m. on Monday, 3rd April, 1939.

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PUNJAB LEGISLATIVE ASSEMBLY.

FIFTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Monday, 3rd April, 1939.

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

STARRED QUESTIONS AND ANSWERS.

Dr. Sir Gokul Chand Narang : Sir, I have to ask some supplementary questions which were not finished on the last working day.

Mr. Speaker : I remember that the honourable member was asking supplementary questions when the question hour was over. I also remember to have told him that he could ask further supplementary questions on the next sitting day, i.e., to-day. But I think our rules do not support that view.

Dr. Sir Gokul Chand Narang : Which rules ?

Mr. Speaker : Rules of Procedure.

Dr. Sir Gokul Chand Narang : That day you were pleased to say that there was nothing in the rules which could prevent me from asking supplementary questions to-day.

Mr. Speaker : All I said was that further supplementary questions could be asked the next day.

Dr. Sir Gokul Chand Narang : I only want to know under what rule the continuation of supplementary questions is prohibited ?

Mr. Speaker : Rules 22, 26, 28 and 29 read together lead to the conclusion that they cannot be asked the next day.

Dr. Sir Gokul Chand Narang : The practice as you adopted that day or rather the practice that has been adopted during this session....

Mr. Speaker : Probably the honourable member is referring to supplementary questions arising from the answers to questions which are on the agenda as starred questions. But even in their case the supplementary questions cannot be taken to the next day.

Dr. Sir Gokul Chand Narang : I see the difference but I do not see any distinction. No doubt a short notice question is a short notice question and other questions are starred questions which have been put on the printed agenda. But so far as the rules regarding questions are concerned, I do not see any difference at all. The rule is that if a question is not answered orally it would be continued. A short notice question is as much on the agenda as a question which is included in the printed list.

Mr. Speaker : Short notice questions are not entered in the list of starred questions and can be asked only at the termination of the question hour ; while an ordinary starred question, contained in the list of the day, can be asked only within the question hour.

Dr. Sir Gokul Chand Narang : That makes no difference. In fact that makes the position of a short notice question stronger and it cannot be denied. Its urgency is admitted and therefore it cannot be postponed and it ought really to have a preference over an ordinary question. If an ordinary question can be continued on the following day, *a fortiori* a short notice question ought to be allowed to continue on account of its admitted urgency. The only reason in admitting a short notice question is that it has an urgency about it. So far as this matter is concerned it is not only very important but very urgent.

Mr. Speaker : If the supplementary question which the honourable member wishes to ask is very urgent, he may give notice of it as an urgent question and I will admit it.

Dr. Sir Gokul Chand Narang : The Honourable Minister may say that he does not accept the short notice question. If he gives me an assurance and if he is pleased to answer it to-morrow, then I would give the notice of a short notice question.

Mr. Speaker : He will answer it, I hope.

Dr. Sir Gokul Chand Narang : You will admit it, but he may refuse to answer it.

Mr. Speaker : I don't think he will do that unless it is impossible or not in the public interest to answer it.

Dr. Sir Gokul Chand Narang : Apart from that, I would submit that you are now setting up another practice. It really involves a question of principle that when a question.....

Mr. Speaker : That will be decided later.

Dr. Sir Gokul Chand Narang : Let me submit the question for your decision. The question is whether a short notice question, which is *ex hypothesi* by its very nature not included in the printed list of questions, is a question which like other questions cannot be continued to the next day following it on which the question is put and supplementary questions arising out of it cannot also be continued.

Mr. Speaker : Strictly speaking supplementary questions do not arise from the original question but from the answer to the question.

Dr. Sir Gokul Chand Narang : Of course, they are inter-connected with the original question and they arise from the answer given to the question.

Mr. Speaker : That will be decided later.

Dr. Sir Gokul Chand Narang : I shall give the notice of my short notice question for to-morrow.

SUPERSESSION OF THE PANIPAT MUNICIPAL COMMITTEE.

*4498. **Lala Deshbandhu Gupta :** Will the Honourable Minister of Public Works be pleased to state whether the Deputy Commissioner,

Karnal and Commissioner, Ambala, have recently recommended the supersession of Panipat Municipality due to mal-administration of its affairs; if so, what action has been taken by the Government on that recommendation?

Parliamentary Secretary (Shaikh Faiz Muhammad): I must remind the honourable member that it is not the practice of Government to disclose the recommendations of its subordinate officers.

DRAINAGE AND WATER SUPPLY RE-ORGANIZATION SCHEMES.

***4499. Rai Bahadur Lala Gopal Das:** Will the Hon'ble Minister of Public Works be pleased to state—

- (a) whether it is a fact that the Lahore drainage and water supply re-organization schemes with their estimates of cost and abstractions, to finance which the house-tax is being levied, have neither been published nor made available for the information of and criticism by the citizens of Lahore in spite of repeated requests, if so, the reasons therefor;
- (b) whether Government are now prepared to publish the said schemes for the benefit of the public?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana: (a) The papers, which are very voluminous, have not been published. A few months ago the Administrator explained both the projects referred to (with the rough estimates) in detail to a deputation from the Lahore Central Rate-payers Association. In addition, an account of the scheme is being printed as an appendix to the annual municipal report for 1937-38, a publication which is expected to be ready about the end of the month and of which I shall arrange for a copy to be sent to the honourable member.

(b) No.

LEVYING OF PROFESSIONAL TAX ON SCHEDULED CASTES.

***4501. Sardar Gopal Singh (American):** Will the Honourable Minister of Public Works be pleased to state the number of persons belonging to the scheduled castes upon whom the professional tax is levied in the villages of Laton in Samrala tahsil and Lali-Kalan in Ludhiana tahsil of the Ludhiana district?

Parliamentary Secretary (Shaikh Faiz Muhammad): The number is as under:—

(i) In village Laton, in Samrala tahsil	..	..	11
(ii) In village Leel (there is no village named Lali-Kalan in Ludhiana tahsil)	..	..	8

PROFESSIONAL TAX PAID BY SCHEDULED CASTES.

***4503. Sardar Gopal Singh (American):** Will the Honourable Minister of Public Works be pleased to state—

- (a) the total amount of professional tax paid last year by the scheduled castes of Ludhiana and Ferozepore districts, respectively;

[Sardar Gopal Singh (American).]

- (b) the total amount paid by others excluding scheduled castes in both the above-mentioned districts during the same period ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : The collection of the information asked for would involve a great deal of labour, and I am afraid I cannot undertake to have it collected unless it appears that some useful public purpose will be served.

PUBLIC WORKS DEPARTMENT ROADS AND MONOPOLY RIGHTS.

***4505. Sardar Sohan Singh Josh :** Will the Honourable Minister of Public Works be pleased to state—

- (a) the number and names of the Public Works Department roads in the province of which monopoly rights for traffic have been granted to certain persons ;
- (b) whether the Government is aware of the difficulties of the passengers owing to these monopoly rights ; if so, the action the Government proposes to take in the matter ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) The only Public Works Department road on which arrangements of a monopolistic character exist is that from Sihala to Kahuta in the Rawalpindi district. This road has only lately been taken over by the Department, and it is intended to terminate the monopoly within the next few weeks.

(For the meaning of the term " monopolistic arrangements " as used here, a reference is invited to the reply given to Question *140¹ put by the Honourable Member for the North-Eastern Towns (Muhammdan-Urban) in the summer session of 1937. There are of course other Public Works Department roads which have been declared as hill roads and on which the number of public motor vehicles allowed to operate has been limited ; but the arrangements on the other roads are not monopolistic.)

(b) Government have always realized that abuses are liable to occur if there is no competition, and whenever there is sufficient traffic to justify the use of a number of vehicles on a hill road or a scheduled road they have insisted on the permits being distributed between two or more owners or companies.

Dr. Gopi Chand Bhargava : What about the Lyallpur-Jhang road ?

Parliamentary Secretary : I want notice of that question.

GUJRAT MUNICIPAL COMMITTEE.

***4510. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that the Gujrat Town is distributed into three local bodies for the administration of local affairs each having different by-laws of its own ; if so, the object in view of such distribution ;

- (b) whether and when the Government intend to amalgamate these local bodies into one for good and in compliance with the representation of the citizens of Gujrat on the subject?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a) Yes; the arrangement was administratively convenient at the time it was made.

- (b) The matter is under consideration.

REPRESENTATION BY CERTAIN PERSONS OF HOSHIARPUR FOR REGISTRATION AS DISTRICT BOARD VOTERS.

***4539. Chaudhri Kartar Singh:** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that several *raises*, Government pensioners and tax-payers of villages Bajwara and Mahalnashi of district Hoshiarpur have not been registered as voters for the district board elections;

- (b) whether the Government have recently received any representation on the subject from the villagers of the above-named two villages; if so, what action the Government have taken on that representation?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a) Government have no information.

(b) Government received direct a copy of two such representations which had been addressed to the Deputy Commissioner. No action was taken. I should inform the honourable member that when electoral rolls are published for objections it is open to any individual who conceives that he has been wrongly omitted to present an application.

OBJECTION AGAINST THE USE OF WORD 'HARIJAN' FOR DEPRESSED CLASSES.

***4542. Seth Kishan Das:** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether he is aware of the fact that all responsible associations of the depressed classes have strongly objected to the use of the word 'Harjjan' on signboards to be fixed at public wells;

- (b) whether he has recently received a representation No. 603, dated 23rd December, 1938, from a responsible association named the Punjab Adh-dharimi Federation, Jullundur city, requesting that the word 'Achchut' be substituted for the word 'Harjjan' on the signboards put up at the public wells; if so, what action, if any, the Government proposes to take in this matter, and if no action is contemplated, the reasons therefor?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana: (a) No.

[Minister for Public Works.]

(b) The representation was received, and was forwarded to the Commissioner for disposal. The signboards in question are put up by local bodies, and I would suggest that any representation as regards the wording to be used should be addressed to the local body concerned.

SYSTEM OF COLOURED BOXES IN ELECTIONS.

***4557. Pandit Shri Ram Sharma :** Will the Honourable Minister of Public Works be pleased to state whether Government has received any complaints during the last two or three years about wrong and dishonest marking of the votes cast by illiterate and ignorant voters of the local bodies in the province and if so, whether he has considered the question of introducing the system of coloured boxes or any other similar system in such elections, with a view to removing such complaints permanently and if so, the decision at which the Government has arrived so far, in the matter?

Parliamentary Secretary (Shaikh Faiz Muhammad) : The answer to the first part of the honourable member's question is in the negative. The other parts therefore do not arise.

Pandit Shri Ram Sharma : May I know if the Government received complaints to this effect that in the district board elections of Rohtak wrong marking was done by the polling officers, and if so, what action the Government took in this matter?

Parliamentary Secretary : Sir, I have already stated that nothing of the kind was heard. I have tried to convince my friend by words but I have not been able to do so. However, if he can suggest some new method, I would be glad to follow that method to convince him.

Pandit Shri Ram Sharma : What about the second part of my question? Has it ever occurred to the Government to introduce coloured boxes?

Parliamentary Secretary : When there is no complaint, why should we take any such action?

Pandit Shri Ram Sharma : Cannot the Government consider the question of putting coloured boxes of its own accord?

Parliamentary Secretary : When things are going on smoothly, why should we think of such matters?

ASSISTANT DISTRICT INSPECTORS, INSPECTORS AND SUB-INSPECTORS OF CO-OPERATIVE SOCIETIES AS MARKING OFFICERS.

***4558. Pandit Shri Ram Sharma :** Will the Honourable Minister of Public Works be pleased to state—

- (a) the number of Assistant District Inspectors and Inspectors and Sub-Inspectors of Co-operative Societies and such other officers, respectively, who were appointed as marking officers in the last general District Board elections in the Rohtak district;

(h) whether any of the marking officers was replaced at the eleventh hour at Jhajjar circle polling; if so, by whom and why?

Parliamentary Secretary (Shaikh Fais Muhammad): (a)—

Assistant District Inspectors of Schools	5
Sub-Inspectors, Co-operative Societies	8
Auditors, Co-operative Societies	2
Agricultural Assistants	3
Members of the Deputy Commissioner's office staff ..	7
Naib-tahsildars	2
Total	27

(b) It is difficult to give information on points of this kind four years after an election, and I note that election records are under the rules destroyed after a year. The Assistant District Inspector of Schools, Jhajjar, who had been appointed a polling officer, appears however to have been replaced two days before the election, and it is also possible that the naib-tahsildar of Jhajjar may similarly have been replaced a day later. I am afraid no other information is available.

Pandit Shri Ram Sharma: On the basis of these facts, may I enquire whether the appointment of such petty officials as marking officers in elections is not detrimental to the cause of election inasmuch as they are prone to become corrupt?

Dr. Sir Gokul Chand Narang: There is a file on the subject; you had better look it up.

DRIVING LICENCES AND PERMITS.

24567. Maulvi Maszar Ali Azhar: Will the Honourable Minister for Public Works be pleased to state—

(a) whether it is a fact that the police authorities, while challaning persons for the breach of any section of Indian Motor Vehicles Act, 1914, or the Punjab Motor Rules, 1931, take in possession the driving licences, permits and other documents of the motor vehicles, if so, why and under what law;

(b) the steps the Government proposes to take in the matter?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana: (a) Yes, except that the practice is normally confined to driving licences and permits.

(The system, the introduction of which was made necessary by the failure of the drivers of buses and lorries to attend court on the dates intimated to them, was originally introduced in reliance on section 8 of the Motor Vehicles Act, 1914, and rule 12 of the Punjab Motor Vehicles Rules, 1931. In the new Motor Vehicles Act special provisions have been included dealing with the matter (section 120 (2)).

(b) No new action is contemplated.

LORRY STAND CONTRACTS.

***4568. Maulvi Mazhar Ali Azhar :** With reference to the reply to my question No. *249¹ asked on the 2nd July, 1937, will the Honourable Minister of Public Works be pleased to state—

- (a) the steps taken by the Deputy Commissioner and the Chairman, District Board, Lahore, to stop the forcible collection of unauthorized fees from the lorrywalas by unauthorized contractors at Wan Radha Ram on Lahore-Montgomery Road ;
- (b) whether it is a fact that the Motor Drivers Union, Lahore, brought the matter to the notice of the Deputy Commissioner, Lahore, again on 20th December, 1938, in an interview, but so far no action has been taken; if so, the reasons thereof ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : The lorry stand at Wan Radha Ram is not now formed out by the District Board. As a result of the representation made to the Deputy Commissioner, the Senior Superintendent of Police was asked to take action against any individual found collecting unauthorized fees. Since these instructions were issued it is understood that there has been no cause for complaint.

AUCTIONING OF THE LORRY STAND AT BAGHBANPURA, DISTRICT
LAHORE.

***4570. Maulvi Mazhar Ali Azhar :** Will the Honourable Minister of Public Works be pleased to state whether it is a fact that a deputation of the Motor Drivers Union, Lahore, waited upon the Deputy Commissioner, Lahore, on 20th December, 1938, in connexion with the present system of auctioning lorry stand at Baghbanpura, district Lahore, which gives the contractor a right to collect Re. 0-0-6 per passenger from the lorry-walas who pick up passengers even from the Grand Trunk Road, if so, with what result ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : Yes. Orders have since been issued (on the 26th February) stopping the charging of fees in the manner indicated.

SIGN-BOARDS ON PUBLIC WELLS INFORMING THAT THEY ARE OPEN
TO ALL SECTIONS OF THE PUBLIC FOR USE.

***4574. Chaudhri Jugal Kishore :** Will the Honourable Minister of Public Works be pleased to state whether any circular has been issued by the Government to the effect that, at every Government owned well, a sign-board should be posted indicating that the well is equally open to all sections of the public for use ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : No instructions have been issued as regards government wells. A great many of the wells of which Government is the owner have been vested in local bodies for maintenance and management, and as the honourable member no doubt knows local bodies have been asked to exhibit a notice in the terms mentioned at all wells maintained by them. Other wells owned by Government

are, I think, mostly attached to Government institutions such as schools, hospitals or thanas, and I have never heard it stated that such wells are not freely used by all sections of that public for whose convenience they are available, that is to say persons attending the institutions or having business at it.

Chaudhri Jugal Kishore : Has the Government sent this order in the Ambala district as well, to put up signboards on all public wells ?

Parliamentary Secretary : Government have sent orders to all the local bodies and the Ambala district is no exception to this ?

Chaudhri Jugal Kishore : Is the Ambala district included in the Punjab ?

Parliamentary Secretary : Certainly, it is in the Punjab.

Chaudhri Jugal Kishore : Then why has the Municipality of Ambala not put up any such notices on the public wells ?

Parliamentary Secretary : It may be an omission of the committee concerned.

Chaudhri Faqir Chand : Your subordinate officers do not obey your instructions.

Parliamentary Secretary : They have no option in this matter ; they have simply to carry out our instructions.

Dr. Sir Gokul Chand Narang : What is the inscription on these sign boards ?

Parliamentary Secretary : I do not quite remember the exact words, but the inscription is to the effect that these wells are open to all classes including the scheduled classes.

Pandit Shri Ram Sharma : Did the Government also require the local bodies to report as to how far they have carried out the instructions ? In how many places have they put such signboards ?

Parliamentary Secretary : The Government is confident that its instructions are generally carried out.

However, if in some districts or tahsils, our instructions have not been carried out, we shall take action on being informed of it.

Pandit Shri Ram Sharma : Does not the Government feel the necessity of seeing how far their instructions have been carried out ?

Parliamentary Secretary : There is no need of it.

LAY-OUT SCHEME OF THE AREA POONCH ROAD, LAHORE.

*4581. **Makhdumzada Haji Sayad Muhammad Wilayat Husain Jeelani :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether any lay-out scheme of the area situated on the Poonch Road, known as 'Chah Bolchan', near Mubarik Park is being prepared by the Lahore Improvement Trust ;
- (b) whether it is a fact that the front portion of the said area has been declared by the Trust as a restricted one for building bungalow type houses only ;

[Makhdumzada Haji Sayad Muhammad Wilayat Husain Jeelani.]

(e) whether the Government is aware of the fact that many persons purchased land on the front portion in small pieces for building small residential houses, long before the introduction of the Improvement Trust in Lahore;

(d) if the answer to part (b) above be in the affirmative, what action does the Government propose to take in the matter to safeguard the interest of the persons, referred to in part (c) above;

(e) the existing width of the Poonch Road in the above-mentioned area;

(f) whether it is a fact that the Trust intends to increase its width to 50 feet;

(g) if the answer to (f) above be in the affirmative, whether the Government is aware of the fact that the present owners of the land on the front side, will be required to surrender a part of their land, if so, the action proposed to be taken in the matter?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a) A scheme for this area is being prepared by the officers of the Trust.

(b) I have no information, and the plans have not yet been laid before the Trust.

(c) No.

(d) This does not arise. Government are however confident that the Commissioner and the Trust will take all action possible to safeguard the reasonable interests of the persons referred to; they will also themselves consider this matter when the case comes before them.

(e) About thirty feet.

(f) The Trust has not so far expressed any opinion but the road is certainly an important one.

(g) This also does not arise. Normally however when an area is being developed such land as is required for streets to give accesses to houses is reserved in the interests of all concerned. I can assure the honourable member that whatever action of this kind may be taken in the present case will be based on reason and equity.

OCTROI SCHEDULE.

*4582. **Rai Bahadur Binda Saran**: Will the Honourable Minister of Public Works be pleased to state—

(a) whether it is a fact that the Administrator, Lahore Municipality, proposes to introduce an Octroi Schedule, without refunds, in place of the Terminal Tax Schedule, now in force;

(b) the reasons for substituting an Octroi Schedule without refunds in Lahore?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a) and (b) Terminal tax was replaced in Lahore by octroi (without refunds) in October 1935. Under the Government of India Act of 1935 none of the taxes in existing terminal tax schedules can now be increased, neither can the area

of operation of any terminal tax be extended. As the honourable member will understand, this causes much difficulty to local bodies, and Government recently advised all municipal committees which levy terminal tax to consider the advisability of substituting octroi (without refunds).

OCTROI SCHEDULE.

***4583. Rai Bahadur Binda Saran:** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that in the Octroi Schedule proposed by the Administrator, Lahore Municipality, there are several instances where the charges on articles and goods of Indian or local manufacture have been enhanced;
- (b) if the answer to (a) above be in the affirmative, the action which Government propose to take in the matter?

Parliamentary Secretary (Shaikh Faiz Muhammad): I understand that the Administrator considers that the existing octroi schedule stands in need of modification and that he has published his proposals for objections. The Administrator's proposals will in due course be forwarded to Government for orders (together with the objections received), and the matter raised by the honourable member will be considered at that time.

EXEMPTION OF CERTAIN BUILDINGS FROM HOUSE TAX.

***4584. Rai Bahadur Binda Saran:** Will the Honourable Minister of Public Works be pleased to state whether it is the intention of the Punjab Government to exempt public buildings, club houses, halls used for public meetings and rooms used for recreational purposes from the levy of the house tax in Lahore; if not, the reasons for the same?

Parliamentary Secretary (Shaikh Faiz Muhammad): Government have exempted all religious and charitable buildings from payment of the house tax in Lahore. Other buildings of the classes mentioned in the honourable member's question have not been exempted, and I should add that I know of no town in which club buildings or recreation halls are as such exempt from municipal taxation.

Begum Rashida Latif Baji: When will the house tax be imposed in Lahore?

Parliamentary Secretary: I do not remember the exact date but it may be about July next.

Begum Rashida Latif Baji: Will the Municipality of Lahore have been reinstated by that time?

Parliamentary Secretary: Let us pray that it may soon be reinstated.

IMPOSITION OF HOUSE TAX, LAND REVENUE AND INCOME-TAX
IN LAHORE.

***4590. Mian Abdul Aziz:** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether Government is aware of the fact that two different kinds of taxes, namely, land revenue and income-tax on the

[Mian Abdul Aziz.]

rental value of all houses in the Civil Station, are already operative in the municipal area of Lahore ;

- (b) whether the proposed house tax to be levied in Lahore is in addition to the two taxes, namely, land revenue and income-tax, mentioned in (a) above ;
- (c) the law under which three different kinds of taxes mentioned in (a) and (b) above, are being imposed on the same property and at one and the same time ;
- (d) whether in view of the proposed house tax Government propose to exempt all houses situated within the municipal area of Lahore, from land revenue ; if not, the reasons therefor ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) Certain land in the Lahore civil station is assessed to land revenue under sections 48 (1) and (4) of the Land Revenue Act. I do not think it is correct to say that in addition income-tax is levied on the rental value of houses. Income-tax is a tax on income, and so far as I know the owner or occupier of a house is not required to pay the tax if his income is below a specified limit. If his income is above the specified limit, I understand that he is assessed on his income and not on the rental value of his buildings.

(b) Yes.

(c) Land revenue is imposed under the Land Revenue Act, income-tax under the Income Tax Act, and house tax under section 62 of the Punjab Municipal Act. There is no law under which an individual cannot be required to pay more than one tax.

(d) No.

THREE LOCAL BODIES IN GUJRAT TOWN.

***4593. Mian Abdul Aziz :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether he is aware of the fact that in Gujrat which has a total population of over 26,000 people, three municipal or notified area committees, are exercising jurisdiction within 1 to 1½ miles of its populated area ;
- (b) whether he is aware of the fact that the rates of taxation, on imported commodities in the areas of each of these committees considerably vary ; and have adversely affected the trade of the town which is practically monopolised by a section of the people who own shops on the Rail Road within the jurisdiction of the Railway Notified Area Committee ;
- (c) whether he is aware of the fact that several petitions and memorials have been addressed to the Government by the various public organizations and residents of the town requesting therein that the rates of taxation be revised and uniformly fixed, and that the whole populated area of the town, now within the jurisdiction of three separate committees, be brought

under the control of one municipal committee; if so, what steps Government have already taken, or propose to take to remedy the just grievances of the public of Gujrat?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a), (b) and (c) Government are aware that there has of late been criticism of the arrangement under which there are three local bodies at Gujrat, namely, the municipal committee, the civil lines notified area committee and the railway bazar notified area committee. They have asked the local officers to submit a report, and when that is received the matter will be considered.

SECRETARY, SCHOOL BOARD, AND THE SECRETARY, PUNJAB PUBLIC LIBRARY.

***4160. Mian Abdul Rab:** Will the Honourable Minister of Education be pleased to state—

- (a) the names of officers who have held the posts of the Secretary, School Board, and the Secretary, Punjab Public Library, for the last ten years, along with the amount of allowance, if any, granted to any of them;
- (b) whether any of these posts have ever been held by a Muslim, if not, the reasons for the same?

The Honourable Mian Abdul Haye: (a) The following officers have held the post of Honorary Secretary, School Board, Punjab University, during the last ten years:—

1927-28	}	..	..	Mr. J. E. Parkinson.
1928-29				
1929-30	}	..	..	Mr. W. H. F. Armstrong.
1930-31				
1931-32				
1932-33				
1933-34	}	..	..	Mr. W. H. F. Armstrong.
1934-35				
1935-36		..	..	Mr. W. H. F. Armstrong. Mr. J. Leitch Wilson.
1936-37	..	..	..	Mr. J. Leitch Wilson.
1937-38	}	..	..	Rai Bahadur Man Mohan.
1938-39				

During this period the post of Honorary Secretary, Punjab Public Library, has been held partly by the late Diwan Bahadur Kunj Bihari Thapar, and since 1931 by Mr. M. G. Singh, now Vice-Principal, Central Training College, Lahore.

Both of these posts are honorary and no allowance is attached to any of them. I understand, however, that the late Diwan Bahadur Kunj Bihari Thapar used to draw an honorarium of Rs. 75 per mensem for acting as Honorary Secretary, Punjab Public Library.

(b) No.

[Minister for Education.]

The Honorary Secretary, School Board, is annually elected by the School Board of the Punjab University.

The Honorary Secretary of the Punjab Public Library is elected by the Committee of the Punjab Public Library.

REMOVAL OF ILLITERACY FROM THE PROVINCE.

***4164. Mian Abdul Rab :** Will the Honourable Minister of Education be pleased to state—

- (a) the practical steps that he or his department has so far taken since the 1st April, 1937, to remove illiteracy from the province with the result of his efforts ;
- (b) the programme that he intends to follow during the course of the next three years for the removal of illiteracy from the Punjab ;
- (c) the number of new high schools or colleges opened by the Government since 1st April, 1937, as a measure for the removal of illiteracy ?

The Honourable Mian Abdul Haye : (a) The attention of the honourable member is invited to part (a) of the answer to question No. 3791¹ (starred) asked at the last session of the Assembly and the answer to the starred question No. 4133² asked at the current session of the Assembly.

(b) It is proposed to embark upon a five year programme for the liquidation of illiteracy in the province commencing from 1939-40, and a demand for Rs. 24,000 is being presented to the Assembly in the budget session. The campaign will be for the benefit of (a) illiterate adults, (b) illiterate boys of school-going age in a non-compulsory area, whose parents do not find it possible or worth their while to send them to school and (c) boys between the ages of 12 and 18.

(c) Only three new high schools for girls have been opened since 1st April, 1937. The Stratford College for Women, Amritsar, has also been raised to the degree standard. But it must be pointed out that high schools and colleges are opened for literates to prosecute higher studies and not as measure for the removal of illiteracy.

ADVISER IN PHYSICAL EDUCATION.

***4167. Mian Abdul Rab :** Will the Honourable Minister of Education be pleased to state—

- (a) the name and academic and technical qualifications of the Adviser in Physical Education under the Punjab Government with date of his appointment ;
- (b) the terms of agreement of his service with the Punjab Government ;

¹Volume VII, page 538.

²Volume VIII, page 530.

- (c) whether it is a fact that the said Adviser is also an organizer of some other institutions; if so, the names of those institutions;
- (d) whether it is a fact that the said Adviser draws salary from the Government on the one hand and is also paid remuneration by the institutions of which he is an organizer; if so, whether it is according to the rules and terms governing his appointment;
- (e) whether any grant is paid by the Government to the organization under the said Physical Adviser from the funds of the Rural Community Board; if so, the amount and purpose for which it is paid;
- (f) whether the Adviser mentioned above draws any travelling allowance from public revenue for visiting Government institutions in the districts or for holding scout-masters' training camps for vernacular teachers; if so, the total amount of travelling allowance that he has drawn since his first appointment?

The Honourable Mian Abdul Haye : (a) Mr. H. W. Hogg, C.I.E., O.B.E., D.C.C., A.K.L., who was educated at St. George's Academy, Glasgow, was appointed as an Adviser in Physical Education to the Punjab Education Department in April, 1925. He holds the following certificates:—

- (1) Director of Physical Education and Hygiene of the British Y. M. C. A.
- (2) The Army Scottish Command Aldershot Physical Training Course.
- (3) English Board of Education Senior Schools Physical Training and Gymnastic, Scarborough College.
- (4) Akela Wood Badge for Wolf Cub Training. International Training Head-quarters, London.
- (5) The Wood Badge Scout-craft Training—International Training Head-quarters, London.
- (6) Has the Honourable Charge for Scout Training—D. C. C. in the Boy Scout Movement in India—International Training Head-quarters, London.
- (7) Has the Honourable Charge for Rover Scout Training in the Boy Scout Movement in India — International Training Head-quarters, London.
- (8) Has the Honourable Charge of Wolf Cub Training—Ak. L., in the Boy Scout Movement in India — International Training Head-quarters, London.

(b) Mr. Hogg advises the Punjab Education Department in all matters pertaining to physical education and physical training.

(c) Mr. Hogg is Provincial Secretary of the Punjab Boy Scouts Association and Deputy Chief Commissioner for India of "The Boy Scouts Association in India."

[Minister for Education.]

(d) Mr. Hogg draws no salary from the Punjab Government, his work with the All-India Boy Scouts Association is also honorary. His salary is paid by the Punjab Boy Scouts Association which is in accordance with the rules and terms governing his appointment with that body.

(e) Since 1933-34 an annual grant of Rs. 1,000 is paid by the Rural Community Board to the Punjab Boy Scouts Association for work in rural areas.

(f) No.

POWERS OF THE MINISTER IN CHARGE OF MEDICAL DEPARTMENT.

***4189. Dr. Sir Gokul Chand Narang :** Will the Honourable Minister of Education be pleased to state whether powers, privileges and duties of the Minister in charge of the Medical Department and also those of his secretaries have been mentioned or defined in the Punjab Medical Manual ; if not, what steps have been taken to inform the employees of this department of the above-mentioned powers, privileges and duties for their guidance ?

The Honourable Mian Abdul Haye : The answer to the first part of the honourable member's question is in the negative except that it is stated in paragraph 890 of the manual that Parliamentary Secretaries to Ministers are entitled to visit Government, or Government aided, hospitals and dispensaries throughout the province. As regards the second part of the honourable member's question, I am not quite sure what he contemplates. I should, however, be glad to consider any detailed suggestions he may make.

ADDITIONAL DEPUTY INSPECTOR-GENERAL OF CIVIL HOSPITALS.

***4190. Dr. Sir Gokul Chand Narang :** Will the Honourable Minister of Education be pleased to state whether there is a proposal pending before the Government for the creation of an additional post of Deputy Inspector-General of Civil Hospitals and if so, the necessity for creating this post ?

The Honourable Mian Abdul Haye : A post of Deputy Inspector-General of Civil Hospitals exists but is at present vacant. Government are considering a proposal that it should be filled, and the main question in this connection is whether the post is necessary.

LADY ASSISTANT TO INSPECTOR-GENERAL OF CIVIL HOSPITALS.

***4191. Dr. Sir Gokul Chand Narang :** Will the Honourable Minister of Education be pleased to state—

- (a) the number of days the Lady Assistant to Inspector-General, Civil Hospitals, had to spend in 1938 and in 1937 separately on tours of inspection of (i) civil hospitals, (ii) local bodies hospitals and (iii) other hospitals for women ;
- (b) the difference in inspection of a hospital by the Inspector-General and by his Lady Assistant ;

- (c) any other special sort of work that is being done by the Lady Assistant to Inspector-General which the Inspector-General himself could not do ?

The Honourable Mian Abdul Haye : (a) The Lady Assistant to the Inspector-General of Civil Hospitals was employed for 9 months in 1987 during which period she spent 71 days in camp. In 1988 she served for 11 months, and was in camp for 109 days. I am afraid it is not possible to state separately the number of days spent by the Lady Assistant on the inspection of the different kinds of female hospitals. The honourable member will understand that the Lady Assistant often inspects more than one hospital on the same day.

(b) The Lady Assistant can inspect women's hospitals, and particularly purdah hospitals and purdah wards and rooms, in greater detail than can a man.

(c) The Lady Assistant deals in the first instance with all cases coming to the Inspector-General's office which relate to women's hospitals, women's medical establishment, the medical education of women, maternity matters and nursing. The honourable member will, I am sure, understand that the majority of cases have to be prepared for the Inspector-General's consideration by some assistant and in the case of the matters—mentioned above the convenient course is that the case should be prepared by a lady doctor.

RESOLUTIONS PASSED BY THE INDIAN MEDICAL ASSOCIATION.

***4367. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Education be pleased to state whether he has recently received a copy of resolutions passed at meetings of the Indian Medical Association (Punjab Branch) and forwarded by Dr. Sarwan Singh Sidhu, Secretary ; if so, what action does he propose to take on these resolutions ?

The Honourable Mian Abdul Haye : Yes. The resolutions are under examination.

GIRLS' SCHOOL FOR BHIWANI.

***4383. Pandit Shri Ram Sharma :** With reference to the answer to my starred question No. 8487¹ asked on 9th January, 1989, will the Honourable Minister of Education be pleased to state whether the Government has by now come to any decision with regard to the opening of a girls' high school at Bhiwani in the Hissar district ?

The Honourable Mian Abdul Haye : The matter is still under consideration.

TOURS UNDERTAKEN BY CIVIL SURGEON OF GURGAON DISTRICT.

***4388. Chaudhri Abdul Rahim :** Will the Honourable Minister of Education be pleased to state the number of tours undertaken in villages last year by the present Civil Surgeon of Gurgaon district and the ways adopted by him for checking infectious diseases since his appointment in the aforesaid district ?

The Honourable Mian Abdul Haye : The Civil Surgeon of Gurgaon did no village touring last year. As regards the second part of the question, the honourable member will understand that the control of infectious diseases is primarily the duty of the district medical officer of health.

DISPENSARIES IN KANGRA DISTRICT.

***4390. Pandit Bhagat Ram Sharma :** Will the Honourable Minister of Education be pleased to state whether it is a fact that more than 50 per cent of the population of the Kangra district has been provided with no dispensaries or hospitals by the Government or by the local bodies and that thousands of people die every year for want of adequate medical assistance; if so, the action intended to be taken in this matter?

The Honourable Mian Abdul Haye : According to the 1931 census, Kangra district has a population of 801,312 and an area of 9,376 square miles. On the basis of one medical institution per 30,000 of the population, this district should have 27 hospitals and dispensaries. Actually the district has 38 medical institutions, and this figure does not compare badly with those of other sparsely populated districts in the province and compares very favourably with similar figures for other provinces. It is therefore not a fact that more than 50 per cent of the population of the Kangra district are unprovided with hospitals and dispensaries, and there is no evidence to support that thousands of people die every year for want of medical assistance. To increase the medical facilities in rural areas Government is, however, introducing the system of subsidized dispensaries in the province.

Pandit Bhagat Ram Sharma : May I know how many dispensaries in the Kangra district are being subsidized?

Minister : I must have notice of the question.

Pandit Bhagat Ram Sharma : Has the Government any scheme of provincializing any of the hospitals in that district?

Minister : I am afraid that has got nothing to do with the present question.

Lala Duni Chand : May I know whether there are any dispensaries in Spiti in the Kulu sub-division?

Minister : That is not administered by the Punjab Government.

Lala Duni Chand : Is the Honourable Minister quite sure that the Punjab Government does not contribute for the maintenance of dispensaries there?

Minister : Administration of Spiti is not in our hands.

TEACHERS IN DISTRICT BOARD SERVICE IN KANGRA DISTRICT.

***4392. Pandit Bhagat Ram Sharma :** Will the Honourable Minister of Education be pleased to state whether any rules or regulations exist under which the teachers in the district board service in the Kangra district are given postal allowances and other allowances attached to the office of a teacher and if so, whether seniority in service is taken into consideration while giving such allowances?

The Honourable Mian Abdul Haye : The answer is in the negative.

Pandit Bhagat Ram Sharma : May I know whether seniority is taken into consideration when making such appointments ?

Minister : We do not make any appointments with the object of enabling anybody to draw the postal allowance. Postal work is done in certain places at the request of the postal authorities for which they grant certain allowances. But we make the appointments in the interest of education.

Pandit Bhagat Ram Sharma : Will the Honourable Minister please say whether it is generally the seniors that are posted to such places to which this allowance is attached ?

Minister : The mere fact that a person is a senior official does not entitle him to be posted to any particular place.

Dr. Gopi Chand Bhargava : May I know whether, if there are two teachers in a place where this allowance is given, seniority is taken into consideration for the grant of the allowance ?

Minister : In the matter of transfers seniority is never taken into consideration.

TRANSFERS OF TEACHERS IN KANGRA DISTRICT BOARD SERVICE.

***4393. Pandit Bhagat Ram Sharma :** Will the Honourable Minister of Education be pleased to state whether it is a fact that no rules and regulations exist by which transfers of teachers in the Kangra District Board Service are regulated, and that such transfers are made arbitrarily to favour this or that man ; if so, the reasons for the absence of such rules and the action intended to be taken in the matter to ensure equal treatment to all concerned ?

The Honourable Mian Abdul Haye : Yes. The District Board, Kangra, has not framed any rules or regulations relating to the transfer of teachers. Transfers are, however, effected on an administrative basis and in the interest of schools. The interests of teachers are also taken into consideration and transfers are sometimes made at their request. Transfers are never made arbitrarily in favour of any particular teacher. It is not considered necessary to lay down any hard and fast rules.

Pandit Bhagat Ram Sharma : Will the Honourable Minister in view of the fact that hardship actually is caused to many people due to the policy of arbitrary transfers, consider the advisability of laying down hard and fast rules in this matter ?

Minister : We have no desire to lay down any hard and fast rules. In the first instance, it is for the district board to do so.

Pandit Bhagat Ram Sharma : Has the Honourable Minister realized that real hardship is caused under the present arrangement to the teachers ?

Minister : I have no reason to think so. That would be a vote of censure on all my officers.

Pandit Bhagat Ram Sharma : When I am telling him that there is a real hardship, will he not take some action ?

Mr. Speaker : That is a request for action. Disallowed.

GIRLS' SCHOOLS IN TAHSIL GUJRAT.

***4400. Mahant Prem Singh :** Will the Honourable Minister of Education be pleased to state—

- (a) the steps taken to encourage education for women in tahsil Gujrat, district Gujrat, during the last and the current financial year ;
- (b) whether there have been any girls' schools in existence for a year in the above-mentioned tahsil which are not on the grant-in-aid list ; if so, their names and the reasons for their not being in that list ?

The Honourable Mian Abdul Haye : (a) A Government High School for Girls was opened at Gujrat with effect from 14th June, 1937. In local body and aided schools steps are being taken to appoint trained teachers in place of untrained hands and to introduce new methods of teaching in order to attract children to schools. Games and handwork are being encouraged. The number of girls has increased in most of the schools.

(b) Maddarrasat-ul-Binat, Gujrat, Muslim Purdah Girls' School Gujrat, and S. D. Girls' School, Shadiwal, have been in existence for over a year but are not on the grant-in-aid list. They have not yet been duly recognized for want of a reserve fund, a suitable building and an efficient staff, etc. In any case in accordance with departmental orders at present in municipal areas no aided schools are to be brought on to the grant-in-aid list and in district board areas recognition is to be given very sparingly to such schools.

GRANT TO BADEN POWELL SCOUTS MOVEMENT.

***4408. Dr. Sant Ram Seth :** Will the Honourable Minister of Education be pleased to state the total amount of annual grant given to the Baden-Powell Scouts movement in the financial year 1938-39 ?

The Honourable Mian Abdul Haye : Rupees 32,800.

Pandit Bhagat Ram Sharma : Has the Honourable Minister ever considered that this movement is an anti-national movement ?

Minister : That may be the honourable member's view. It is not the view of the Punjab Government.

Chaudhri Muhammad Hassan : Is it a fact that the Honourable Minister could spend this sum with advantage to remove illiteracy ?

Minister : It does not arise. The money is being well spent.

Pandit Bhagat Ram Sharma : Is the Honourable Minister aware of the remarks which were made about the Indians by Lord Baden-Powell ?

Dr. Sant Ram Seth : May I inquire from the Honourable Minister for Education as to whether there is another boy scouts association in the Punjab ; if so, whether any grant is being made to it ?

Minister : I know that there is another boy scouts association in the Punjab, but the Government is not prepared to make any grant to it.

Dr. Sant Ram Seth : What is the reason for this ?

Minister : Because there should be only one organization in the province. If there are more than one the very object of their existence is defeated.

Chaudhri Muhammad Hassan : Has the Government ever inquired as to which of them is working more satisfactorily ?

Minister : Very good work is being done by the Boy Scouts Association and, further, they do not meddle with politics.

Sardar Sohan Singh Josh : Is it a fact that the Hindustan Boy Scouts Association is being aided in every Congress province ?

Minister : The Congress provinces are giving grant-in-aid to the Boy Scouts Association also.

Chaudhri Muhammad Hassan : Have you ever taken the trouble of studying the working of the former association ?

Minister : An association which meddles with politics will neither be recognized nor aided by the Government.

Chaudhri Muhammad Hassan : Does the Honourable Minister know what is meant by politics ?

Pandit Bhagat Ram Sharma : Is he prepared to consider the question of stopping the aid to the Baden-Powell Boy Scout Movement in view of the uncharitable remarks made by Lord Baden-Powell ?

Mr. Speaker : Disallowed.

Dr. Sant Ram Seth : May I inquire as to who is the Commissioner in charge of the Baden-Powell Association in the Punjab ?

Minister : There is no such thing as Baden-Powell Association. It is Boy Scouts Association. It is under Mr. Hogg and it is not called Baden-Powell Association.

Sardar Sohan Singh Josh : In view of the answer given by the Honourable Minister that any association which meddles with politics will neither be recognized nor aided, may I inquire from him as to whether the Hindustan Sewa Samiti meddles with politics ?

Minister : Yes, I have reasons to believe that it meddles with politics. In this connection a reference to the incident that took place at Amritsar would not be out of place.

Sardar Sohan Singh Josh : What happened at Amritsar ?

Mr. Speaker : The next question please.

ATTENDANCE OF TEACHERS AT MUZAFFARGARH FOR ACCORDING RECEPTION TO HONOURABLE MINISTERS.

*4411. **Munshi Hari Lal :** Will the Honourable Minister of Education be pleased to state—

- (a) whether it is a fact that a circular was issued by or under the orders of the Deputy Commissioner, Muzaffargarh, to the teachers of the schools under the District Board in the Muzaffargarh district to attend the headquarters of the district on or about 16th February, 1939, in order to accord reception to the Honourable Ministers including the Honourable Premier on their recent visit to Muzaffargarh in February, 1939 ; if so, the terms of the circular ;

[Munshi Hari Lal.]

- (b) whether the teachers were to attend at their own expense or at the cost of the District Board and how many teachers attended the reception?

The Honourable Mian Abdul Haye : (a) No such circular was issued.

- (b) Does not arise.

GRANT-IN-AID TO PRIVATE SCHOOLS IN THE PROVINCE.

***4412. Chaudhri Jalal-ud-Din Amber :** Will the Honourable Minister for Education be pleased to state whether it is a fact that it has recently been decided to cut down the provision for grants-in-aid to private schools in the province and if so, whether before arriving at the decision this fact was taken into consideration that by the curtailment of this provision 40 per cent of the Christian high schools and 88 per cent of the Khalsa high schools run and managed by the two smallest minorities will suffer very severely?

The Honourable Mian Abdul Haye : Answer to the first part is in the negative. The second part does not arise.

Chaudhri Jalal-ud-Din Amber : Will the Honourable Minister please state whether there is any such proposal pending for the consideration of the Government that no educational institution will receive a grant of more than Rs. 6,000 per year?

Minister : The matter is under consideration.

Chaudhri Jalal-ud-Din Amber : Is the Honourable Minister aware that this question, if decided in the affirmative, will be detrimental to the Khalsa and Christian institutions?

Minister : I do not know whether it will be detrimental to any particular community. But if economy were to be effected, then naturally those institutions which are getting greater amounts would suffer more than others.

Chaudhri Jalal-ud-Din Amber : Will the Honourable Minister take this aspect also into consideration when deciding the question?

Mr. Speaker : It is a suggestion for action. Disallowed.

MATERNITY HOSPITALS IN PUNJAB.

***4413. Begum Rashida Latif Baji :** Will the Honourable Minister for Education be pleased to state—

- (a) the total number and names of maternity hospitals in the Punjab;
- (b) the places where such hospitals are situated;
- (c) how many of these are Government hospitals and how many of these private ones?

The Honourable Mian Abdul Haye : (a), (b) and (c) There are four women's hospitals in the province which deal only with maternity cases. I lay on the table a statement giving the particulars with regard

to these hospitals for which the honourable member asks. The honourable member will however realise that labour cases are admitted to all women's hospitals, to women's sections of general hospitals, and to all other hospitals having accommodation for women.

Sardar Rur Singh : Does the Government consider this number sufficient ?

Minister : No, we do not consider it sufficient and we hope to provide facilities as far as possible.

Statement.

No.	Name.	Place.	By whom maintained.
1	Lady Willingdon Hospital ..	Lahore ..	Government.
2	Shrimati Janki Devi-Jamiat Singh Maternity Hospital.	Do. ..	Private-aided.
3	Lady Emerson-Chaturbhaj Maternity Home.	Amritsar ..	Ditto.
4	Silver Jubilee Maternity Home ..	Montgomery ..	Ditto.

**PUNISHING OF STUDENTS OF DISTRICT BOARD HIGH SCHOOL, DOMELI,
FOR CELEBRATION OF INDEPENDENCE DAY.**

***4430. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Education be pleased to state whether it is a fact that the students of 10th class of the District Board High School, Domeli, in district Jhelum, remained absent from school on 26th January, 1939, for celebration of Independence Day ; if so, whether they were punished by the Headmaster of the school for remaining absent from school on that day and if so, how and in what manner ?

The Honourable Mian Abdul Haye : No. At the instigation of a student of the 10th class a few students of the high and upper middle departments created a rowdy scene with the object of compelling the Headmaster to close the school. As he did not agree to do so they left of their own accord after making a demonstration. Being guilty of a serious breach of discipline the students were all fined eight annas each with the exception of their leader who was fined one rupee. Six strokes each of the cane were also administered to them with the consent and in the presence of their respective parents and guardians.

Lala Duni Chand : Does the Government object to the celebration of the Independence Day ?

Minister : That does not arise out of the question.

Lala Duni Chand : Will you kindly look at the question ? It relates to the celebration of the Independence Day. Certain boys absented themselves from school in order to attend the celebration and they were punished. Is that not objecting to the celebrations ?

Minister : I do not know. How can Government stop anybody from celebrating anything? The question involved is that some students absented themselves from school and they were properly punished.

Lala Duni Chand : My question is, does the Government oppose the celebration of the Independence Day?

Minister : I confess I know very little about this function myself and I am not supposed to lay down the policy of the Government at a moment's notice.

Sardar Sohan Singh Josh : May I know if he has issued any circular that caning should not be administered to boys?

Minister : It is proposed to abolish this system of punishment and we are taking steps.

Dr. Gopi Chand Bhargava : Were these canes administered with the consent of the parents?

Minister : I have already said, yes.

Dr. Gopi Chand Bhargava : Was it at their request?

Minister : I know there are some parents who would make such requests, though I do not know whether in this particular case it was at their request.

Munshi Hari Lal : Was this consent obtained in writing?

Minister : The parents were themselves present.

Munshi Hari Lal : Presence is something else. I want to know whether the consent was obtained in writing or orally?

CONSTRUCTION OF A DRAIN IN ABDULLAPUR.

***4431. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Education be pleased to state whether a sum of Rs. 3,600 was deposited by residents of Abdullapur in district Ambala for the construction of a drain in the town in year 1936; if so, the reason why the drain has not been constructed so far and the approximate time it will take for the construction of the drain in question?

The Honourable Mian Abdul Haye : The sum was deposited as stated. The construction of the drain has not however been taken in hand as the district board have not yet been able to make satisfactory arrangements for the final disposal of the sullage. As soon as this matter can be arranged, a scheme will be prepared for the consideration of the Sanitary Board which, it is understood, will be asked to make a grant of Rs. 6,000.

Khawaja Ghulam Samad : Is it within the knowledge of the Honourable Minister that the population of Abdullapur is increasing by leaps and bounds and that the increasing population is feeling great inconvenience for want of drains?

Minister : I am prepared to accept this information from my honourable friend.

Khawaja Ghulam Samad : But is the Honourable Minister unaware? It is curious.

**APPOINTMENT OF MEMBERS OF SCHEDULED CASTES AS ASSISTANT
DISTRICT INSPECTOR OF SCHOOLS.**

***4440. Lala Harnam Das :** Will the Honourable Minister of Education be pleased to state—

(a) the result of consideration promised by Government in answer to part (c) of my starred question No. *2858¹, asked on 31st March, 1938, with regard to the appointment of members of the scheduled castes as Assistant District Inspector of Schools;

(b) whether it is a fact that no such Assistant District Inspector of Schools has been appointed so far; if so, the reasons therefor?

The Honourable Mian Abdul Haye : (a) A member of the scheduled caste has been appointed an Assistant District Inspector of Schools in the Hissar district.

(b) Does not arise.

MUNICIPAL BOARD MIDDLE SCHOOL, PANIPAT.

***4476. Khawaja Ghulam Samad :** Will the Honourable Minister of Education be pleased to state—

(a) the date of the establishment of the Municipal Board Middle School, Panipat;

(b) the locality of the school;

(c) the number of students in the Secondary Department of this school and of those in the Jain and Muslim High Schools, Panipat;

(d) the nature of the reports of the inspecting staff since its establishment;

(e) the annual income to the Municipal Board Middle School from fees, etc.;

(f) the annual grant-in-aid given to that school by Government;

(g) the annual grant given to it by the municipal committee;

(h) whether Government proposes to raise the Municipal Board Middle school to the standard of a high school?

The Honourable Mian Abdul Haye : (a) The school was started as a Municipal Board Primary school in 1862 and was raised to the Anglo-Vernacular Middle standard in 1882.

(b) It lies on the old fort near the town.

(c) The number of students in the secondary department of this school is 116. In the local Jain and Muslim High Schools the number is 230 and 158, respectively.

(d) The condition of the school was reported in the past to be satisfactory. This year, however, the inspecting officer is said to have remarked that the instructional condition has deteriorated.

(e) The annual income from fees, etc., for the grant year from October, 1937, to September, 1938, amounted to Rs. 2,959-9-6.

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(f) The grant-in-aid sanctioned by Government for the school for the current year is Rs. 2,885.

(g) Expenditure on the school from the funds of the Municipal Committee for the twelve months from October, 1937, to September, 1938, was Rs. 2,051-8-6.

(h) At present there is no proposal to raise the Municipal Board Middle School, Panipat, to the standard of a high school.

Khawaja Ghulam Samad : May I know whether the Government have received any representation from the two high schools of Panipat on selfish motives that the school may be abolished?

Minister : I do not remember having received any such representation.

Khawaja Ghulam Samad : Has he received any report from the Inspector of Schools, Ambala division?

Minister : I would require notice.

An honourable member : May I know where the 60 Harijan students of Panipat will get their education?

Minister : In every Government school and in every Government aided school and if any such school aided by Government refuses to admit such boys, its grant-in-aid will be stopped.

Mian Muhammad Nurullah : Is there any proposal under consideration for reducing the grant-in-aid of this school?

Minister : None.

Khawaja Ghulam Samad : Has the Honourable Minister tried to find out the causes of deterioration in the school result of this year?

Minister : I want notice of this question.

ADULT EDUCATION.

*4480. **Khawaja Ghulam Samad :** Will the Honourable Minister of Education be pleased to state—

- (a) the names of the districts in the province in which arrangements for imparting education to adults have been made;
- (b) the progress made in each district in that line;
- (c) the number of adult students in each district?

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

CO-EDUCATION SCHOOLS.

*4481. **Khawaja Ghulam Samad :** Will the Honourable Minister of Education be pleased to state—

- (a) the number of co-education schools district-wise in the province;
- (b) whether he has recently received any representation against these co-education schools;
- (c) if so, the action, if any, taken by Government on those representations?

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

RECIPIENTS OF THE SCHEDULED CASTES SCHOLARSHIPS.

***4500. Sardar Gopal Singh (American):** Will the Honourable Minister of Education be pleased to state the names of the present recipients of the scheduled castes scholarships in the Government College, Ludhiana?

The Honourable Mian Abdul Haye : The following students belonging to special classes receive scholarships in the Government College, Ludhiana :—

Qutab-ud-Din.

Dalip Singh.

Begum Rashida Latif Baji : May I know if this is the help that the parliamentary private secretaries are giving to Ministers by asking questions?

Lala Harnam Das : How many students in the Ludhiana Government College are being granted scholarships?

Minister : I have given the names of two students.

Begum Rashida Latif Baji : Have the parliamentary private secretaries the right to ask questions?

SPECIAL CLASSES.

***4502. Sardar Gopal Singh (American):** Will the Honourable Minister of Education be pleased to state—

- (a) the meaning of the "special classes," while issuing departmental instructions concerning the grant of scholarships;
- (b) whether the "special classes," also include the scheduled castes or not?

The Honourable Mian Abdul Haye : (a) The term "special classes" used in departmental instructions concerning the grant of scholarship, etc., means "depressed classes." This term is used with a view to avoiding offence to the members of such classes.

(b) Yes.

ALLOWANCES TO PRIVATE MEDICAL PRACTITIONERS FOR PROVIDING MEDICAL AID IN VILLAGES.

***4513. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister of Education be pleased to state—

- (a) whether the Government is considering the question of giving allowances to private medical practitioners for the purpose of providing medical aid to the residents in villages in the Punjab, if so, whether the Government proposes to give preference to the *Unani* and *Ayurvedic* physicians in the matter, and if not, the reasons for the same;
- (b) when the scheme of giving allowances to medical practitioners is expected to materialize?

The Honourable Mian Abdul Haye : (a) and (b) Government is already subsidising nine medical practitioners who are working in rural areas, and the estimates for next year include provision for about another seventy subsidies. The subsidised doctors will be working in close co-operation with the Government medical officers in their area, and registered medical men only will be eligible.

Chaudhri Muhammad Hassan : The question is whether the Government has ever given any allowances to any Unani or Ayurvedic physicians.

Minister : I have already stated that only those who are registered are eligible.

Chaudhri Muhammad Hassan : Are those who are Unani and Ayurvedic physicians registered or not ?

Minister : No.

Mian Muhammad Nurullah : Has the Government laid down any standards or rules under which this grant-in-aid would be given to these medical practitioners ?

Minister : The rules will be prepared. They are not yet ready.

Tikka Jagjit Singh Bedi : In which districts are they working ?

Minister : I cannot give the names of the districts.

BLACKHOLE INCIDENT.

***4515. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister of Education be pleased to state whether Government has considered the question of expunging the portion regarding the Blackhole incident from the prescribed history text-books, if so, with what result ?

The Honourable Mian Abdul Haye : The whole question of the writing, selection, publication and prescription of text-books is under the consideration of Government, and care will be taken that no objectionable, obscene or undesirable passages or references to events are included in the text-books.

Mian Muhammad Nurullah : Will the Honourable Minister please give us the true facts of this incident and the authorities that he can give on the subject ?

Minister : True facts of which incident ?

Mian Muhammad Nurullah : True facts of the Blackhole incident mentioned in this question.

Mr. Speaker : Disallowed.

Chaudhri Muhammad Hassan : Has the Honourable Minister considered that this incident is altogether false ?

Mr. Speaker : Disallowed.

Khawaja Ghulam Samad : Has the Government ever considered that other portions of similar nature causing communal hatred among the various communities of India will be expunged from Indian histories prescribed as text-books in schools ?

Minister : Yes, sir.

COMPULSORY EDUCATION IN AMBALA DISTRICT.

***4519. Pandit Shri Ram Sharma :** Will the Honourable Minister of Education be pleased to place a list on the table of the House showing the names of those villages and centres in the Ambala district where boys are receiving compulsory education together with their number and also the names of such local bodies in the Ambala district as have enforced compulsory education partly or wholly?

The Honourable Mian Abdul Haye :

	<i>Number of villages.</i>	<i>Number of areas.</i>	<i>Number of boys.</i>
Rural ..	998	200	12,317
Urban ..	4	4	1,644

Names of local bodies.

- (1) District Board, Ambala.
- (2) Municipal Committee, Jagadhri.
- (3) Municipal Committee, Kharar.
- (4) Municipal Committee, Kalka.
- (5) Municipal Committee, Rupar.

A list of the names of villages is being compiled and will be supplied to the honourable member as soon as it is ready.

GIRLS' HIGH AND MIDDLE SCHOOLS.

***4535. Chaudhri Sumer Singh :** Will the Honourable Minister of Education be pleased to state—

- (a) the number of girls' high and middle schools started in the province by the Government;
- (b) the names of the places where they were started;
- (c) how many of these places are within the limits of local bodies other than district boards?

The Honourable Mian Abdul Haye : The honourable member is referred to the list of Government Educational Institutions in the Punjab corrected up to 1st June, 1938, copies of which are available in the Assembly Library.

A list of Government girls' schools opened since 1st June, 1938, is as follows :—

- (1) Government High School for Girls, Ferozepore.
- (2) Government Vernacular Middle School for Girls, Mahilpur, district Hoshiarpur.
- (3) Government Vernacular Middle School for Girls, Rohna, district Rohtak.
- (4) Government Vernacular Middle School for Girls, Jalalabad, district Amritsar.
- (5) Government Vernacular Middle School for Girls, Bhakkar, district Mianwali.
- (6) Government Vernacular Middle School for Girls, Gojra, district Lyallpur.
- (7) Government Vernacular Middle School for Girls, Pakpattan, district Montgomery.
- (8) Government Vernacular Middle School for Girls, Dasoka, district Sialkot.
- (9) Government Vernacular Middle School for Girls, Pindi Bhattian, district Gujranwala.
- (10) Government Vernacular Middle School for Girls, Rewari, district Gurgaon.
- (11) Government Vernacular Middle School for Girls, Rupar, district Ambala.
- (12) Government Vernacular Middle School for Girls, Panipat, district Karnal.
- (13) Government Vernacular Middle School for Girls, Mandi Baha-ud-Din, district Gujarat.

Chaudhri Sumer Singh : How many of them are situated in the areas of local bodies other than district boards?

Minister : I have given you the names.

Chaudhri Sumer Singh : That is what was asked in part (c) of the question.

Minister : I regret I have not worked that out but I have given names of the stations from which the honourable member can find out for himself.

Chaudhri Sumer Singh : It is very difficult from the information supplied to find out which of the schools is situated within the limit of a local body other than the District Board. I put this question to show that the Minister's reply to my supplementary question in last session in the month of January 1939 that nearly all these schools are opened for the benefit of rural people is not correct and nothing is spent for their benefit.

Minister : I will supply the information.

PROPOSAL *RE* STARTING A GOVERNMENT HIGH SCHOOL FOR GIRLS
AT GURGAON.

***4536. Chaudhri Sumer Singh :** Will the Honourable Minister of Education be pleased to state—

(a) whether there is a proposal to start a Government high school for girls at Gurgaon;

(b) if so, at what stage it is at present?

The Honourable Mian Abdul Haye : (a) There is no such proposal at present.

(b) Does not arise.

CIRCULAR BANNING FORMATION OF BOARD TEACHERS' UNION.

***4544. Sardar Hari Singh :** Will the Honourable Minister of Education be pleased to state the date and the number of the circular by which the previous circular of the District Inspector of Schools, Hoshiarpur, banning formation of Board Teachers' Union or becoming members of the Union was withdrawn?

The Honourable Mian Abdul Haye : C. M. No. 3458, dated the 28rd December, 1938.

POSTING OF ASSISTANT AND SUB-ASSISTANT SURGEONS.

***4550. Lala Deshbandhu Gupta :** Will the Honourable Minister of Education be pleased to state—

(a) whether it is a fact that under paragraphs 184 and 249, Punjab Medical Manual; it is necessary that assistant and sub-assistant surgeons in the Punjab and those serving in the dispensaries under various district boards should not continue in one place constantly for more than a period of five years; if so, whether these rules are being followed or not;

(b) will he be pleased to lay on the table of the House a statement giving the names of assistant or sub-assistant surgeons in whose case these rules have not been observed during the last ten years and reasons for the same?

The Honourable Mian Abdul Haye: (a) Yes; though as the honourable member will see from the rules there can be exceptions in special cases.

(b) During the last ten years there have been 12 cases in which an assistant surgeon has served in an appointment for more than five years. During the same period the figure for sub-assistant surgeons has been 178. I lay a copy of the two lists¹ on the table. As regards reasons, the honourable member will see when he received the lists that in some cases an officer has only served in a post for more than five years by a few days. In other cases the reason for retaining the officer for more than five years has usually been that the post was one requiring special knowledge, or that the officer was doing very good work. I should perhaps inform the honourable member that Government constantly receive petitions asking that a medical officer for whose transfer orders have been issued may not be moved. The five year rule is adhered to as far as possible but there are many cases in which the people when they know and like their medical officer wish to retain him.

ADMISSION IN NORMAL SCHOOLS.

***4556. Pandit Shri Ram Sharma:** Will the Honourable Minister of Education be pleased to state—

- (a) the community and caste-wise admission in the normal schools of the province from districts Rohtak, Gurgaon, Hissar and Karnal, respectively, during the last five years;
- (b) whether in the case of admission to the normal schools the word 'zamindar' as defined in a resolution of the Government for purposes of recruitment in services, is taken to be the synonym of the word 'agriculturist' as defined in the Punjab Alienation of Land Act;
- (c) whether any caste considerations prevail at the time of admission; if not, the reasons for giving preference to certain castes at the time of admission?

The Honourable Mian Abdul Haye: (a) A statement giving the required information is placed on the table.

(b) When making admissions to the normal schools in future the word "zamindar" will, as defined in a resolution of the Government for purposes of recruitment in services, be taken to include all hereditary proprietors or tenure holders of agricultural land mainly dependent thereon and residing in rural areas, as well as actual cultivators of such land.

(c) No. No preference is given to any particular caste at the time of admission.

¹ Kept in the Assembly Library.

*Admissions into the Junior Vernacular Class made during the last five years
ment Normal School, Jullundur-cum-*

District.	Year.	MUSLIMS.								
		Rajput.	Sheikh.	Mughal.	Bloch.	Mayo.	Pathan.	Sayyed.	Rain.	Total.
Rohtak ..	1934 ..	No Admissions.								
Gurgaon ..	1934 ..									
Karnal ..	1934 ..									
Hissar ..	1934 ..									
Total ..	..	..	..	..	..	..	..	..	..	..
Rohtak ..	1935 ..	1	1	..	..	..	..	..	..	2
Gurgaon ..	1935 ..	..	..	..	..	5	1	..	..	6
Karnal ..	1935 ..	..	..	..	..	..	..	..	1	1
Hissar ..	1935 ..	..	..	..	..	..	..	..	..	..
Total ..	..	1	1	..	..	5	1	..	1	9
Rohtak ..	1936 ..	..	..	..	..	..	1	..	..	1
Gurgaon ..	1936 ..	1	..	..	..	4	2	1	..	8
Karnal ..	1936 ..	..	..	..	..	..	..	..	..	..
Hissar ..	1936 ..	..	..	..	..	..	..	..	..	..
Total ..	..	1	..	..	..	4	3	1	..	9
Rohtak ..	1937 ..	..	..	..	..	..	..	1	..	1
Gurgaon ..	1937 ..	1	1	..	1	5	1	1	..	10
Karnal ..	1937 ..	..	..	..	..	..	1	..	..	1
Hissar ..	1937 ..	..	..	..	..	..	..	..	..	..
Total ..	..	1	1	..	1	5	2	2	..	12
Rohtak ..	1938 ..	1	..	..	..	..	..	..	..	1
Gurgaon ..	1938 ..	2	2	..	..	10	..	1	..	15
Karnal ..	1938 ..	3	3	..	..	..	..	..	..	6
Hissar ..	1938 ..	..	..	..	..	..	..	..	..	..
Total ..	..	6	5	..	..	10	..	1	..	22
GRAND TOTAL..	..	9	7	..	1	24	6	4	1	52

from the districts of Bohtak, Gurgaon, Karnal and Hissar into the Govern-
Karnal community and caste-wise.

NON-MUSLIMS.													
Sikh.	Jain.	Christian.	Brahman.	Jata.	Ahir.	Gujar.	Rajput.	Aggarwal.	Rose.	Mali.	Bawarya.	Depressed.	Total.
..	1	..	..	..	..	..	..	..	..	..	1
..
..
..
..	1	..	..	..	..	..	..	..	..	..	1
..	1	..	5	1	..	..	..	..	..	..	..	1	8
..	1	2	2	3	1	..	..	..	1	1	11
..	1	..	1	..	..	2
..	1	..	..	..	..	..	..	1	..	..	..	..	2
..	2	..	6	3	2	3	1	2	..	1	1	2	23
..	2	..	..	..	..	..	1	..	1	4
..	1	3	3	3	1	..	..	..	1	..	12
..	1	1
..
..	1	5	3	3	1	..	..	1	1	2	17
..	2	..	..	..	..	..	..	..	..	2
..	4	6	5	2	2	..	..	..	..	..	19
..	1	..	..	..	..	..	1
..	1	..	..	..	1	..	..	..	..	..	2
..	5	8	5	2	4	..	..	..	..	..	24
..	1	2	..	..	..	..	..	..	..	..	3
..	2	13	6	2	2	..	..	..	..	1	26
..	1	..	..	..	..	1	..	..	..	2
..
..	3	16	6	2	2	..	1	..	..	1	31
..	2	..	16	32	16	10	8	..	1	2	2	5	96

*Admissions into the Senior Vernacular class made during the last five years
ment Normal School, Jullundur-cum-*

District.	Year.	MUSLIMS.								
		Resjunt.	Sheikh.	Mughal.	Bloch.	Mayo.	Pathan.	Sayyed.	Rain.	Total.
Rohtak ..	1934 ..	..	..	..	..	..	..	..	..	..
Gurgaon ..	1934 ..	..	2	..	1	5	1	..	..	9
Karnal ..	1934 ..	1	1	1	..	..	..	..	..	3
Hissar ..	1934 ..	..	..	..	..	..	..	..	..	..
Total ..	..	1	3	1	1	5	1	..	..	12
..	1935 ..	No Admissions.								
Rohtak ..	1936 ..	1	..	..	..	..	..	..	..	1
Gurgaon ..	1936 ..	1	..	..	1	2	..	1	..	5
Karnal ..	1936 ..	..	1	..	..	..	..	..	..	1
Hissar ..	1936 ..	..	..	..	..	..	..	..	..	..
Total ..	..	2	1	..	1	2	..	1	..	7
..	1937 ..	No Admissions.								
Rohtak ..	1938 ..	..	..	..	..	..	1	..	..	1
Gurgaon ..	1938 ..	..	..	..	..	2	..	..	..	2
Karnal ..	1938 ..	1	1	..	..	..	..	..	..	2
Hissar ..	1938 ..	..	..	..	..	..	..	..	..	..
Total ..	..	1	1	..	..	2	1	..	..	5
GRAND TOTAL ..	..	4	5	1	2	9	2	1	..	24

from the district of Rohtak, Gurgaon, Karnal and Hissar into the Govern-
Karnal, community and caste-wise.

NON-MUSLIMS.													
Sikh.	Jain.	Christian.	Brahman.	Jat.	Ahr.	Gujar.	Rajput.	Aggarwal.	Bora.	Mali.	Bawars.	Depressed.	Total.
..
..	3	1	1	..	1	2	1	..	..	..	9
..
..
..	3	1	1	..	1	2	1	..	..	..	9
No Admissions.													
..	2	..	..	1	..	..	..	..	..	3
..	1	..	1	..	1	1	..	..	4
..	1	..	..	..	..	..	..	..	..	..	1
..
..	1	2	1	..	2	..	1	1	..	..	8
No Admissions.													
..	1	1	..	..	..	..	..	..	..	..	2
..	1	..	..	..	..	..	..	..	..	1
..
..
..	1	2	..	..	..	..	..	..	..	..	3
..	5	5	2	..	3	2	2	1	..	..	20

MODEL SCHOOLS.

***4586. Rai Bahadur Lala Binda Saran :** Will the Honourable Minister of Education be pleased to state the number of model schools established in the province during the year 1938-39, in pursuance of the Education Grant of Rs. 50,000 voted for this purpose, out of the Special Development Fund created early in 1938?

The Honourable Mian Abdul Haye : Twenty-eight.

CLOSING OF GOVERNMENT COLLEGE AT GUJRAT.

***4588. Sardar Kishan Singh :** Will the Honourable Minister of Education be pleased to state whether the Punjab Government have recently sent any letter to the Principal, Government College, Gujrat, expressing therein its intention to close the said college, if so, the reasons which led the Government to address such a letter to the Principal of the said college?

The Honourable Mian Abdul Haye : Yes, because another privately managed Intermediate College is being opened in Gujrat.

ODES.

***3921. Khawaja Ghulam Samad :** Will the Honourable Premier be pleased to state—

- (a) the number of Odes according to the last census in the Punjab ;
- (b) the community in which Odes are shown in the census ;
- (c) whether they have any right to vote in the Assembly elections ;
if so, with what community they vote ; if not, why not ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) So far as British territory in the Punjab is concerned, the total number is 32,398.

- (b) 19,578 Hindus ;
12,725 Muslims ; and
95 Sikhs.

(c) For electoral purposes Hindu Odes are treated as members of scheduled castes. Therefore, the special qualifications laid down in paragraph 8, 6th Schedule, Government of India Act, 1935, apply to them. There are no scheduled castes amongst Muslims. Accordingly Muslim Odes are registered and vote in Muhammadan constituencies if they possess the necessary qualifications.

MURDER CASES IN HISSAR DISTRICT.

***3930. Khawaja Ghulam Samad :** Will the Honourable Premier be pleased to state—

- (a) whether he is aware that the annual number of murder cases is on the increase in the Hissar district ;
- (b) if so, whether the Government has tried to find out the causes of this increase ;
- (c) the action proposed to be taken to remove these causes ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh):

(a) Yes.

(b) and (c) The increase in the number of murders is common to the province as a whole and is no greater in Hissar than elsewhere. The problem which it presents—it is a most difficult problem—has been discussed in the Police Administration Report and the Government review thereon annually for several years past.

SUM REALIZED FROM APPLICANTS FOR SERVICES.

*3931. **Khawaja Ghulam Samad**: Will the Honourable Premier be pleased to state whether it is a fact that whenever applications are invited by the Public Service Commission and other Government departments for any post by means of advertisement, etc., each of the applicants has to remit a sum along with his application; if so, reasons for the same and the action the Government proposes to take to stop this practice?

Parliamentary Secretary (Mir Maqbool Mahmood): The Punjab and North-West Frontier Province Joint Public Service Commission have prescribed a fee of Rs. 5 to be paid by candidates applying for posts advertised by them. The fee is designed to cover the cost of advertising and other incidental expenses. (In the case of the Federal Public Service Commission the fee is Rs. 7-8-0).

Since the establishment of the Public Service Commission the various departments of Government seldom have occasion to advertise vacancies. On the rare occasions when they do, applications are generally received free of fee.

No action is contemplated by Government.

UNSTARRED QUESTIONS AND ANSWERS.

LANDS OWNED AND ALIENATED BY SODHIS IN THE PROVINCE.

739. **Captain Sodhi Harnam Singh**: Will the Minister of Revenue be pleased to state—

- (a) the total population of Sodhis in the Punjab districtwise;
- (b) the total area of the land owned and possessed by the members of this caste districtwise in 1910;
- (c) the total area of the land owned and possessed by them districtwise at present;
- (d) the area of land alienated by them by way of mortgage, sale, attachment, gift, mustajri, sale in execution of decrees and the area of land belonging to Sodhis brought under the superintendence of the Court of Wards, separately, since 1910;
- (e) the means of livelihood on which Sodhis mainly depend; and their chief occupation in this province.

The Honourable Dr. Sir Sundar Singh Majithia: Enquiries have been addressed to the local officers and their replies are awaited.

**DAMAGE BY HAILSTORM IN VILLAGES LANDHAKE AND OTHERS
AND REMISSION IN ABIANA.**

740. Sardar Tara Singh : Will the Honourable Minister of Revenue be pleased to state whether he is aware of the fact that crops of the villages Landhake, Udey, Saplamsar, Gul and Jai-nagarwala have been very badly damaged by the hailstorm on the night between the 28th and 29th February, 1939 ; if so, whether the Government intend to take steps to give remission in *abiana* to the sufferers ; if not, why not ?

The Honourable Dr. Sir Sundar Singh Majithia : If the honourable member is referring to certain villages in Ferozepore district, Government are aware that a hailstorm occurred in this district in February 1939. A special *girdawari* is being carried out, and when the proposals of the local officers are received the matter of remission will be sympathetically considered as was done in 1937 in the case of Multan.

DISTRIBUTION OF FODDER AS TACCARI IN SIRSA TAHSIL.

741. Khan Sahib Chaudhri Sahib Dad Khan : Will the Honourable Minister of Revenue be pleased to state—

- (a) how much taccari fodder has been distributed in Sirsa tahsil, district Hissar, communitywise, during the famine relief period ;
- (b) whether it is a fact that in villages of Ghajjar tract, the worst part of the tahsil, the Tahsildar on famine duty distributed *parchis* for taccari fodder but the payment was withheld by the Tahsildar in charge of the tahsil (Sardar Jaimal Singh) ;
- (c) whether some people of Talwara approached the Assistant Commissioner with the above complaint ; if so, whether any inquiry was made and, if so, its result ;
- (d) whether it is a fact that there is a general complaint that the Muslim villages in the Sirsa tahsil have not been given *taccari* fodder as much and as many times as the villages of other communities ; if so, why ?

The Honourable Dr. Sir Sundar Singh Majithia :

				Rs.	A.	P.
(a)	Hindus	..	..	..	97,682	2 0
	Muslims	..	..	..	87,671	0 3
	Sikhs	..	..	..	97,335	1 0

(b) No.

(c) Yes ; but inquiries so far made show that the complaint is unjustified.

(d) No.

GOVERNMENT GRANTS FOR DIGGING PONDS IN HISSAR DISTRICT.

742. Khan Sahib Chaudhri Sahib Dad Khan : Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that Government grants for digging ponds in villages in the Hissar district are to be given on the recommendation of the tahsildars concerned ;

- (b) which villages have been recommended for the purpose by the Tahsildar of Sirsa ;
- (c) whether it is a fact that a pacca pond was constructed at village Gudha Kalan at a cost of ten thousand rupees by the Hissar District Board and even now the same village has been recommended for another pond to be dug up while the following villages having brackish water have been ignored :—Kheowala, Panjuwana, Karamgarh, Moranwali, Dariyawala, Bukhara, Khera, Ahmadpur, Darewala, Godi Khera, Minakhera, if so, how Government proposes to supply water to the villages mentioned above ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) No.

(b) and (c) Do not arise.

REFUSAL OF TACCAVI FODDER ON *PARCHIS* ISSUED
TO SUFFERERS IN HISSAR TAHSIL.

743. Khan Sahib Chaudhri Sahib Dad Khan : Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that the people of village Baliali and some other villages in the Hansi tahsil were given *parchis* for taccavi fodder but were not supplied with fodder for being not available at the depôt and that these people thereupon managed to get fodder on loan from private source, and further that they have now been refused totally the supply of fodder on *parchis* which were issued to them in the month of January or February with the result that they are feeling much harrassed on account of the debt incurred by them ; if so, what steps Government propose to take in the matter and to ensure regular supply of fodder to the sufferers in future ;
- (b) whether cattle for *taccavi* loan have been marked and numbered ; if so, when this was done and how many cattle were so marked and whether the list of these have been read to the people and the lambardars of the locality ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) 903 *parchis* were issued in January and February 1939 of which 40 *parchis* remained unhonoured. A *parchi* is valid for one month ; but the period is invariably extended, where for want of adequate stocks of fodder a *parchi* is not presented within one month.

No cases of harrassment on account of debt have come to notice.

(b) The marking of cattle is still in progress. In some tahsils marking was done between December 1938 and March 1939. The number so far marked is 75,000. The marking and the preparation of lists is done in the presence of the people and the lambardars concerned, but lists are not always read to them.

COMPLAINT OF BRIBERY AGAINST THE PATWARI OF VILLAGE NATAR,
TAHSIL SIRSA.

744. Khan Sahib Chaudhri Sahib Dad Khan : Will the Honourable Minister of Revenue be pleased to state whether any complaint of bribery has recently been received by the Government against the patwari of village Natar, tahsil Sirsa, in connexion with famine relief works in the Sirsa tahsil ; if so, whether any inquiry has been made and, if so, what has been the result of the inquiry ?

The Honourable Dr. Sir Sundar Singh Majithia : Yes. On enquiry the complaint was found to be baseless.

SUPPLY OF COTTON TO SPINNING CENTRES IN HISSAR DISTRICT.

745. Khan Sahib Chaudhri Sahib Dad Khan : Will the Honourable Minister of Revenue be pleased to state whether the supply of cotton to the spinning centres opened as a measure of relief in the Hissar district is regular and, if so, the names of the centres, the population at these centres, the date on which the cotton was supplied last and the total amount of cotton supplied during the last four months to these centres ?

The Honourable Dr. Sir Sundar Singh Majithia : *First part.*—Every endeavour is made to meet the indents as far as it is possible. Some delay may have occurred owing to pressure of famine works.

Second part.—Does not arise.

POSTING OF OFFICERS IN SIRSA TAHSIL.

746. Khan Sahib Chaudhri Sahib Dad Khan : Will the Honourable Premier be pleased to state the number and names of the officers at present posted in the Sirsa tahsil including the Deputy Superintendent of Police, the Sub-Divisional Officer and the Tahsildar, and whether it is a fact that all of them belong to one and the same community, and whether it is intended to replace them by officers belonging to another community or communities ?

The Honourable Major Sir Sikander Hyat-Khan : There are six gazetted officers in the Sirsa tahsil, of whom one is a European, two are Muslims and three are Sikhs.

ARRANGEMENTS FOR SUPPLY OF DRINKING WATER TO LABOUR EMPLOYED ON FAMINE RELIEF WORKS.

747. Khan Sahib Chaudhri Sahib Dad Khan : Will the Honourable Minister of Revenue be pleased to state whether any arrangements have been made for the supply of drinking water to the labour employed on famine relief works, in some villages in the Sirsa tahsil during the next summer months when the drinking water is not available in sufficient quantity ?

The Honourable Dr. Sir Sundar Singh Majithia : Adequate arrangements for the supply of drinking water are made on each relief work in the district.

SEED FARMS AT USAFWALA.

748. Sardar Ajit Singh : Will the Honourable Minister of Revenue be pleased to state whether the land at Usafwala Agricultural Farm

in Montgomery district, which was intended to be leased out by the Government, has by now been leased out ; if so, to whom and on what conditions and, if not, when and on what conditions it is intended to be leased out ?

The Honourable Dr. Sir Sundar Singh Majithia : *First part.*—No, but temporarily it is under the control of Agriculture Department.

Second part.—Does not arise.

Third part.—The matter is engaging the attention of Government.

LAMBARDARI GRANTS.

749. Sardar Ajit Singh : Will the Honourable Minister of Revenue be pleased to state whether it is a fact that in the Nili Bar Colony no lambardari grants are made to lambardars of Chaks in that colony, colonized by the auction purchasers and that such grants are made to lambardars of the chaks in that colony, colonized by the peasant proprietors, if so, the grounds for making this distinction ?

The Honourable Dr. Sir Sundar Singh Majithia : Yes ; lambardari grants are given in peasant villages only. Because auction purchasers are in general men of substance ; there is no need, therefore, to give them additional grants in order to safeguard the collection of Government dues by them.

NOTICES FOR EJECTMENT OF TENANTS OF KHANEWAL FOREST PLANTATION.

750. Sardar Ajit Singh : Will the Honourable Minister for Development be pleased to state—

- (a) whether Government is aware that the tenants of Khanewal Forest Plantation have cultivated this land for the last 25 years continuously ;
- (b) whether Government is aware that these tenants have been given ejectment notices by the lessees ;
- (c) if so, whether Government proposes to do anything for these tenants ;

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

(c) Government have already ordered an enquiry to be made, but it must be recognised that Government cannot interfere with the processes of law under the Tenancy Act relating to the eviction of tenants at will and for claims to compensation arising therefrom. Every endeavour is made to smooth over matters between tenants and those whose lands they cultivate with a view to avoid ejectments.

READING ROOMS IN LAHORE.

751. Begum Rashida Latif Baji : Will the Honourable Minister of Public Works be pleased to state—

- (a) the number of reading rooms in Lahore before the Lahore Municipality was superseded and the number of such reading rooms at present ;

[Begum Rashida Latif Baji.]

- (b) the number of newspapers subscribed to by the said committee for each of these reading rooms before it was superseded and the number of newspapers to which the Lahore Municipality subscribes at present for its reading rooms in Lahore?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : (a) There were 11 reading rooms before the supersession of the Committee, and now there are 10;

(b) The number of newspapers subscribed to has been reduced from 20 to 12 since the supersession.

THE PROVINCIAL INSOLVENCY (PUNJAB AMENDMENT) BILL.

Premier : Sir, I beg to introduce the Provincial Insolvency (Punjab Amendment) Bill.

3 P.M.

Sardar Ajit Singh : What about my adjournment motion?

Mr. Speaker : It is out of order.

Pandit Shri Ram Sharma (Urdu) : Is the adjournment motion disallowed on the ground that it was moved previously.

Mr. Speaker : There are several reasons which I have not stated. He has discussed the regularity of the motion with me privately and I have tried to convince him. The hon'ble member's motion is vague and indefinite. Besides it deals with hailstorm, which has been discussed by the House several times.

Premier : Sir, I move—

That the Provincial Insolvency (Punjab Amendment) Bill be taken into consideration at once.

The motion was carried.

Mr. Speaker : The question is—

That clause 1 stand part of the Bill.

The motion was carried.

Mr. Speaker : The question is—

That clause 2 stand part of the Bill.

The motion was carried.

Mr. Speaker : The question is—

That the title stand part of the Bill.

The motion was carried.

Premier : Sir, I beg to move—

That the Provincial Insolvency (Punjab Amendment) Bill be passed.

The motion was carried.

ENTERTAINMENTS DUTY (AMENDMENT) BILL.

Minister for Finance (The Honourable Mr. Manohar Lal) : Sir, I beg to introduce the Punjab Entertainments Duty (Amendment) Bill. I move it on the recommendation of His Excellency the Governor as required by section 82 of the Government of India Act.

Sir, I beg to move—

That the Punjab Entertainments Duty (Amendment) Bill be taken into consideration at once.

Mr. Speaker : The motion moved is—

That the Punjab Entertainments Duty (Amendment) Bill be taken into consideration at once.

Pandit Bhagat Ram Sharma (Kangra West, General, Rural) (Urdu) : Sir, I beg to move—

That the Punjab Entertainments Duty (Amendment) Bill be circulated for the purpose of eliciting public opinion thereon by the 1st of June, 1939.

I do not wish to make a lengthy speech in support of my circulation motion. But I would like to point out that by introducing this Bill the Government wish to give unlimited powers to the executive and it would be much better if this Bill be circulated for the purpose of eliciting public opinion. The public should also know whether such unlimited and absolute power should be given to the present Government whose attitude towards the kisans has been very discouraging. In my opinion the conduct of the present Government is so bad that such unlimited powers should not be vested in them to alter the rates of the entertainment duty at their own sweet will. This Government is such that under the present circumstances they are not even prepared to hear the just demands of the poor and down-trodden peasantry of the Province. The kisans are suffering all kinds of troubles and in fact they are being ground by the heavy weight of taxes. They want to come to the Honourable Premier to lay their grievances before him, but poor fellows are not even allowed that much liberty. The times are so very hard that jathas of kisans come and wish to place their grievances before the Honourable Ministers, but the Honourable Premier and other Ministers of the so-called zamindar Government tell them in their face that as they did not agree with their leaders, so they would not allow them to put their case before the Government. The Honourable Premier and his companions are not on good terms with the leaders of the kisans and so in order to show their anger towards them they go to the length of rejecting even the legitimate demands of the kisans.

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

Pandit Bhagat Ram Sharma : I was submitting that the conduct of the present Government is such that they should not be given these absolute powers to alter the rates of duty at their sweet will. Their record is so very black that they should not be given such powers. I think the powers that the Government wish to have should be clarified so that the public should know what powers are being given to the executive. With these words I resume my seat.

Mr. Speaker : The question is—

That the Punjab Entertainments Duty (Amendment) Bill be circulated for the purpose of eliciting public opinion thereon by the 1st of June, 1939.

The motion was lost.

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, General, Urban) : Sir, I beg to move—

That the Punjab Entertainments Duty (Amendment) Bill be referred to a Select Committee.

In moving this amendment I should like to ask the Government as to why they have made a special departure from the general policy of referring all the Bills introduced in this House to Select Committees before they are

[Ch. Krishna Gopal Dutt.]

considered by the House. As far as I have studied the Bill, I find that there are certain objectionable features of this Bill which should be remedied and the best way to remedy these defects is to refer it to a select committee. I am a believer in the adage "All work and no play makes Jack a dull boy." I do believe in entertainments, in sports and cinemas and exhibitions, but that does not mean that I am not in favour of taxing those entertainments in the interest of poor people and in the interest of administration, because money has to be got from some source, so that we might run the administration in the interest of common people and in the interest of poor people. I fail to understand as to what is the real object behind this Bill. If the Government want periodically to revise the rate of tax, then, of course, I am prepared to agree to this proposal, but they should give us an assurance with respect to the period after which the rates will be revised. If the Government want to-day to revise the rates, or after 10 days or after 6 months they take into their head to revise the rates, then I say that there will be no security in the business. For example, if the Honourable Premier wants to open a cinema house in this province from the point of view of business and when he opens that cinema he invests certain amount of money or he makes a contract, he keeps in view a particular rate of tax. Now, if the Government takes him unawares and revises the rate without informing him or without asking his opinion or without taking into account the money he has invested in the business, then I believe that he would certainly lose that money. The Government should give notice and those people should know that such is the rate of tax which they have to pay. If the Government is not prepared to do that, then the entire business of entertainments will be founded on insecure basis. It is for these reasons that I move this motion. I may also invite your attention to the fact that when the first budget was presented, I requested the Honourable Finance Minister that as he was the custodian of the public finances he should realize the importance of producing the budget before this House in the form of a finance Bill. If the Government had done that then we should have known from year to year as to how much money the Government wanted and then we would have been in a position to meet the difficulties of the Government and the difficulties of the Punjab Assembly, which are involved in the present budget. But the Government has not done that. Now the Government comes before the House and wants a *carte blanche* to revise the rate of tax at whatever moment they like. If that power is given to them, then business in entertainments will not be secure and it will be an injustice to those who are running these entertainments. Therefore, I hope that the Government, instead of trying to rush through this Bill, should give us a reasonable opportunity to discuss it in the select committee so that we may arrive at a correct decision in the select committee, or they should accept our amendment, that is, instead of any time which the Government chose, they should revise the rate of tax after every 3 or 5 years. If they accept that amendment, then I would not like this Bill to be referred to a select committee. //6

Mr. Speaker : Motion under consideration, the amendment moved is—

That the Punjab Entertainments Duty (Amendment) Bill be referred to a selected committee.

Minister for Finance (The Honourable Mr. Manohar Lal) : Sir, this Bill is an extremely simple measure. It affords no occasion for the exercise of the usual functions of a select committee. The Bill lies in a very narrow compass, and has no complex features. There is nothing for the Select Committee, if I may say so, to operate on; the statement of objects and reasons, sets forth quite succinctly the scope of the measure and it is pointed out there that the powers of this House are amply secured—

It is not, however, proposed that absolute power shall be given to the Executive to alter the rates at will. Provision is, therefore, being made in clause 2 (2) of the Bill for any proposed alteration in rates of duty to be published beforehand and to be considered by the Punjab Legislative Assembly before they are brought into effect.

In view of this, there is no occasion to refer this extremely simple Bill to the select committee.

Mr. Speaker : The question is—

That the Punjab Entertainments Duty (Amendment) Bill be referred to a select committee.

The motion was lost.

Mr. Speaker : The question is—

That the Punjab Entertainments Duty (Amendment) Bill be taken into consideration.

The motion was carried.

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

Clause. 1.

Mr. Speaker : The question is—

That clause 1 stand part of the Bill.

The motion was carried.

Clause 2.

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, General, Urban) : Sir, I beg to move—

That at the end of sub-clause (1), the following proviso be added :—

Provided the rates fixed will remain in force for at least 3 years.

I do not wish to make any speech because I have already made the point clear in my first speech.

Mr. Speaker : Clause under consideration, the amendment moved is—

That at the end of sub-clause (1), the following proviso be added :—

Provided the rates fixed will remain in force for at least 3 years.

This as well as the next amendment will be discussed together. In one case the period proposed is 3 years, while in the other, it is 5 years. If necessary, they will be put to the vote of the House separately.

Chaudhri Krishna Gopal Dutt : If the Government is in a reasonable mood it will accept one of these amendments.

Mr. Speaker : The honourable member cannot make a second speech.

Chaudhri Krishna Gopal Dutt : Sir, you said that these two amendments will be discussed together. I am not making a speech but I am merely

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suggesting that those people who are interested in this trade are feeling very nervous and insecure.

Mr. Speaker : The question is—

That at the end of sub-clause (1), the following proviso be added :—

Provided the rates fixed will remain in force for at least 3 years.

The motion was lost.

Mr. Speaker : Does the Honourable member who has given notice of the second amendment wish to move his amendment? (*Honourable members: No.*)

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, General, Urban) : Sir, I beg to move—

That in sub-clause (2), line 6, between the words "thereby" and "it" the words "opinion and objections invited thereon within 30 days of its publication and after expiry of this period" be inserted.

I think that this amendment and the other one should be taken together. The other amendment is—

That in sub-clause (2), line 6, between the words "it" and "shall" the words "and opinions and objections if any are received" be inserted.

Mr. Speaker : The honourable member cannot move his second amendment at this stage, but he can discuss it, if he likes, and if necessary it will be put to the vote of the House separately.

Chaudhri Krishna Gopal Dutt : What I want is that the Government should give an opportunity to those people who are affected by this Bill to submit their opinions before the Government revise the rates. I think it would be very unreasonable and unfair to those people to do something which affects them vitally without consulting them and without giving them an opportunity to lay their feelings and susceptibilities on the matter before the Government. The Finance Minister always thinks about himself that he is a very reasonable man. I hope he is and therefore I think he will give an opportunity to those people. Government does not lose anything by giving an opportunity to their representatives to express their views before Government. If Government is impervious to their opinion then it is different. But I move this amendment in the interest of those people, in the interest of fair-play and justice. Therefore I hope that Government will accept it.

Mr. Speaker : The question is—

That in sub-clause (2), line 6, between the words "thereby" and "it" the words "opinion and objections invited thereon within 30 days of its publication and after expiry of this period" be inserted.

The motion was lost.

Mr. Speaker : The question is—

That clause 2 stand part of the Bill.

The motion was carried.

Preamble.

Mr. Speaker : The question is—

That the Preamble be the Preamble of the Bill.

The motion was carried.

Mr. Speaker : The question is—

That the title be the title of the Bill.

The motion was carried.

Minister for Finance (The Honourable Mr. Manohar Lal) : I beg to move—

That the Punjab Entertainments Duty (Amendment) Bill be passed.

Mr. Speaker : Motion moved is—

That the Punjab Entertainments Duty (Amendment) Bill be passed.

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, General, Urban) : Mr. Speaker, I am rather disappointed to-day at the attitude which Government have adopted towards all our amendments. Government seem to be very much intoxicated with the power of a very comfortable majority in this House. I think this is the first occasion in the history of this legislature and perhaps there are very rare occasions in the history of other legislatures, when Government have treated the Opposition in such a shabby manner. Government in season and out of season have declared that the Opposition in the Punjab Assembly sometimes indulges in irresponsible tactics, but here when we are very serious about considering this matter, Government have given us a cold shoulder. This will have a very bad reaction on the relations between the Government and the Opposition, which are far from being happy even now. I had thought that Government would try to make these relations happy, so that in all those matters where we agree, we should work in a common spirit. Government have, however, spurned that offer, and I think the entire responsibility for it lies on the Government. Government have not even given a reply to the amendments. They did not even try to meet argument with argument, but just kept sitting very comfortably on the benches with a large majority behind them. I think it is the duty of the Opposition to oppose this Bill as it is.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : I am constrained to get up and say a few words because my honourable friend seems to have taken umbrage over the fact that no member from these benches has got up to speak. As a matter of fact on the very first amendment the Finance Minister did make a few brief remarks which we thought were sufficient to meet the argument put forward by my honourable friend opposite. I may incidentally make a reference to his remark in his opening speech on his motion for circulation of the Bill. He said that I might perhaps some day think of opening a cinema house and may be put to inconvenience as a result of this measure. Let me assure my honourable friend that I have no such ambition or aspirations. In view of the fact that in the Central Assembly some prominent politicians are now likened to big cinema stars like Greta Garbo and Marlene Dietrich, it is possible that my honourable friend the Honourable Minister for Education may be thinking of starting a cinema house, but that certainly is not my ambition. (*Laughter.*)

Chaudhri Krishna Gopal Dutt : Has your star taken a holiday to-day ? (*Laughter.*)

Premier : So far as the point raised by my honourable friend is concerned, the Finance Minister made it quite clear that no arbitrary action by Government is contemplated nor is it the intention of Government to take any arbitrary action with regard to alteration of the rate of duty. If my honourable friend will study the Bill carefully, he will find that sub-clause (2) of clause 2 reads as follows :—

A draft of the proposed order shall be published by notification for the information of all persons likely to be affected thereby; it shall also be laid before the Punjab Legislative Assembly, and shall only take effect after it has been passed with such amendments, if any, as the Assembly may make therein.

My honourable friend will have an opportunity to have his say at the time and give vent to his views and the views of those whom he represents in the House when the matter comes up before the House. I think that that should satisfy my honourable friends that it is not necessary on this account to send this Bill to the Select Committee which will serve no useful purpose whatever, because the point raised by my honourable friend has been already met by the Government.


Mr. Speaker : The question is—

That the Punjab Entertainments Duty (Amendment) Bill be passed.

The motion was carried.

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

THE VILLAGE PANCHAYAT BILL.

 **Minister For Public Works** (The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana) : I beg to introduce the Punjab Village Panchayat Bill. I also beg to move—

That the Punjab Village Panchayat Bill be referred to a select committee consisting of—

Major Sardar Muhammad Mawaz Khan,
 Sayed Mubarik Ali Shah,
 Chaudhri Sumer Singh,
 Sardar Indar Singh,
 Sardar Sampuran Singh,
 Sardar Sohan Singh Josh,
 Mahant Girdhari Dass,
 Seth Kishan Dass,
 Mian Fateh Muhammad,
 Sayed Afzaalali Hasnie,
 Mian Sultan Mahmud Hotiana,
 Shaikh Faiz Muhammad,
 Khan Sahib Chaudhri Sahib Dad Khan,
 Diwan Bahadur S. P. Singha,
 Khan Bahadur Mian Mushtaq Ahmad Gurmani,
 and that the quorum of the select committee be seven.

I further move—

That the House do agree to a select committee of more than 15 members.

Mr. Deputy Speaker : Motion moved is—

That the Punjab Village Panchayat Bill be referred to a select committee consisting of—

Major Sardar Muhammad Nawaz Khan,
 Sayed Mubarik Ali Shah,
 Chaudhri Sumer Singh,
 Sardar Indar Singh,
 Sardar Sampuran Singh,
 Sardar Sohan Singh Josh,
 Mahant Girdhari Dass,
 Seth Kishan Dass,
 Mian Fateh Muhammad,
 Sayed Afzalali Hasnie,
 Mian Sultan Mahmud Hotiana,
 Shaikh Faiz Muhammad,
 Khan Sahib Chaudhri Sahib Dad Khan,
 Diwan Bahadur S. P. Singha,
 Khan Bahadur Mian Mushtaq Ahmad Gurmani,

and that the quorum of the select committee be 7 and that the House do agree to a select committee of more than 15 members.

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

That the Punjab Village Panchayat Bill be circulated for the purpose of eliciting public opinion thereon by the 1st July, 1939.

Let not my friend who is sponsoring this Bill be carried away by the impression that by moving this technically dilatory motion I am trying to put a clog in the wheel of their progress. On the other hand my object is to help him to root out the disease that is responsible for the failure of the last Act which it is now proposed to supersede by this new measure. It is stated in the statement of objects and reasons—

The Punjab Village Panchayat Act (III of 1922) is an Act designed to foster and develop local self-government in rural areas. Government have recently had occasion to review the working of the panchayats of the province.

I may say the Government has been reviewing it from year to year—

Since this Act was passed, and they have since come to the conclusion (which they have also recorded from year to year in the annual Panchayat reviews) that progress is disappointing.

Further on is given the reason for this disappointing progress.

One reason for this may be the backwardness of the people. That means the educational backwardness of the people. The people of the Punjab, it must be confessed, are still far behind in the matter of education in spite of the long British connection of which my honourable friends on the Treasury Benches are so enamoured. The second reason is that the existing Act has been formed to contain certain defects. The Honourable Minister does not take us into confidence as to the nature of those defects nor does he say how he proposes to remove them. I hope that when he rises to reply to the debate he will take us into confidence in respect to this matter and tell us what these defects are and how he proposes to remedy them. Further on, it is said—

It is felt that the time has now come for a new measure, and in drafting this Bill Government have taken the opportunity to extend somewhat the powers and duties of panchayats.

[Sardar Hari Singh.]

I may in this connection refer honourable members to the various reviews of the Government in respect of the working of the panchayats, but before doing so, let me take the House back to the year 1922 when the Village Panchayat Act of 1922 was passed by the Legislative Council. The late Mian Fazl-i-Husain sponsored that Bill in the year 1922 when, Mr. Deputy Speaker, you too were a member of that body. In sponsoring that Bill he placed before the Council the aims of that Bill and we have now to see how far those aims have been achieved, how far they have not been achieved, what are the reasons for the failure of the machinery of Government to achieve those aims, how it is proposed to achieve those aims now and if the present measure also is not likely to achieve those aims in its present form, how it should be modified to achieve the object. His first aim was to develop political life in the village. The old Act has not achieved that object. It has not developed political life in rural areas either from the point of this side or of the opposite side of the House. The second aim was to reduce litigation. You, Mr. Deputy Speaker, as a practising lawyer, are aware that though on account of depression there has been some decrease in litigation, there has been no decrease as a result of the working of this Act. The third aim was the development of solidarity among the people. Instead of developing solidarity the old Act has, I dare say, accentuated factions in the village life. (*Minister for Public Works*: Do you oppose the revival of panchayats?) I am just placing before the House the aims of the late Mian Sir Fazl-i-Husain who was responsible for the passing of the old Village Panchayat Act. (*Minister*: I want to know your views about the Panchayats.) If the Honourable Minister will have a little patience he will come to know my views shortly. His fourth aim was to save the poor villagers from the tyrannies of petty officials. Has the old Act saved the villagers from the tyrannies of the patwaris, the constables, the zaildars and so on? My answer is a categorical "no". On the other hand certain factors over which we have no control are responsible for the increase of those tyrannies to which the people in the countryside are subjected by the petty officials. The principle enunciated by Mian Sir Fazl-i-Husain when the Bill emerged from the select committee was the responsibility of the *panches* to the village people. But more important than the speech delivered by Mian Sir Fazl-i-Husain on the subject is the speech delivered by my honourable friend Mian Ahmad Yar Khan Daulatana who was even then a member of the Legislative Council, though younger in years and in the full vigour of his youth. His words are very pertinent and they will give you an idea of or inkling into the working of his mind as it then was. It may perhaps also give us an idea of the working of the mind of the present gentlemen who are responsible for the Government of this province and for bringing in this measure. He said on that occasion—I want you to mark these words—"The ideals of liberty and equality are penetrating within the sequestered villages"—he deplored this as you will find later on—(*Laughter*). "The ideals of liberty and equality are penetrating within the sequestered villagers and this is the most opportune time for the Government to establish panchayats"—what for?—"before the enemies of Government disturb the placid contentment of the people". That was the idea working in the mind of my honourable friend who is at present the chief pillar of

Sikander ministry—one of the chief pillars I should say. That was the idea working in his mind, that the panchayats were to be established in order to forestall the Congress propaganda in the villages which was then for the first time penetrating into the villages and organising people for the freedom of the country, for winning the emancipation of the masses. It was because the ideals of liberty and equality were entering into the villages and in order to prevent that spirit that was entering the villages on account of the Congress propaganda, that he wanted the panchayats. If that is the idea with which my friends opposite have sponsored this Bill, with the idea of forestalling the Congress propaganda in the villages and establishing the panchayats and using them for their party propaganda or for party purposes or for a political game, then this step is not going to succeed at all.

Now if you turn to the report for the year 1934-35, there are certain valuable, significant confessions made by certain commissioners and deputy commissioners and by other departmental heads. We find on pages 1 and 2 of that report—

An analysis of the expenditure of panchayats indicates that there has been a little activity in the provision or maintenance of public ways and drains, considerably less in the management of wells, ponds and tanks, less still in providing public buildings and practically none in the other spheres of administration provided by sections 14 and 15 of the Panchayat Act..... It still remains true that the energies of panchayats are mainly directed to the performance of their judicial functions.

That is the point I want to drive home, that so far as the main work of providing the villagers with sanitary and other beneficent amenities is concerned, the panchayats have failed. Their judicial work has over-shadowed their beneficent and administrative work. That was one of the main defects in the working of these panchayats. They have paid little attention to what is their main duty, namely providing sanitary amenities, providing facilities for the uplift of the villages carrying on, what are appropriately called municipal duties. They have devoted more attention to criminal and civil judicial work. Further on, on page 8 of the Report, the Commissioner of Jullundur, Mr. Sheepshanks, writes to the following effect—

The panchayats continue to display apathy towards their executive duties and having regard to the prevailing conditions it is idle to expect anything better.

This is the frank admission of an officer who presides over the destinies of five districts of the Jullundur division. Further on, the Commissioner of Lahore division gives his opinion. "He comments on the remarks of deputy commissioners that panchayats confine their activities mainly to the exercise of their civil and criminal functions and suggests that it might be better for panchayats to start without judicial powers." That is the opinion of one of the big officials of the Government, who was a commissioner of the Lahore division. He suggests that it might be better for panchayats to start without judicial powers, so that they may be free to concentrate on their main duty which is to uplift the villages and improve their sanitary condition. Now, Mr. Deputy Speaker, there is a long note in which the Commissioner says—

Opinions have often been expressed in the past that panchayats should start their existence without judicial powers, so that it may be impressed upon them that they have other duties to perform,

[Sardar Hari Singh.]

so that they may not be engrossed in their judicial duties only—

It has, however, been the policy of Government up to date to insist that all panchayats should from the start be invested with judicial powers.

Now the Commissioner of the Lahore division takes exception to this policy of the Government. Further on he says—

On the whole I still find myself in the camp of those who would start panchayats on administrative duties and allow judicial powers to follow. In discussions with deputy commissioners the Commissioner of Rural Reconstruction frequently takes as his text the words of the opening chapter of the Land Administration Manual which describe the collector as the steward of a great estate.

So in this report the Commissioner of the Lahore division emphasises his opinion, from his experience as an executive officer, that if the panchayats are to work successfully, if they are to be of any use to the village communities in their main work of village uplift, it would be a wrong policy to invest them with judicial powers in the very beginning. As a matter of fact, it is my personal opinion that it is very doubtful whether the investing of panchayats with judicial powers would be of any use to the village community. Personally I am one of those who think that the village panchayats should be entrusted only with executive, administrative and beneficent duties for the uplift of the villages and should not be invested with judicial powers which may be used for party purposes, to victimise those who have not voted for the majority party. The concluding portion of this report for the year 1934-35 says—

It is necessary not only to increase the number of panchayats where possible, but also to direct their attention to their administrative and executive powers of which good use can be made in the direction of village uplift.

So according to the admissions made in the report written by the head of department of the Government, it is clear that the panchayats have not paid adequate attention to their main duty, that is to improve village sanitation, to improve the streets, to beautify the village, to improve the villagers physically, culturally and otherwise. In the report for the year 1935-36 also there are certain pertinent sentences which it would be advantageous to read on the floor of the House.

The report for the year 1936-37 has not been published as yet I suppose. The latest report available is 1935-36. It also gives valuable information and "the reports received from the districts," says the author of the Report, "show the reluctance of most panchayats to make any serious attempt to perform their administrative functions effectively." Further on as regards Ambala division, the division of my honourable friend Lala Duni Chand—

The Deputy Commissioners do not take a very encouraging view of the working of the panchayats.

This is the view of the Commissioner on the working of the panchayats—

There is really nothing fresh to chronicle. Left to themselves panchayats in the majority of cases would cease to function and that perhaps is the best test of their popularity.

In the opinion of the Commissioner, Ambala division, if the panchayats were left to themselves, they would come to nought and they would be wiped out of existence. Why? Because the panchayats that have been established in the villages, lack the real motive force that should be behind that machinery. And what does my honourable friend who sponsored

the new Bill which is almost identical with the old one, what does he propose to do in this direction in order to provide that essential and adequate motive force so that the panchayats may continue to work and prove useful to the village communities? According to the reports received, left to themselves, they would cease to exist. And as the report says—

When stirred into some activity, they prefer litigation to cleanliness.

The Commissioner, says, when they are worked into activity say by the inspector visiting and taking them to task for lack of initiative or enthusiasm in their work, what do they do? They devote more attention to litigation than to their main duty of uplifting the villages. So, where is the remedy that my honourable friend the Minister for Public Works is going to provide in order to eradicate this malady which has been admitted by everybody to be eating into the vitals of the panchayat system in the province? Does my honourable friend consider litigation aspect of these panchayats to be more important than their beneficent work? If he thinks that the main work of the panchayats consists in their beneficent activities, their executive and administrative duties, then what is he going to do to imbue the panchayats with the sense of proportion so that they may devote greater attention to the main duty of uplifting the villages and making better sanitary houses in the villages than devoting their attention to criminal and civil cases? The Commissioner further says—

I do not believe that their existence is actually detrimental to the general welfare of the villagers by creating factions and strife,.....

So he is damning the panchayats with a faint praise. It is something less than even a faint praise. He says—

I do not believe that their existence is actually detrimental to the general welfare of the villagers by creating factions and strife, but I have yet to be convinced that it adds materially to their happiness.

He says that the panchayats are not doing anything to add to the material happiness of the villages. May I ask what provision is he going to make in the new Bill which he is laying before the House to-day in order to see that the old defects are done away with and that the panchayats that are going to function under the new Bill are really organizations which are going to add to the material happiness of the people of this province? What is he going to provide in the Bill to ensure that? Again in the Lahore division, Mr. Deputy Speaker, the Commissioner writes—

Minister for Public Works: Read the whole of the Report.

Sardar Hari Singh: No, I will not read the whole of the Report, but only some passages if you would listen carefully. The Commissioner says—

This is not a matter which, in my opinion, should give rise to any regret. Quality rather than quantity is to be aimed at in the matter of panchayats.

And so far quantity has been over-emphasized at the expense of quality—

And I feel that it is better to make a success of a limited number of panchayats rather than establish a large number to grow up without proper supervision. If individual panchayats make a success of their function and prove their worth, there will be a spontaneous demand for an extension of the system.

[Sardar Hari Singh.]

I will read only two or three sentences more for the benefit of my friend the Minister for Public Works, if he has not already read the report which I dare say he has not read yet, I will draw his attention to page 3 where it says—

The reports as a whole are not very encouraging and during the year under report the panchayat system still suffered from the stagnation of the previous years.

This stagnation is the canker that is marring the working of the panchayats. Stagnation! stagnation!! stagnation!!! That is the burden of all departmental reports. The report further on expresses an expectation that with the—

Appointment of paid panchayats officers the system will receive a new impetus and will have an opportunity of proving its usefulness to the public.

However that is a debatable point and depends upon the quality, qualifications and the sense of duty of the paid panchayat officers. That depends upon the human material that would be available for this work and we shall see when this question arises how the Government tackles this work in a proper manner. Now, Mr. Deputy Speaker, the disease that is responsible for the failure of the old Act and which is responsible for my honourable friend bringing in this new Bill before the House is that the old panchayats have not succeeded as well as they were expected to succeed by the sponsors of the Village Panchayat Act in the year 1922. There has been stagnation. The number of panchayats established up to the year 1935-36 is 1,083; but what is the number of villages in the Punjab? 37,000. During the year 1934-35 only 2 panchayats were added. So there is stagnation. No increase in the number of panchayats and no greater efficiency during the year. Thus the Government admits that the various reports go to show that the villagers do not take kindly to the institution established under the old Village Panchayat Act. There was lack of enthusiasm, there was lack of adequate support forthcoming from the villagers of this province to the institutions that were established under the old Act.

The institutions that were established did not prove successful and, therefore, there was no incentive and impetus for new

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institutions coming into being on the model of the existing institutions. My friend wants to make a success of the experiment which was started in the year 1922. By bringing in this new Bill he has failed to demonstrate correct reading of the present position and without correctly studying the present malady and without laying his hand on the main defect and the black spot he has brought in this measure. Without considering the main defect that is responsible for the failure of the present panchayat system, he is rushing in a Bill of this nature. What does he do in that Bill? He only extends or intends to extend the duties entrusted to the village panchayats. He wants to give them increased criminal powers, increased civil or judicial powers, increased powers for the uplift of the villagers, increased municipal powers and so on and so forth. That is a step in the right direction. But all the reports lay emphasis on the fact that the panchayats have so far failed because they have devoted more attention to the judicial work. They have been overwhelmed by their sense of judicial work and that is partially the reason for their failure. When my friend brings in this Bill thereby increasing the judicial powers of the pan-

chayats, does he hope that the new panchayats with increased judicial powers, and to some extent increased municipal powers, will prove greater success than the older ones? If he hopes that they will be successful, then may I ask him what are the grounds for that hope, and what guarantee can he give to this House that the new panchayats with increased powers will prove more beneficial to the people of this province and will not disappoint my honourable friend or the future Government that may step into the shoes of the present Government?

If you will allow me just to mention a few defects in the Bill, which has been laid before us by my friend the Minister for Public Works, I will show that in certain respects this Bill is not a step in the right direction of progress, but it is a step towards retrogression. If you turn to section 10 you will find.....

Minister for Public Works : Can he refer to the sections at this stage?

Sardar Hari Singh : Just to point out that in certain respects it is not a step in the right direction.

Minister for Public Works : That can be dealt with later on.

Mr. Deputy Speaker : In trying to show that there is necessity for circulating the Bill for eliciting public opinion thereon the honourable member can do so. (*Hear, hear*).

Sardar Hari Singh : If you turn to section 10 you will find that this is a retrograde provision. It reads like this :—

Mr. Deputy Speaker : Just a passing reference. The honourable member need not read it. He can refer to it.

Sardar Hari Singh : Yes, with your permission, just a passing reference. It won't take more than half a minute. In this section power is given to the Deputy Commissioner to appoint members of a panchayat and fill their vacancies. This provision did not exist in the old Act. The provision which you are going to introduce in this Bill will not conduce to increase the sense of responsibility of the panchayats in the villages. Why do you take it for granted that the villagers will not elect their *panches*?

Mr. Deputy Speaker : The honourable member should address the chair otherwise it will give rise to a dialogue.

Sardar Hari Singh : The section runs thus—

10. (1) If for any reason the *panches* of a panchayat are not elected or a casual vacancy is not filled within the time prescribed, the Deputy Commissioner may appoint the necessary number of duly qualified persons to hold office as members of the panchayat, and any person so appointed shall hold office as if he had been duly elected under this Act.

You notify a certain area as a panchayat area. The electoral roll is prepared and the day is fixed for election of *panches* to the village panchayats and the villagers do not elect *panches*. Then the contingency arises and the Deputy Commissioner is called upon to fill the vacancies.

Mr. Deputy Speaker : The honourable member should not go into it minutely.

Sardar Hari Singh : If the people of a village do not recognise the need of the panchayat, why should you establish a panchayat there? If they do not elect the *panches* under the rules, why then enforce the provisions of this Act in the area in which the villagers are so backward that they do not come forward? If they are not enamoured of the provisions of the Bill, if they do not want to take advantage of it, if they do not want panchayat in their area, why do you try to appoint nominated *panches*? I would rather have a provision to the effect that a panchayat shall be established, if a panchayat is to be of any use to the villagers, at the request of the villagers. If people of a village or a number of villages make a request to the Government that they want a panchayat, a democratic institution to work for their betterment, then it should be appointed.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : On a point of order. Would the suggestion be not more fitted to be laid before the select committee or to be proposed when the Bill is taken into consideration?

Mr. Deputy Speaker : I have already requested the honourable member to be brief and to refer to these points only as a passing reference to show that there is no necessity for referring the Bill to the select committee.

Sardar Hari Singh : Let not my friend be very restive. I am going to wind up with the words that if my honourable friend has got the good of the province in his heart, if he wants to advance the villagers politically, socially, and morally, if he wants to improve the village life, if he wants litigation to be reduced, if he wants better sanitation in the villages, if he wants solidarity of village life, if he wants political advancement of the villagers, and is not bringing this Bill with any ulterior motive as was enunciated by my friend Mian Ahmad Yar Khan Daulatana in the year 1922 that the Bill was meant to forestall Congress penetration into the villages, then let him circulate this Bill so that the district boards, the village institutions, public men, elected members of district boards and other gentlemen, who should have a say in the matter, who can contribute something towards making the provisions of this Bill better and more useful, may be able to give their opinions on the subject which may then be placed before the House. He may then discuss the Bill in the select committee. I think that then and only then should we evolve a measure which will be more in consonance with the conditions prevailing in the countryside. If he insists upon rushing a measure which he has brought before this House, without referring it to the people at large for securing their opinion, then I say that he and his colleagues will be disappointed if they want to measure their achievements only by the number of Bills they are going to enact during their term of five years. They will probably say, "Look here. We have enacted so many measures during the term of our office, we have enacted dozens of new Acts." But I tell them that those Acts will prove dismal failures like the old Acts if they are going only to measure their achievements by the number of enactments they are going to put on the anvil of this Legislature. Let him, therefore, reconsider the matter and not insist on rushing it through the House. Let him refer it to the general public for expressing their opinion on it if he really wants to evolve a beneficial measure for this province.

Mr. Deputy Speaker: Motion under consideration, amendment moved is—

That the Punjab Village Panchayat Bill be circulated for the purpose of eliciting public opinion thereon by the 1st July, 1939.

Minister for Public Works (The Honourable Nawabzada Major Khizar Hayat Khan Tiwana): Sir, I must confess that I was rather surprised to find my friend ~~Sardar Hari Singh~~ indirectly opposing an innocent measure like the Panchayat Bill. Nobody would deny that these panchayats were the foundations of self-government in India; and nobody would further deny that their revival has been demanded not from one section but from all parties and sections in this country. As a matter of fact the demand for the revival of panchayats is as old as that of "purna swaraja" itself, in fact older; and the only objection that has been raised is why are we rushing through this Bill. I have only to refer my honourable friend to the Congress provinces where similar measures have been brought up with greater haste and attempts are being made to pass them into law. The last Act was passed in 1921. There are 1127 panchayats in all in the Punjab, i.e., one for every 35 villages. These are, however, not very active bodies: there is a certain amount of stagnation as my friend pointed out. If that were not the case there would have been no need for a new Bill. It is to reorganise them on proper working lines that we have come forward with this Bill. As there is stagnation the question of putting life into them becomes imperative. The main defects in the last Bill were that its scope was limited and that there was no adequate staff to look after and supervise the work of the panchayats. When we took over we realised that there were certain defects in supervision and one of the action taken by us was to dispense with the services of the inefficient panchayat officers. My friend who referred to that fact was also one of the movers of the adjournment motion, relating to the removal of inefficient panchayat officers if I recollect rightly. So it is blowing hot and cold in the same breath. With this Bill which gives wider powers to the panchayats the villagers will be able to look after their interests and probably when we appoint the staff later on we hope all the previous defects will be removed. We have provided all necessary safeguards and we hope if there are any defects these would be removed and the measure improved in the select committee. The Bill is based on the widest franchise. I could not imagine that my honourable friend opposite would oppose this principle. The motion for eliciting public opinion is only dilatory and would serve no useful purpose. We are shortly going to appoint the staff. As it has been pointed out if we get the right sort of people with the necessary missionary zeal and spirit they will be able to put a new life and there will be no more stagnation. We have consulted local officers and their opinions are available. The district panchayat organisations from various districts have put forward their views which have also been taken into consideration. A cut was moved by my friend opposite Lala Duni Chand and also by Sardar Sampuran Singh asking for wider powers to be given to the panchayats. I find my honourable friend Lala Duni Chand is moving his head in assent. They should first settle the matter on their own benches. We find that there are two schools of thought even in the Opposition: one is asking for wider powers for these panchayats and the other is only criticising the panchayats because they lead to factions. With the true spirit and full co-operation of all concerned we hope

[Minister for Public Works.]

that these factions would be nipped in the bud and the real village panchayats will come into being as it was before the British raj. I know that in certain places people have taken to litigation but it is only by reviving the panchayats that we can do away with the unnecessary expenditure in courts as we believe that people can settle their differences in villages. Those who have the real interests of the villagers would concede that the less the litigation the better for the villagers. What useful purpose would be served by eliciting public opinion when we know that similar Bills have been passed or are under consideration in other provinces also. We know the public opinion and the opinion of those who have the real interests of the villagers at heart. Are we to obtain any benefit by merely publishing the Bill in the papers. I would say, no. So, I think if we refer the Bill at this stage to the select committee the defects, if any, can be cured. There was only one section of the Bill to which pointed reference was made by Sardar Hari Singh and that is section 10. That is an innocent sort of safeguard to provide for nomination only when the villagers fail to elect the *panches*. One can think of such a situation; and in order to avoid the possibility of the panchayat not functioning at all we have merely provided that if within a specified period the villagers do not elect a *panch*, *sarpanch* or a *naib panch* then the Deputy Commissioner would appoint one. This is a special feature of the Bill which should not be objected to. I do not think any useful purpose will be served by circulating the Bill. I therefore oppose the amendment.

Pandit Bhagat Ram Sharma (Kangra West, General, Rural) (Urdu) : Sir, a motion similar to the one under discussion is standing against my name too. This motion was necessitated by what has been said in the statement of objects and reasons appended to the Bill about the working of the Village Panchayat Act of 1922. That Act also was enacted with a view to granting to villagers a sort of local self-government but now after working it for 17 years the Government has come to the conclusion that it has failed fully to serve the purpose for which it was enacted. Now, Sir, we should learn a lesson from this experience and try to make the present measure as perfect as it is humanly possible to make it. We do not want the Government again to come forward with some other measure to replace this Bill on the plea that it has failed to serve its purpose because there are many defects and loopholes in it. Such a course would entail a great burden on the exchequer which must be avoided. That is why we want to place this measure before those who have practical experience of the Act of 1922 and who are directly concerned with it.

So that we should definitely know what is required for the public and what is beneficial and useful for them. In this connection I wish to point out that many things have been urged from this side which had direct concern with the prosperity of the zamindar. But all those proved to be cries in the wilderness. Only a few days ago, during the last session my honourable friend Lala Deshbandhu Gupta tabled a question about the exchange ratio—

Mr. Deputy Speaker : The honourable member should speak to the motion.

Pandit Bhagat Ram Sharma : I was submitting that during the last session a question about the exchange ratio was tabled from this side of the House—

Mr. Deputy Speaker : The honourable member should speak to the motion.

Pandit Bhagat Ram Sharma : Sir, you have not yet heard me. How can you say that I am irrelevant? I was submitting that my honourable friend Lala Deshbandhu Gupta tabled a question regarding the exchange ratio and the answer that the Honourable Premier gave was—

Mr. Deputy Speaker : The honourable member should speak to the motion.

Pandit Bhagat Ram Sharma : I am giving an instance to show that if the present Government refuses to elicit public opinion on this Bill and if they think that they are the only people who can decide all things, then they are bound to waste the time of the House by bringing forward every day new measures to rectify old measures since they find some loopholes and gaps in them. I am quoting an instance only.

Mr. Deputy Speaker : Very remote sort of relevancy.

Pandit Bhagat Ram Sharma : I may submit that I have not been able to express myself fully. What I mean is that we have known by the conduct of the present Government that whenever they bring in any new measure and place it on the Statute book, usually after 15 days they again come forward with an amendment in order to rectify the mistakes that were left over in that Act. I may also point out that whenever any Bill is introduced by the Government they usually put forward some such excuse that that Bill is for the benefit of the public and therefore the Assembly should immediately place it on the Statute book. But nobody cares for the fact whether it is beneficial for the zamindars or not. No one even pauses to think why the Bill is being passed in hot haste. I wanted to say a few words in connection with this matter only.

Mr. Deputy Speaker : I have requested the honourable member to speak to the motion. This argument is not relevant.

Pandit Bhagat Ram Sharma : Very well, Sir. Every body is fully aware of the fact that the present Government can be compared to a gramophone on which the records of His Master's Voice can only be used.

Mr. Deputy Speaker : The honourable member is again irrelevant. I would request him to speak to the motion.

Pandit Bhagat Ram Sharma : Sir, I was telling the House that the present Government may be compared to a gramophone on which...

Mr. Deputy Speaker : The honourable member is irrelevant.

Pandit Bhagat Ram Sharma : I may point out that all the Bills that are brought forward by the present Government create communal ill-feelings in the Punjab. The previous Government also passed the same kind of acts which tended to create communal hatred among the various communities.

Mr. Deputy Speaker : That is not a relevant argument so far as the motion now before the House is concerned.

Pandit Bhagat Ram Sharma : Sir, I am speaking to the motion.

Mr. Deputy Speaker : No, the honourable member is not speaking to the motion now before the House.

Pandit Bhagat Ram Sharma : Sir, I am speaking to the motion. If you permit me to speak I will proceed with my speech otherwise I will resume my seat.

Mr. Deputy Speaker : The honourable member may proceed with his speech.

Pandit Bhagat Ram Sharma : Whenever we on this side of the House urge for circulating the Bills for eliciting public opinion thereon generally the Government refuses to accede to our demands. It looks as if the present Government or in fact those who run the machinery of the Government think that there is no one who can compete with them as regards ability. That is the reason that whenever they introduce a motion they generally avoid to circulate it for eliciting public opinion. There are many learned lawyers and advocates who are not members of this House but they can help and can be of assistance to us in many different ways. The Punjab Government have wrong notions about themselves inasmuch as they do not consider anybody else capable enough to give them a piece of advice. They are labouring under a misapprehension that there is nobody who is capable and expert in these matters save them. I may submit that there are such lawyers and constitutional experts who can tell the Government how far their particular measure can be of any benefit to the public and what are its drawbacks which would non plus the Government and how far they can be rectified. But this can only be done if the measures introduced by the Government are circulated for eliciting public opinion. I am definitely of the opinion that the outside experts can throw a flood of light on such technical measures. If such constitutional experts and lawyers are allowed the opportunity they can suggest so many improvements in the measures that all of them can become very useful for the public at large. Keeping this object in view we should circulate this measure for eliciting public opinion.

Besides, I may submit that there are many provisions in this Bill which would in the long run benefit the poor zamindars. I do hope that if they are properly applied they would prove very salutary for the zamindars. But it does not mean that this Bill should be passed into a law in one sitting alone. There are certain provisions which require to be amended in order to make them more beneficial for the zamindars. I may also point out that under the provisions of this Bill forest conservancy would be secured. The duty of planting and preserving the trees would be entrusted to the village panchayats. I would like to point out that under the present circumstances in the whole of the Punjab and especially in the hilly districts of this province the question of forest conservancy has assumed great importance. What is its nature ? I would like to tell the honourable members that according to the provisions of this Bill in future the villagers would themselves decide about the plantation and preservation of trees, but the existing forest rules are against this scheme. In my opinion this Bill will not remove the troubles of the zamindars of the hilly districts which they have so far been experiencing.

Mr. Deputy Speaker : The honourable member should not go into the merits of this Bill.

Pandit Bhagat Ram Sharma : I am not going into the merits, but I am only pointing out how far the provisions of this measure can be put into practice. I am certainly within my right to do so.

Mr. Deputy Speaker : In doing so the honourable member would not be speaking to the motion.

Pandit Bhagat Ram Sharma : I was submitting about the conservancy of forests in the hilly districts of the Punjab. I may submit that the common land of a village belongs to a village but whatever grows on it is regarded as the property of the Government.

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

Pandit Bhagat Ram Sharma : I am speaking to the motion. You can give your ruling after hearing me.

Mr. Deputy Speaker : I would request him to proceed to the next argument.

Pandit Bhagat Ram Sharma : Sir, I was submitting that if by planting and preservation of trees in the villages, the object of the present Bill was to secure prosperity to the zamindar, I might point out to the sponsors of the Bill that they are sadly mistaken. The Bill can never prove beneficial to the zamindars in that respect.

Mr. Deputy Speaker : May I draw the attention of the honourable member to the fact that this is not the motion before the House ?

Lala Duni Chand : May I state that he is perfectly within his right ? He can discuss anything that falls within the scope of the Bill.

Pandit Bhagat Ram Sharma : Then I may submit that apart from the powers and functions which will, under the provisions of the Bill, be delegated to the panchayats by the district boards, the Bill seeks to invest these panchayats with very wide civil and criminal judicial powers. My object in drawing your attention to this fact is that empowering of panchayats to try civil suits and take cognizance of and try criminal cases, will prove detrimental to the best interests of the zamindars. It is common knowledge that zamindar is notoriously pugnacious. He has ruined himself by internecine and futile litigation. He has already filled the pockets of the vakils with his hard earned money. In panchayats he will have a handy instrument to move for every petty quarrel. He will knock their door for every little thing. Consequently this will involve him in enormous expenditure. And the number of suits filed by him is bound to increase by thousands. If the purpose of the Bill had been to ameliorate the plight of the poor zamindar or to better his condition economically and financially, we would have readily agreed to its being enacted into law. But the Bill is full of defects. The delegation of powers to try civil and criminal cases is not a salutary provision.

Mr. Deputy Speaker : The honourable member is not to oppose the Bill. He is to speak on the motion.

Pandit Bhagat Ram Sharma : I am only developing my point. I am within my rights to discuss anything that falls in the purview of the Bill. Again, Sir, the Honourable Minister for Public Works has remarked that the Panchayats Bill will serve as a stepping stone to real local self-government and it seeks to invest the masses with certain powers by virtue of which the sense of local self-government will be fostered and developed to its fullest extent. But may I point out to Government that they have been blowing hot and cold in the same breath. Their policy in the past has been to strike at the very root of the spirit of local self-government. Whenever they find that the elected element in a certain districts board or local body has become stronger, they lose no time in enhancing the nominated element to counterbalance the effect of the former. This is nothing short of gagging the public opinion. They have persisted in their attitude with regard to nomination in the case of panchayats also. I quote clause 10 of the Bill to prove my contention. This particular clause empowers the Deputy Commissioner to nominate or appoint at any time any person to hold office as member of the panchayat. In the face of such objectionable powers retained by Government, how are we to understand that it is intended in right earnest to confer local self-government on the rural people. The actions of the Government in the past and the attitude adopted by them in regard to local self-government, amply show that the Bill has been brought forward as a mere eyewash and with a view to earn cheap popularity.

Minister for Public Works : Question.

Mr. Deputy Speaker : May I draw the attention of the honourable member once more to the fact that he is not speaking to the motion for circulation. The motion before the House is that the Bill be circulated for eliciting public opinion.

Pandit Bhagat Ram Sharma : What else am I to speak? Would you please allow me to develop my argument? I was going to submit that the Honourable Minister was pleased to remark that they preferred to give precedence to introduction of local self-government over other ameliorative measures, because this Bill would create a sense of responsibility among the masses of rural areas. I have serious doubts about the veracity of the statement. To me it appears that the Bill is intended to kill rather than to foster or promote the spirit of local self-government among the rural people. The Government are never straightforward and fair in their dealings. They miss no opportunity to deprive the people of their inherent right of local self-government. The case of Lahore municipality is an instance in point. May I know why this premier municipality of the province has been kept under suspension for such a long period?

Mr. Deputy Speaker : I would request the honourable member not to be irrelevant. I have made this request so very often. I hope the honourable member will speak to the motion.

Pandit Bhagat Ram Sharma : I am only refuting the argument given by the Honourable Minister. I was only developing my argument.

Sardar Sampuran Singh : Would it not be worth while to let him know how far and how he is irrelevant?

Mr. Deputy Speaker : Order, order.

Pandit Bhagat Ram Sharma : Well, Sir, I know the stereotyped reply that will be put forward in answer to my query. The Honourable Minister would probaly say, as he has already stated several times, that they have got this as a legacy from their predecessors. It means that they have inherited all these evil tactics from their predecessors, and they are, as one should do, abiding by the legacy which they hold in great esteem. The present repression is also received by them as a legacy from their predecessors. *(Hear, hear.)*

Mr. Deputy Speaker : I would request the honourable member not to persist in irrelevancy.

Dr. Gopi Chand Bhargava : May I submit that as far as I understand him, it is this. Looking to the past actions of the Minister in charge regarding this local self-government department, he feels that the Bill which he has put forward will not satisfy the people and therefore the Bill should be published for eliciting public opinion thereon. This is the argument that he is going to develop. I do not know what else he can say. He can say that as far as this Bill is concerned he thinks that this is not the Bill which the people would like to have and therefore he wants that the Bill should be circulated for eliciting public opinion. That is all he is saying.

Mr. Deputy Speaker : I put it to the honourable member whether he thinks he is relevant in putting forward this argument.

Pandit Muni Lal Kalia : May I know whether the ruling of the Chair relates to only one case of irrelevancy or whether the honourable member has been irrelevant at different stages and this ruling covers all ?

Pandit Bhagat Ram Sharma : Sir, I should like to make this submission that the present Bill is stated to have been brought forward with the intention of fostering and developing local self-government in the rural areas. I am of the opinion that the proposed Bill does not come up to the mark and is not going to fulfil the hopes entertained by the Government. It will destroy whatever little local self-government exists. Again we have been told that it will be instrumental in promoting village industries. I wonder how far this statement is true. The perusal of the Bill does not enlighten us as to how and in what manner the industries are to be promoted. In this connection I may point out that so far as the promotion of industries is concerned we have had, during the budget discussions, an insight into Government's enthusiasm towards this direction. We are well aware of the meagre provision made by Government in their budget for the encouragement and development of industries. It is a pity that whatever surplus amount they had at their disposal and which could be fully expended on the promotion of industries, has been converted into a fund known as the Famine Fund.

Mr. Deputy Speaker : The honourable member has been irrelevant whenever I have stopped him.

Pandit Bhagat Ram Sharma : Sir, what I have submitted is quite clear on the face of it. By the passage of this Bill the Government's aim is to promote local self-government but how regrettable it is that no heed is being paid to find out the public opinion regarding this Bill which has been put before the House. I think, the Government should in the name of fair-play and justice, know public opinion regarding the Punjab Village Panchayat

[Pandit Bhagat Ram Sharma.]

Bill. With these remarks I commend the motion moved by my honourable friend Sardar Hari Singh that the Punjab Village Panchayat Bill be circulated for the purpose of eliciting public opinion thereon.

Mr. Dev Raj Sethi (Lyallpur and Jhang, General, Rural) (*Urdu*): Sir, I may submit at the very outset that I have risen to say a word or so in favour of the motion moved by my honourable friend Sardar Hari Singh. Let me first of all refute the allegations made by the Honourable Minister in charge saying that we people who are sitting on this side of the House want to stand in their way so that the Bill may not be passed. May I inform the Honourable Minister that we are not going to do so? We do not want a single village without a panchayat but a panchayat of a different pattern. Strictly speaking we want the Bill because we fully realise that it is only Panchayats on which the grandeur of the province depends. These Panchayats are the pivot of the self-governing institutions of villages. As you know, in pre-British times these Panchayats had been working most efficiently. They had been strongly established, so much so that Rajas and Nawabs vanished away but Panchayats remained where they were. It means that those Panchayats were found to be most advantageous at that time. Do you know what was the reason of that marvellous success? The reason was this, that the Central Government did not use Panchayats for the purpose of their personal aggrandisement. The Government of those days did not want to exploit poor people of the country-side, in the name of their party, and these village institutions were never used by the then Government for distribution of patronage.

But, now, what is the present Government going to do about this matter? I am sorry to say that the present Government is going to do nothing but tinker with the Bill. The Panchayat Act now in force was the product of the genius of the late Mian Sir Fazl-i-Husain. No body can deny the fact that this Panchayat Act had been honestly working in the Province for the last 16 years. The Honourable Minister knows, what is the result of its working for 16 years? The result is that out of every 100 there are 97 such villages where there is no Panchayat and in those villages where there are Panchayats, half of them are defunct. There is no doubt that lot of money has been spent on the working of this Act in the province for a period of no less than 16 years. Of what use is it if the real aim of the Government has not been achieved? It is a fact no doubt, that the real fulcrum of villages are Panchayats, which regulate and control the daily life of the people in villages. Nobody can deny the palpable fact that progress in social, industrial, economic, political and judicial life of village people depends on a sound working of Panchayats.

In the end I would like to submit most respectfully that the Bill has not been circulated as yet in the province. Therefore, justice demands that it should be circulated for the purpose of eliciting public opinion thereon by the 31st of May if not 31st of July, 1939, as suggested by Sardar Hari Singh. In case our requests are not complied with, it is very likely that this Bill would be referred to a select committee as the Government wish and placed before the House with a few verbal changes here and there. The result would inevitably be that after say 10 years, again the same old complaint would be forthcoming that the working of this Bill is disappointing and

the condition of the Panchayats is stagnant. If the Government want to appoint some officers in this connection they will have ample opportunity to do so. We do not want to stop them. But I do not see any harm if the Government would please consent to circulate the Bill till 31st of May, 1939.

The select committee would then have the benefit of the ripe judgment of scores of members of district boards, village panches, men of age and experience. It would be possible to consider and enact this Bill in the next summer session.

Khawaja Ghulam Samad (Southern Towns, Muhammadan, Urban) (Urdu): Sir, as you are aware, the Panchayat Act was passed in 1922 to develop local self-governments in rural area but it failed in fulfilling the object in view. The reason as far as I think must be that it contained defects. The present Government which is in reality the well wisher of zamindar has introduced this measure in order to give them an uplift by extending the powers and duties of Panchayats. By bringing this Bill now again before this august House it does not mean that the Government is going to act against it. Let the honourable friends who are sitting on the opposite benches take it for granted that it is not so. The procedure of passing an Act is this that first of all a scheme is drafted and after it is passed and acted upon, its virtues and defects are found and in order to remove them some changes are made in it by means of amendments incorporated in it from time to time and if desired the previous Acts are repealed and improved Acts are substituted. The same principle holds good here. That is why this Bill has been introduced. What has been stated by my honourable friends sitting opposite in regard to this amended Act has no legs to stand upon. One objection that has been raised by my honourable friend Mr. Sethi was this that out of 100 villages there are only 3 such villages where there are Panchayats. I admit it but let me tell him in addition to what I have already said, another reason which is obvious and that is this that Act III of 1922 has not been put to practice as it should have been done for many omissions and defects therein. Now when the old regime has gone and the new provincial autonomy has set its sails and when the Government's policy is that of democracy we think it worthwhile to fulfil the object of the Panchayat Act and bring it into operation by introducing this improved Act.

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

Khawaja Ghulam Samad: I am speaking to the motion because I am replying to what the honourable member on the other side spoke who though irrelevant was not stopped by you.

Mr. Deputy Speaker: The honourable member need not give a reply to the arguments advanced on the other side which were not relevant.

Khawaja Ghulam Samad: If honourable members were allowed to speak irrelevant matters I should also be allowed to reply to them. (Laughter.) Another remark that has been made by my honourable friend sitting opposite was to the effect that in old times Panchayats were held in high esteem, *panches* and *sar panches* were respected both by the people and the government. Admitting it I would like to reply him saying that this measure has been introduced in order to serve the same purpose, i.e., to make

[Khawaja Ghulam Samad.]

Panchayats and *Panches* more popular as in older times but I am sorry to remark that my friends who pose to be more patriotic and more sympathetic towards the zamindar according to their old practice for the sake of propaganda are opposing such an important measure introduced before this House with a view to develop self-Government, remove their slavish habits and to produce in them self respect and ruling capacities.

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

Khawaja Ghulam Samad : Now, the aims and objects of Panchayat Act which has now been brought before the House are to benefit the people of country-side. The powers that have been vested in Panchayats make this point quite clear that much is going to be done for the good of the village community. The fact of the matter is that more powers have been vested in Panchayats than those which had been vested in them by the previous Act. First of all the present Government want to form Panchayats by holding election and then by enforcing this Act they would help the rural community in governing their villages by this useful Panchayat system. Just imagine what the present Government is going to confer upon Panchayats. Powers would be given to Panchayats to try civil suits and the poor villagers would thus be exempted from paying court fees and will have to pay a nominal fee and they would be saved from other hundred and one court expenses. Apart from this, Criminal powers have been vested in Panchayats whose details have been included in Scheduled list. May I ask the Opposition to rest assured that this Bill has been brought before the House after much thorough and careful consideration by the true representatives of rural areas on whom the rural people have full reliance.

As my honourable friend, Mr. Sethi has stated the Bill would be referred to a select committee and certain amendments would be made in it, surely it would be done. This is an old custom that Acts are amended whenever any important necessity occurs in course of working of the Act. There is no doubt that after a period a Session Judge or any other officer or *panches* and *sarpanch* would say that such and such amendment be incorporated in the Act for such and such part of the Act is not effective and that will be done. If at all amendments are made in this Act say after ten years time this does not reflect upon the Act or weaken the Act, but it goes in favour of the Act. In the same way the present Act has improved the previous one by extending the powers of Panchayats.

The poor villagers have to knock at the door of the police for even the most trivial offences and as the police stations are usually situated in distant places, they have to undertake journeys for making reports in the police stations. By the establishment of Panchayats in the villages, the public will be saved a good deal of inconvenience.

Besides, we are often told by the honourable members of the Opposition that there is no adequate arrangement for keeping the villages in a good sanitary condition. I may inform them that the Panchayats will do this work to the entire satisfaction of all concerned. Again, they will see that their kacha roads are properly maintained and metalled as far as possible. They are also expected to remove several grievances of the villagers against

the Patwaris who prove a great nuisance to them. The members of the panchayats, that is, the *panches* and the *sarpanches* will try to liberate the simple folk from the clutches of these petty officials. Moreover, they will plan public gardens and arrange for their upkeep and do many other useful things as detailed in section 19 of the Act.

Another important duty of the *panches* would be to promote literacy in the villages and establish libraries for the use of the rural people.

The *panches* will be able to give an impetus to the village industry and agriculture, with the result that the economic conditions of the rural population will considerably improve.

In the end I may assure my honourable friends occupying the opposite benches that a good care has been taken in assigning duties to the *panches* and *sarpanches*, and if the Panchayats are established, a lot of good will be done in the villages.

With these few words, Sir, I strongly oppose the motion for circulating the Bill for eliciting public opinion thereon because that would delay this highly salutary measure.

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

Munshi Hari Lal (South-Western Towns, General, Urban): Sir, I rise to support the motion that has been tabled by my honourable friend, Sardar Hari Singh, that this Bill be circulated for eliciting public opinion thereon. The reasons of opposition are sometimes unintelligible. The question is very simple. Let us agree to send it to the public tribunal and see what is the verdict of the public on this Bill. So far as the question of the principle of the Bill is concerned, the Opposition does not oppose it, at all. It is on the point of the 'provisions' where we do not see eye to eye with the Government. We want that the Bill should be so framed as to develop local self-government and to bring into existence panchayats which should govern and regulate the village and its affairs. So far as this principle is concerned, there is nobody on this side that opposes the Government. But the question is that the provisions in this Bill do not go far enough in these directions. They do not much help in the development of local self-government. It is there that we differ. Our point is that the Bill is inadequate, and insufficient.

Shaikh Faiz Muhammad: I would be glad if the honourable member will give me some indication of the extent to which he would like the Bill to go.

Munshi Hari Lal: I am replying to the objections that have been raised by the Government to the motion for the circulation of the Bill to elicit public opinion thereon and I will show that they have absolutely no foundation and by showing this I will be showing that the Bill is not sufficient. The Honourable Minister who is in charge of this Bill says that the object of the Bill is to revive panchayats. I want to put to him the question. What sort of panchayat does he want to revive—the panchayat that existed before the Unionist Government came into office or the panchayat that existed before the advent of the British raj? We want that the panchayat that is to be revived should be of such a nature as it existed before the advent of the British raj. *(Hear, hear.)* I do not want the panchayat which existed before the Unionist Government came into office and which has proved

[Munshi Hari Lal.]

ineffective. The panchayat that came into being under the Act of 1922 did not develop at all the sense of local self-government of a villager. I want panchayat of a different kind and that is the panchayat that existed before the British raj. (*An honourable member*: What was that?) The object of this Bill, as has been stated, is the autonomy of the village. Are you giving all the powers to the panchayat to manage the village? If you just look at the Bill you will find that there are many flaws and many defects in it and we want the revival of the panchayat, I mean not the revival of the panchayat which existed before this Government but the ancient panchayat and the panchayat of olden days. Now who is to judge whether the panchayat which this Bill wants to give is sufficient for the village? Not only the 175 members of this House, but as many people as can be secured and as are competent to express an opinion, that is the public outside this hall. Our object is to invite the full expression of opinion of the public. We should appeal to the final tribunal of the public to see whether they accept this Bill, whether they are contented with this Bill, whether this Bill is of such a nature as to appeal to their practical sense and capture their imagination. That is why my honourable friend has brought forward this motion that the Bill should be circulated for eliciting public opinion.

After all what does the Government lose? So far as the question of panchayats, constitution of the panchayats, creation of the panchayats is concerned there is no opposition from this side. It is only in details of the Bill that we differ. We want that the Bill should command the will and should receive the assent of the public. The public should be given an opportunity to express their opinion upon the provisions of this Bill. Sir, it is stated that this Bill gives vital power to the people. What power does it give? Is the *panch* or the panchayat empowered to arrest a man when he is committing an offence in the village? An offence has been committed in the presence of the *panch*, is he given the power to arrest the offender there and then? Is he given the power to take cognizance of the complaint? If the circulation motion had been with the object to shelve the Bill, there would be justification for opposing the circulation motion, but when members of the Opposition say that the public should be given an opportunity to express their views, their object is not to thwart the passage of this Bill but to see that it is placed before the public and their opinion invited on the provisions of the Bill. It is difficult for me to understand the opposition of the Government to the motion of circulation.

Honourable Members: Question may now be put.

Chaudhri Kartar Singh (Hoshiarpur West, General, Rural) (*Urdu*): Sir, the object underlying the motion moved by Sardar Hari Singh is that the Bill now before the House be circulated for eliciting public opinion thereon. The Honourable Minister for Public Works remarked in his speech that the Government intended to introduce the fullest measure of local self-government in this country by the introduction of this Bill. I hope you remember that when it was proposed to dispense with the services of nineteen panchayat officers, it was said that some of them were corrupt and others inefficient and as such they intended to replace them by new men. I would like to submit that during the last sixteen years about 1,050 panchayats

were brought into existence. The previous Government, the Honourable Sardar Sir Sikander Hyat-Khan being one of its members, succeeded in establishing only 150 panchayats. The Honourable Minister in charge of the department stated that because some of the panchayat officers were corrupt and others were inefficient the Government could not do much in this respect. I wish your efforts were crowned with success. The Opposition have no quarrel with you on that score. It is their earnest desire that mutual warfare and strife among the rural people may stop and they may prosper. But so far as this Bill is concerned, we should see what is its real object? The Bills introduced during the last two years were never circulated for eliciting public opinion thereon with the exception of two Bills, the Hindu Endowment Bill and the Muslim Aqaf Bill, the latter was moved by my friend, Mir Maqbool Mahmood. We establish panchayats with a view to inculcating a democratic spirit in the minds of rural people but by opposing this motion the honourable members over there are acting undemocratically. In fact they are cutting at the very root of democracy. When parliament intend to enact a law, as a rule the very first step they take is to circulate the measure for eliciting public opinion thereon. You have passed the Agrarian Bills into law in a hurry but that may be due to the fact that the period of limitation was about to run out in many cases and that thereafter the mortgaged lands could not have been redeemed. On that ground the hurry with which the Government acted could be justified. But to-day war is not apprehended, the Pathans or Afridis are not coming upon us that we should lose no time in passing this measure in a hurry like this. I appeal to the Honourable Minister that he should refrain from cutting at the root of democracy in this province. I must say that the cabinet is jointly responsible to the people. They should see that the wishes of the people are complied with. But I am sorry to remark that in this province Bills are introduced without ascertaining the will of the people. It is said that the Congress benches oppose measures that are intended to introduce a greater measure of local self-government in the country. My friends take these tales to the countryside. The Honourable Chaudhri Sir Chhotu Ram is playing the most prominent part in this connection. He tells the people that the Bills intended to benefit them are strongly opposed by Congress. Let me tell my friends that the Congress is not opposed to the principle of this Bill. But when you are deciding the fate of fifty thousand villages and trying to introduce local self-government there, why not circulate the Bill for eliciting public opinion thereon for one or two months. I do not say you should gather opinions of the judges or non-agriculturist deputy commissioners. You can ask the tahsildars, naib-tahsildars and zaildars as to what is their opinion about the provisions of this Bill. You are going to give people vast powers under this Bill. Every body will have a vote. Does it mean that even bad characters whose names are entered in Register No. 10 of the Police will be eligible to become members and presidents of these panchayats? This is an inherent defect in the Bill. What is the real condition in villages? In the Hoshiarpur district an owner of half an acre of land feels independent but the tenants of my friends, Nawab Ahmad Yar Khan Daulatana and the Tiwana Sahib cannot take water even for drinking purposes without their permission.

Now, Sir, I would like to make it clear as to whom the Government intends to empower by means of this measure. The Superintendent of Police

[Ch. Kartar Singh.]

of the Jhang district has demanded securities from the lambardars and zaildars of the district to assure that no theft would be committed within their respective ilaqas. It is quite obvious that the Superintendent believes that these village officials are responsible for such thefts. May I then ask the Government whether it is going to delegate such powers to these people whose own conduct is highly objectionable.

To-day I have been amazed to learn from the Honourable Minister for Public Works that he is endowing village community with Swarajya. I wonder if I am dreaming. I cannot expect that these adopted sons of the Whiteman could bestow Swarajya upon our rural population. I am sure that this dream of the Honourable Minister would never be realised and he would never delegate such powers to these poor people. How can it be possible for those people who are the mainstay of the British Imperialism and Commonwealth, to think for a moment to offer Swarajya to us Indians. An honourable friend has drawn my attention to a cartoon in which poor agricultural labourer is shown straining under a heavy burden comprising of aeroplanes, motor cars, locomotive engines, cannons, parliaments, etc., etc. And the poor kisan being imbued with the sense of responsibility is seen thinking that should he move a little, the whole universe would fall with a thud from above his back and turn into a chaos. Similarly you have over-burdened the back of the Punjab peasant. The income which he earns by the sweat of his brow is being lavishly wasted on macadamising roads, digging canals, raising Assembly Chambers and manufacturing aeroplanes. Out of his meagre income you are defraying the salary of the Honourable Premier which amounts to Rs. 3,500 per mensem, and which in other words happens to be the price of 1,700 maunds of wheat at the rate of Rs. 2 per maund. But the Government should bear in mind that the day this poor fellow awakens to his wretchedness and finds that he has been awarded Swarajya certainly the evil days for the Government would set in. Therefore, the corollary is that the Government is not sincerely inclined to award him complete independence. But on the other hand if you really intend to offer him complete independence you would be well-advised to invite their opinion on this so-called *Magna Charta* of their independence. My submission is that we should establish healthy conventions in the House and refrain from setting up such a convention as the majority party intends to establish by introducing a Bill in the morning and getting it passed by the evening.

There is one thing more which deserves your special attention and which is this that the Punjab Government has always thrown aside the opinions expressed by those people who are considered to be expert on the subject. And so even if the Government were to circulate this Bill for eliciting public opinion thereon, I do not think it would ever pay heed to any opinion expressed by anybody on the measure. Here I would like to cite an instance by way of illustration. When our Honourable Premier appointed the Retrenchment Committee he was pleased to invite Professor Brij Narain to work on it. But when he felt that the said professor intended to bring such things on the record which were not at all palatable to the Government, the poor fellow was made to tender his resignation from the membership of the committee.

Mr. Speaker : What has that to do with the motion under discussion?

Premier : These are not only irrelevant but also wholly erroneous impressions.

Chaudhri Kartar Singh : I do not propose to say anything in reply to the remarks made by the Honourable Premier. But if he desires that I should prove the contention made by me on the floor of the House, I would very gladly try to get the Professor Sahib to issue a statement to the effect that since the Government did not want to accept his views he was obliged to resign from the said committee.

I can assure you, Sir, that the Government always shuns expert opinion and if it ever obtains such an opinion it does not want at all to give it a practical shape. I hope that you would bear me out that the policy of introducing a Bill in the morning and getting it passed by the evening, as it has always been done by this Government, is absolutely absurd. I am free to admit that we are in complete agreement with the principle underlying the present Bill, but what we now want is to get it published to afford an ample opportunity to the public to offer opinions thereon.

Sardar Kartar Singh (Lyallpur-East, Sikh, Rural) Punjabi : Sir, the Honourable Minister for Public Works has remarked in the statement of objects and reasons appended to the Panchayat Bill that the progress of the old Act was disappointing and it has worked in the most unsatisfactory manner. But I may tell you, Sir, that it was the mentality of the Government officers which has been responsible for this unsatisfactory working of the previous Act. They have always tried to make every such Act a scrap of paper by which the curtailment of their powers had been intended to be brought in. It goes without saying that the establishment of panchayats results in the curtailment of the powers of these officers which is extremely resented by them. That is why they never like to see the panchayat system flourish in the rural areas. Had this system been promoted and encouraged by them the progress would never have been so disappointing even under the previous defective Act.

The second reason for this slow pace of the working of this system in the province is the long and tedious process of establishing such panchayats in the villages. Under the previous Act the villagers had to apply to the Government for establishing such a panchayat in their respective villages. It was generally complained that the officials used to sleep over applications for months together. I may submit on the strength of my personal experience that in certain cases the panchayat was not established even after two or three years of waiting. It is much to be regretted that even in the present Bill we do not find any such assurance that this general grievance would be redressed by the enforcement of the new Act. Had it been definitely provided therein that 37 thousand panchayats would be established under the new Act there would have been at least some consolation to us in accepting it. If the new Bill does not provide for the establishment of a panchayat in every village, I am sure, it would also meet the same fate. The selection of certain villages for the purpose would not do any good to our rural population. We want a panchayat in every village.

[Sardar Kartar Singh.]

Again, the present Bill is wanting in prescribing any procedure for establishing such panchayats. The Government has not thrown any light on this point.

Then, no provision has been incorporated in the Bill as to who will elect the panchayats and who will be entitled to vote at the elections. These powers have been vested in the Government. It was not proper to vest in the Government the power to determine how the panchayats are to be elected. These things ought to have been left for the legislature to decide and to include in the legislative measure. In this way two things would have been ensured. First, the panchayats would have been really representative of the village communities and secondly all the sections of the population in the countryside would have got adequate representation in the panchayats. But the Government has thought it fit to reserve these powers for itself so that the people may not get adequate representation in the panchayats. In this way the progress of the panchayats is bound to be retarded. My honourable friend, Chaudhri Sahib, seems to be apprehensive lest No. 10 badmashes should get into the panchayats. But my fears are of a different type. I think the Government has made sufficient provision in this Bill to make it impossible for real servants of the people and of the country to be *panches*. Section 8 of the Bill empowers Government to remove a *panch* who, in the words of the section :—

Is convicted of a non-bailable offence or subjected by a criminal court to an order which, in the opinion of Government or of the officer to whom Government has delegated its power of removal, implies a defect of character unfitting him to be a *panch*.

This means that this section will be successfully used against the political adversaries of Government. What is being done at present? It is on the self-same ground of "a defect of character" that many servants of the public and of the country are debarred from the memberships of district boards. Then, there is another provision which empowers the Government not to let an elected *panch* take his seat on the panchayat. It has been laid down in the Bill :—

The results of all elections shall be reported to the prescribed authority and no election shall be valid until it has been confirmed by the prescribed authority.

It has been further provided that—

The prescribed authority may refuse to confirm the election as *panch* of any person who could be removed from office under any of the provisions of section 8 or whom such authority for any reason which it may deem to effect the public interest may consider to be unfit to be a *panch* and upon such refusal the election of such person shall be void.

This means that not only the Government has been empowered in this Bill to remove members of the panchayats it will also have the power to prevent the election of some members.

Now, this provision can also be used against the political opponents of the Government. Their elections may be held as null and void before they have a chance to set foot in a panchayat as members. These are some of the defects in this Bill, Sir, which we, on this side of the House, feel cannot be removed unless it is circulated to elicit the public opinion thereon. The need for consulting the public in this matter cannot be over-emphasised. If these defects to which I have only briefly referred in my speech are not

removed, the Bill will be of no real use. It will not promote the cause of panchayats. It will, on the other hand, retard their growth and progress. Even if panchayats are established under such a law as has been proposed, they will not be able to render any service to the people. I strongly support, therefore, the motion which has been moved to circulate this Bill for eliciting public opinion.

Mr. Speaker : The question is—

That the question be now put.

The motion was carried.

Mr. Speaker : Question is—

That the Punjab Village Panchayat Bill be circulated for the purpose of eliciting public opinion thereon by the 1st of July, 1939.

The Assembly divided : Ayes 37, Noes 92.

AYES.

Abdul Aziz, Mian.
Bhagat Ram Choda, Lala.
Bhagat Ram Sharma, Pandit.
Chanan Singh, Sardar.
Duni Chand, Lala.
Faqir Chand, Chaudhri.
Girdhari Das, Mahant.
Gokul Chand Narang, Dr. Sir.
Gopi Chand Bhargava, Dr.
Hari Lal, Munshi.
Hari Singh, Sardar.
Harjab Singh, Sardar.
Harnam Das, Lala.
Jugal Kishore, Chaudhri.
Kabul Singh, Master.
Kapoor Singh, Sardar.
Kartar Singh, Chaudhri.
Kartar Singh, Sardar.
Krishna Gopal Dutt, Chaudhri.

Lal Singh, Sardar.
Mazhar Ali Azhar, Maulvi.
Mohy-ud-Din Lal Badshah, Pir.
Muhammad Abdul Rahman Khan,
Chaudhri.
Muhammad Hassan, Chaudhri.
Muhammad Nurullah, Mian.
Mukand Lal Puri, Rai Bahadur Mr.
Mula Singh, Sardar.
Muni Lal Kalia, Pandit.
Prem Singh, Mahant.
Rur Singh, Sardar.
Sahib Ram, Chaudhri.
Sampuran Singh, Sardar.
Santokh Singh, Sardar Sahib Sardar.
Sant Ram, Seth, Dr.
Shri Ram Sharma, Pandit.
Sohan Singh Josh, Sardar.
Sudarshan, Seth.

NOES.

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Abdul Rahim, Chaudhri (Gurdaspur).
Abdul Rahim, Chaudhri (Gurgaon).
Afzaali Hasnie, Sayed.
Ahmad Yar Khan Daulatana, Khan Bahadur Mian.
Ahmad Yar Khan, Chaudhri.
Amjad Ali Shah, Sayed.
Ashiq Hussain, Captain.

Badar Mohy-ud-Din Qadri, Mian.
Balwant Singh, Sardar.
Bhagwant Singh, Rai.
Chhotu Ram, The Honourable Chaudhri Sir.
Dasaundha Singh, Sardar.
Dina Nath, Captain.
Faiz Muhammad Khan, Rai.
Faiz Muhammad, Shaikh.
Farman Ali Khan, Subedar-Major Raja.

Fateh Khan, Khan Sahib Raja.
 Fateh Muhammad, Mian.
 Fateh Sher Khan, Malik.
 Fazl Ali, Khan Bahadur Nawab Chaudhri.
 Fazal Din, Khan Sahib Chaudhri.
 Fazal Karim Bakhsh, Mian.
 Ghazanfar Ali Khan, Raja.
 Ghulam Mohy-ud-Din, Khan Bahadur Maulvi.
 Ghulam Samad, Khawaja.
 Gopal Singh (American), Sardar.
 Gurbachan Singh, Sardar Sahib Sardar.
 Habib Ullah Khan, Malik.
 Haibat Khan Daba, Khan.
 Hans Raj, Bhagat.
 Harnam Singh, Captain Sodhi.
 Het Ram, Rai Sahib Chaudhri.
 Indar Singh, Sardar.
 Jafar Ali Khan, M.
 Jagjit Singh Man, Sardar.
 Jogindar Singh Man, Sardar.
 Karamat Ali, Shaikh.
 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 Amin, Khan Sahib Shaikh.
 Muhammad Ashraf, Chaudhri.
 Muhammad Azam Khan, Sardar.
 Muhammad Faiyaz Ali Khan, Nawabzada.
 Muhammad Hassan Khan Gur-chani, Khan Bahadur Sardar.
 Muhammad Hayat Khan Noon, Nawab Malik Sir.
 Muhammad Jamal Khan Leghari, Nawab Sir.
 Muhammad Nawaz Khan, Major Sardar.
 Muhammad Qasim, Chaudhri.
 Muhammad Raza Shah Jeelani, Makhdumzada Haji Sayed.
 Muhammad Saadat Ali Khan, Khan Bahadur Khan.

Muhammad Sadiq, Shaikh.
 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.
 Muhammad Yusuf Khan, Khan.
 Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
 Muzaffar Khan, Khan Bahadur Captain Malik.
 Muzaffar Khan, Khan Bahadur Nawab.
 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.
 Pohop Singh, Rao.
 Pritam Singh Siddhu, Sardar.
 Ram Sarup, Chaudhri.
 Riasat Ali, Khan Bahadur Chaudhri.
 Ripudaman Singh, Thakur.
 Roberts, Sir William.
 Sahib Dad Khan, Khan Sahib Chaudhri.
 Shahadat Khan, Khan Sahib Rai.
 Shah Nawaz, Mrs. J. A.
 Shah Nawaz Khan, Nawab Sir.
 Sikander Hyat-Khan, The Honourable Major Sir.
 Singha, Diwan Bahadur S. P.
 Sohan Lal, Rai Sahib Lala.
 Sultan Mahmood Hotiana, Mian.
 Sumer Singh, Chaudhri.
 Sundar Singh Majithia, The Honourable Dr. Sir.
 Suraj Mal, Chaudhri.
 Talib Hussain Khan, Khan.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.
 Wali Muhammad Sayyal Hiraj, Sardar.

Mr. Speaker : The question is—

That the Punjab Village Panchayat Bill be referred to a select committee.

The motion was carried.

Mr. Speaker : The question is—

That the select committee do consist of more than fifteen members.

The motion was carried.

Mr. Speaker : The question is that the select committee shall consist of the following :—

Major Sardar Muhammad Nawaz Khan,
 Sayed Mubarik Ali Shah,
 Chaudhri Sumer Singh,
 Sardar Inder Singh,
 Sardar Sampuran Singh,
 Sardar Sohan Singh Josh,
 Mahant Girdhari Das.
 Seth Kishan Das,
 Mian Fateh Muhammad,
 Sayed Afzaalali Hasnie,
 Mian Sultan Mahmud Hotiana,
 Shaikh Faiz Muhammad.
 Khan Sahib Chaudhri Sahib Dad Khan,
 Diwan Bahadur S. P. Singha,
 Khan Bahadur Mian Mushtaq Ahmad Gurmani.

The motion was carried.

Mr. Speaker : The question is—

That the quorum of the select committee be 7.

The motion was carried.

LEGISLATIVE ASSEMBLY (OFFICES) BILL.

Premier : Sir, I beg to move—

That the Punjab Legislative Assembly (Offices) Bill as reported by the select committee be taken into consideration.

Mr. Speaker : The motion moved is—

That the Punjab Legislative Assembly (Offices) Bill as reported by the select committee be taken into consideration.

Pandit Muni Lal Kalia : Sir, I rise on a point of order. You remember that when this Bill was first introduced in the month of January, certain objections were raised by me and some honourable members on this side of the House, and you were pleased to hold at that time that such objections may be taken at a later stage, either when the clauses are under discussion or after this Bill had been to the select committee.

Mr. Speaker : Will the honourable member first state his point of order and then, if necessary, support it by arguments?

Pandit Muni Lal Kalia : I have constitutional objections with regard to the right of this House to introduce such a measure. That is my objection No. 1. There are certain clauses of this Bill which are *ultra vires* and for that I am also of opinion that this House has no power to put in such clauses in this Bill. The objection is based on a fundamental principle, that this Bill presumably restricts the rules of business and procedure of this House and that it deals with the privileges of the members and that it also gives certain powers to the Speaker of this House.

You will agree with me, Mr. Speaker, that this Bill does not fall into any of the three classes in which Bills which are so divided by the Government of India Act fall. It may be said that this has been brought under section 71 (3) of the Government of India Act and it may also be argued that as it deals with the procedure and the conduct of business of the House, therefore this may also be in a way indirectly connected with section 84 of the Government of India Act. I propose to discuss it at some length along with the provisions of section 71 of the Government of India Act. The marginal note to section 71 is "Privileges, etc., of members." Sub-clause (1) of this section deals with the rights of members in their individual capacity and how they are restricted by the Government of India Act. That sub-clause runs—

Subject to the provisions of this Act and to rules and standing orders, regulating the procedure of the Legislature, there shall be freedom of speech in every Provincial Legislature, and no member of the Legislature shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Legislature or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of a Chamber of such a Legislature of any report, paper, votes or proceedings.

Then sub-clause (2) reads as follows—

In other respects the privileges of members of a Chamber of a Provincial Legislature shall be such.....

Mr. Speaker : The honourable member may come straight to the point.

Pandit Muni Lal Kalia : I was reading it out so that the discussion of sub-clause (3) may become easy.

Mr. Speaker : Please state the point.

Pandit Muni Lal Kalia : I will take sub-clause (3) which runs as follows :—

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

There are only two words in this sub-clause which require explanation. The first is "officer" and the second is "persons." With regard to the word "officer" used in this sub-clause, I would refer you to section 65 of the Government of India Act. That explains as to what we mean by the

word "officer" when it is used in connection with the Government of India Act. The section is quite clear. There are only two officers of the Chamber—one is the Speaker and the other is the Deputy Speaker. There is no other Government officer as understood under the Government of India Act. Then it may be argued that in sub-clause (3) the words are—"to remove or exclude persons infringing the rules or standing orders." My submission is that the word "persons" in this case does not mean members. This section deals with the privileges of members alone and not of persons in general. What are the privileges of members? How can they exclude persons? Whom can they remove? How is the procedure of the House to be conducted? What are those privileges, so that according to sub-clause (3) the passage of this Bill, the moving of this Bill will be repugnant to the provisions of the Government of India Act and as such the Legislature cannot move, because the Government of India Act is a measure passed not by this House, not by an Indian Legislature but by the Parliament and thus under section 108 (2) (a) this House has no power.

I am just trying to explain that the word "persons" does not mean members. I wanted to read each word from the section because specific words have been used, sometimes chambers, sometimes two chambers, sometimes a committee and sometimes officers, so that each word used in this case is accurately worded and at the same time it has got a specific, particular, definite meaning attached to it.

My preliminary and general objection is that the word "persons" does not mean members, but it means persons who under the rules are either visitors or who are doing other duties in the House. It deals with them and it does not deal with the members. The House cannot sign its death warrant and it cannot give power to the Speaker to exclude members because that word has not been specifically used. If the rules are not.....

Mr. Speaker : I think I have understood the honourable member's point. Any other point?

Pandit Muni Lal Kalia : I am now coming to section 84 (1) of the Government of India Act. With regard to that section you will see—

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.

According to this section we have framed certain rules which are given in the Rules of Procedure. Rule 77 deals with this particular subject in this way—

- (1) The Speaker shall preserve order and have all powers necessary for the purpose of enforcing his decisions on all points of order.
- (2) He may direct any member whose conduct is, in his opinion, grossly disorderly to withdraw immediately from the Assembly, and any member so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day's meeting. If any member is ordered to withdraw a second time in the same session, the Speaker may direct the member to absent himself from the meetings of the Assembly for any period not longer than the remainder of the session and the member so directed shall absent himself accordingly.

The rule presumes that if such orders are made by the Speaker, the member shall withdraw. It does not contemplate what he is to do when a member refuses to withdraw, as it happened on one occasion, when I was the person concerned and I refused to withdraw. I am not going into the

[Pandit Muni Lal Kalia.]

merits of that case, but straightway come to the point that a situation may arise and the question may be put, what is the Speaker to do when a person refuses to withdraw? My answer is that he is powerless. Supposing the Speaker is powerless, supposing the Act does not give him power, supposing the rules do not give him the power which he wants to possess or which the majority wants to confer upon the Speaker, it is not open to the House to do so—a House which is not independent and which is not of its own creation, but is a House which is the creature of another constitution to which a limited and restricted power has been given—that House has not the power. This House may sometimes try to adopt certain measures dealing with war or foreign policy, but such matters this House has no power to deal with and such measures have been ruled out by the Governor who has not permitted the discussion of such matters. It is powerless. Similarly, this is one of the incapacities, one of the incapacities of this House that it cannot do.

Then there is sub-rule (4) of rule 77 which says—

The Speaker may, in the case of grave disorder arising in the Assembly suspend any sitting for a time to be named by him.

That is the only course open to the Speaker. If the intention had been that the Speaker should have power to force a member to withdraw, then, there would be no necessity at all for this sub-clause. It is, therefore, evident from this sub-rule that the Speaker cannot have any power to forcibly eject a member from the Assembly.

Mr. Speaker : Is it the contention of the honourable member that the power to order the Sergeant-at-Arms or any other officer to remove a member by force for disobeying the Chair can be given to the Chair only by the rules framed under the Government of India Act and not by legislation?

Pandit Muni Lal Kalia : Yes, that is my point.

Mr. Speaker : Further, does the honourable member contend that the word "persons" used in the penultimate line of section 71 (3) refers only to non-members and not to the members of the Assembly?

Pandit Muni Lal Kalia : Yes, Sir.

Mr. Speaker : Are these the only two points that the honourable member wished to raise?

Pandit Muni Lal Kalia : There are others also, namely, the expediency of the Bill, the various clauses being *ultra vires*.

Mr. Speaker : Those can be raised when clauses are considered.

Pandit Muni Lal Kalia : No doubt that is one course open to me. But I think that if these points are raised now it will save the valuable time of the House. Otherwise the same arguments will have to be repeated while discussing every clause.

Mr. Speaker : The honourable member is welcome to state his points without giving any arguments. If I fail to understand any point, I shall request him to explain it. Now, will the honourable member please state whether he is of the opinion that this House cannot make rules or pass any legislation to exclude any member from the House by force?

Pandit Muni Lal Kalia : The Government of India Act does not permit this Assembly to legislate for the purpose, but in certain legislatures they have framed rules for the purpose.

Mr. Speaker : Then the honourable member concedes that this Assembly can frame rules for the purpose, but cannot enact any law.

Pandit Muni Lal Kalia : My contention is that as the Government of India Act stands at present a member cannot be debarred from his privileges either by rules or by legislation.

Mr. Speaker : My ruling on the first point is that the word "persons", used in the last but one line of section 71 (3) of the Government of India Act, is used purposely by the framers of the Act. It includes both members and non-members. It may be necessary to remove a member from the chamber or a non-member from the lobby or the gallery of the House. Therefore, the word "persons" has been deliberately used by the framers of the Act to include both members and non-members.

Pandit Muni Lal Kalia : May I interrupt a little? Before you give your final ruling on the point, may I know whether this sub-section deals with the privileges of members or their disabilities?

Mr. Speaker : It deals with the privileges of members collectively as well as individually. Now, if a non-member makes noise or otherwise disturbs the business of the House, it is by the exercise of this power that he can be forcibly removed. Neither a member nor a non-member should hamper the proceedings of the House or disturb the business of the Assembly. If he does, he is liable to be ejected from the House, if necessary by force.

As regards the other point, section 84 is very comprehensive and rules of business can be made under it. But that section does not preclude this House from acting under section 71 (3). Moreover, section 71 (3) deals not only with the privileges of one House but of both Houses combined. So, I am of the opinion that rules for the forcible removal of members and non-members can be made under section 84 as well as by legislation.

6 P.M.

There is absolutely no bar and therefore I hold that the honourable member's objection is unsound and accordingly I over-rule it.

Chaudhri Krishna Gopal Dutt : Some time ago in the old Legislative Council you did not allow the Municipal Amendment Bill because objection was taken to a particular clause.

Mr. Speaker : I wish the honourable member had very kindly drawn my attention to the particular ruling and the report of relevant proceedings. I do not exactly recollect my ruling.

Chaudhri Krishna Gopal Dutt : You promised to look it up.

Mr. Speaker : I have given my best consideration to the Bill and I do not think that any provision of it is *ultra vires*, but I say this subject to correction.

Chaudhri Krishna Gopal Dutt : If there is objection to one clause, then the whole Bill may not be gone through.

Mr. Speaker : If the honourable member undertakes that he will not raise the same points again and will not repeat them when the clauses of the Bill are considered, he may state them briefly now ; but without giving any arguments in their support.

Pandit Muni Lal Kalia : First with regard to clause 4. It is the Speaker alone who has the power to order. He cannot depute his power to any other person.

Mr. Speaker : That is to say, if his order is not obeyed, he cannot direct the Sergeant-at-Arms or any other agent to remove the person who disobeys his order ; but he himself may remove such person ? (*Laughter.*)

Pandit Muni Lal Kalia : Yes.

Mr. Speaker : I over-rule the objection.

Pandit Muni Lal Kalia : Then with regard to clause 7. Section 87 (2) of the Government of India Act says—

No officer or other member of a provincial legislature in whom powers are vested by or under this Act for regulating procedure or the conduct of business or for maintaining order, in the legislature shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.

It is only those persons specified here that are exempted by the Act. So the Sergeant-at-Arms cannot be exempted as is contemplated here. Then section 271 says—

No Bill or amendment to abolish or restrict the protection afforded to certain servants of the Crown in India by section 197 of the Indian Code of Criminal Procedure or by sections 80 to 82 of the Indian Code of Civil Procedure, shall be introduced or removed in either chamber of the Federal Legislature without the previous sanction of the Governor-General in his discretion, or in a chamber of a provincial legislature without the previous sanction of the Governor in his discretion.

The powers conferred upon a Local Government by the said section 197 with respect to the sanctioning of prosecutions and the determination of the court before which, the person by whom and the manner in which, a public servant is to be tried, shall be exercisable only—

* * * * *

(b) in the case of a person employed in connection with the affairs of a province, by the Governor of that province exercising his individual judgment ;

Provided that nothing in this sub-section shall be construed as restricting the power of the Federal or a Provincial Legislature to amend the said section by a Bill or amendment introduced or moved with such previous sanction as is mentioned in sub-section (1) of this section.

This Bill deals with the affairs of the province and as such the prosecution can be sanctioned only by the Local Government and not by the Speaker.

Mr. Speaker : Does this Bill purport to abolish or restrict the protection ? The object should be to extend the protection, not to restrict it.

Pandit Muni Lal Kalia : Extension so far as that protection is concerned. But so far as the aggrieved person is concerned, it restricts the protection.

Mr. Speaker : Section 271 says that no legislation shall be undertaken to abolish or restrict the protection except with the previous sanction of the Governor. But by this Bill the protection, instead of being abolished or restricted, is going to be extended.

Pandit Muni Lal Kalia : Kindly read sub-clause (2). In this case the Speaker is given the power to sanction. My submission is that in view of sub-clause (2) of section 271, the sanction can only be given by the local Government or the Governor acting in his discretion.

Mr. Speaker : But that section proceeds to lay down procedure not for restricting, restraining or abolishing the protection. I cannot understand what the honourable member is driving at, when the section itself deals with the extension of protection and not with its restriction. As this Bill purports to extend protection, to enlarge and not to restrict the protection, the objection is untenable.

Pandit Muni Lal Kalia : Extension includes modification.

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

That the Punjab Legislative Assembly (Offices) Bill as reported by the select committee be circulated for the purpose of eliciting public opinion thereon by the 1st of April, 1940.

On moving this motion a question may be put to me by the Treasury benches that when the Bill is itself so simple, and such a short measure, where is the necessity of getting public opinion, particularly when it does not concern the public outside the House? That question may be put to me. The object of my moving this circulation motion is to give the Government time for reconsideration. Let them reconsider the matter in their cooler moments, let them think over the matter in the cool climate of Simla whether it is at all necessary for them to bring in this measure and tarnish the fair name of the province. May I ask my honourable friend if he has got any precedent anywhere in the world for a legislative measure of this nature? Speakers in the House of Commons and in the dominion parliaments enjoy powers to enforce their orders, they have got the powers to check rowdiness and to eject members who are unruly, but with his vast experience and study of the parliamentary literature, can my honourable friend the Premier or his officers find any precedent for a legislation of this nature anywhere in the world, anywhere in the provincial legislatures under provincial autonomy or even under the old constitution? The Central Legislature has been in existence for two decades, but it has not seen fit to place a similar measure on the statute book. You cannot say that there have not been disorderly scenes in other provincial legislatures, you cannot say that there has not been excitement in the Central Legislature. We are new to parliamentary procedure, but I can congratulate the members of this House and this province on the measure of dignity which even the new members have exhibited in this House. No other parliamentary institution in the world has such a measure although we do read now and then in the papers, members going over to give blows to other members. We read only six months ago that a member in the House of Commons crossed the floor and gave a slap to another member. This happened in the Mother of Parliaments, the House of Commons which is centuries old. Even there were witnessed scenes in which a member of one party crossed the floor and gave a slap to another member. We read of members fistbumping each other and one member damning the other. Compared with these scenes in European parliaments, I should say our parliament in the Punjab is far better,

[S. Hari Singh.]

far more dignified and it redounds to the glory of this province that though we are new to parliamentary institutions, yet the behaviour of our members has been much more dignified. May I then ask my honourable friend why ⁺ he has thought it fit to bring in a measure, a legislative measure to give the Speaker certain powers to enforce his orders and to eject members through the agency of the Sergeant-at-Arms when no such Legislative measure exists in the Mother of Parliaments in England or in any of the dominion parliaments or in any other province or in the Central Legislature? How does he justify the bringing in of a measure which stinks in our nostrils and which is not at all justified? Again, Mr. Speaker, this power given to the Speaker in other dominions is given through a rule. We also can have a similar rule here in our Rules of Procedure giving the Speaker the power to eject a member through the Sergeant-at-Arms or any other official whatever his designation may be. Where is the necessity for bringing in a legislative measure? Who is the interpreter of such a law? The interpreter ⁺ is the court, whereas the interpreter of a rule of procedure is the Speaker himself. In the interpretation of law technical objections may arise, as the objection raised by my friends and the aggrieved person may take the matter in appeal to the court in order to challenge the authority of the Chair. Will that be adding to the dignity of the House, will that redound to the glory of this House or to the credit of the Chair? Now, Mr. Speaker, I shall just refer to the duties of the Sergeant-at-Arms, the office which is sought to be created by means of the legislation which is before the House. On page 58 of *Campion* are enumerated certain duties of the Sergeant-at-Arms. These are more fully detailed in May, pages 198-99. But here is the summary given in *Campion*—

After his appointment he is the servant, removable by Address, of the House of Commons. His duties are stated by May (pages 198-99).

Among them are the following duties and let us see if these duties which are performed by the Sergeant-at-Arms in the House of Commons are not being efficiently performed in this House even without a Sergeant-at-Arms. Do we at all stand in need of a Sergeant-at-Arms? This is the first point. What are his duties? These are—

To attend upon the Speaker with the mace upon entering and leaving the House, going to the House of Lords, or attending His Majesty with an Address; to preserve order in the visitors' galleries and lobbies of the House; and to execute the Speaker's warrants for the commitment of persons ordered into the custody of the House.

Do we have any disorder in the galleries or in the lobbies of the House? Have we any disorder even now without a Sergeant-at-Arms? Have we got any law whereby you can order the commitment of a person to the custody of this House? Do we stand in need of the execution of any such duty?

We do not stand in need of an officer to execute that duty. Further we read—

For the better execution of his duties in the House he has a chair close to the bar. He is assisted by a Deputy Sergeant, Assistant Sergeant, and his department includes the Messengers, Door-keepers and Porters of the House.

Here we have got people of the Watch and Ward Department who are doing their duty in maintaining order in the galleries, in attending to the

convenience of the members and in carrying out your orders and messages so well and efficiently under the orders of your very able Secretary. It is further on stated on page 68 of *Campion* as follows:—

As Housekeeper of the House (by statute) he has charge of all its committee rooms, and the services of the police constables on duty at the House of Commons are under his direction.

So, these are the most important duties set forth here at page 58 of *Campion*. These duties, as pertaining to this House, are being performed so well that there is no need of a separate institution of Sergeant-at-Arms for the purpose of carrying out these duties which are being carried out well even now without a sergeant. Even if a Sergeant-at-Arms is required for the purpose of ejection of a member of the House due to his disorderly behaviour and disobedience to the Chair let us see how that duty is carried out in the House of Commons. Not by a legislation, not by an enactment, but by a simple rule, i.e., Standing Order No. 18. Why can we not have a similar Standing Order in our Rules of Procedure? The law does not preclude you from having a similar rule here. Does it? I wait for an answer. No answer. At page 172 of *Campion* is given the manner in which the Speaker in the House of Commons proceeds to eject a member whose behaviour is grossly disorderly. What is grossly disorderly behaviour in the first place?

“(2) Grossly disorderly conduct comprises refusal to withdraw offensive language, insulting behaviour, obstruction and disregard of the authority of the Chair. It is punished by the Chair by a direction to withdraw for the remainder of the sitting (Standing Order No. 20).”

The member who is guilty of such behaviour is directed by the Chair to withdraw for the remainder of the sitting. In the first place this action is taken by the Speaker when a member refuses to withdraw under the direction of the Chair. Then action is taken not under a law but under a simple rule known as Standing Order No. 18. That is this—

“The punishment of the offence of (persistent) disregard of the authority of the Chair or abuse of the rules of the House, is left to the House. The procedure is laid down in Standing Order No. 18. It generally, but not necessarily, presupposes the previous intervention of the Chair (under Standing Order No. 20) culminating in the refusal of the offending member to obey the directions to withdraw from the House for the rest of the sitting.”

So, when a member is guilty of grossly disorderly behaviour under Standing Order No. 20 the Speaker calls upon the member to withdraw. If he refuses to withdraw, then what does the Speaker do? He does like this—

“When this point is reached, the Speaker refers the matter to the House by ‘naming’ the member and (usually) the Minister leading the House for the time being moves that the member be suspended from the service of the House. This motion must be put to the question “without amendment, adjournment, or debate.” If the House agrees to the suspension, the Speaker again directs the member to withdraw....”

Again, a second chance is given by the Speaker to the member to withdraw. As you know the procedure so well by heart, if the member guilty of grossly disorderly behaviour does not withdraw from the House, he is named by the Speaker under the rules and not under any law. Then the

[S. Hari Singh.]

Leader of the House stands up and puts a motion before the House. That motion is put to the question without amendment, adjournment or debate. Further on it is stated—

“If the House agrees to the suspension, the Speaker again directs the member to withdraw and if he still persists in refusing to do so, even when summoned under the Speaker's orders by the Sergeant, force is resorted to, the attention of the House being called by the Speaker to the fact that it is necessary. In such a case the suspension of the member is for the remainder of the session.”

The motion that is moved is—

“That the member be suspended as a member of this House for the remainder of the sitting of the day.”

Then, if the motion is carried, the Speaker again gives a second chance to the member who is guilty of such grossly disorderly behaviour and if he still persists in refusing to get out of the House under the direction of the Chair, even when summoned under the Speaker's orders by the Sergeant and he refuses to withdraw, it is only then that the attention of the House is called by the Speaker to the fact that it is necessary in such a case to suspend him for the remainder of the session. Further on it is stated—

“If the member is ‘named’ in a committee of the Whole House by the Chairman, the latter immediately suspends the proceedings and reports the circumstances to the House when the Speaker has resumed the Chair. From this point matters proceed as above.”

In the committee of the House there is no power given to the Chairman to name a member. He only reports it to the whole House and then, when the Speaker resumes the Chair, the question is taken up and then the procedure laid down in Standing Order No. 18 is followed. So, that is the most suitable machinery, i.e., of Standing Order No. 18 of the House of Commons, to be followed and not through a law enacted with the help of a huge majority in this House. Mr. Speaker, for the sake of the dignity of this House, for the sake of the honour of this province, I would appeal to my friend opposite, the Premier, not to insist on getting this Bill enacted. I appeal to you too, as you are the oldest Speaker in India, the most experienced and senior Speaker in India to advise the Leader of the House, the sponsor of this Bill, not to proceed with it, and I hope that if you give him such an advice, he will not disregard it and the appeal of this side of the House. This Bill, an unreasonable Bill, will tarnish the fair name of the province. It will besmire the honour of this Legislature. Therefore, in all seriousness, and with all the emphasis at my command I appeal to my friend opposite to accept the circulation motion for a year. Let him see till April next if there are any undignified scenes in this House and if there is any turbulence in this House. Let us try, during the course of the year, to see that there are no undignified scenes in this House. If he wants that the rules of procedure should be followed implicitly by the members of this august House, he himself should set the example, he himself should be the model of parliamentary polish and parliamentary good conduct. It is to be regretted that it is he, I hope he will not take it ill, who is the most interruptive member in this House. You will remember the many occasions on which you had to call him to order, and to call him to withdraw certain expressions.

PUBLIC ACCOUNTS COMMITTEE.

Mr. Speaker : Further consideration of the Bill will be taken up to-morrow. Three p.m. to-day being the time by which nominations for election to the Public Accounts Committee had been called for, the nomination papers of the following eight gentlemen have been received :—

- (1) Malik Barkat Ali,
- (2) Sardar Sahib Sardar Gurbachan Singh,
- (3) Lala Duni Chand,
- (4) Khan Bahadur Chaudhri Fazl Ali,
- (5) Lala Sita Ram,
- (6) Chaudhri Muhammad Yasin Khan,
- (7) Mian Fazal Karim Bakhsh, and
- (8) Chaudhri Suraj Mal.

As the number of nominations received is equal to the number of members to be elected to the Committee, I hereby declare the above-named eight honourable members to be duly elected. (*Cheers.*)

The Assembly then adjourned till 2 P.M. on Tuesday, 4th April, 1939.

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PUNJAB LEGISLATIVE ASSEMBLY.

FIFTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Tuesday, 4th April, 1939.

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

STARRED QUESTIONS AND ANSWERS.

ANTI-CORRUPTION COMMITTEES.

***3963 Lala Duni Chand :** Will the Honourable Premier be pleased to state—

- (a) in how many districts of the Punjab there exist, if any, what are called vigilance or anti-corruption committees and what exactly are their functions and powers;
- (b) how many cases of corruption have been detected so far through their instrumentality and what action, if any, has been taken on their reports;
- (c) whether there is any proposal under consideration to replace them by any other anti-corruption agency or department?

Parliamentary Secretary (Mir Maqbool Mahmood): (a) Under orders issued by the High Court in 1935 a committee has been set up in each district consisting of the District Judge, the Senior Subordinate Judge, the Subordinate Judge next in seniority and three members of the Bar to discuss methods for expediting the hearing of cases, the elimination of corruption, etc. Committees have been formed by the Deputy Commissioners in five or six districts to deal with similar questions in relation to the magisterial courts and the revenue staffs. The functions of these committees are in all cases advisory.

(b) So far as is known, none.

(c) A reference is invited to the replies given to Questions *3964¹ and *3896² put by the honourable member and by the honourable member for the Kangra and Northern Hoshiarpur (Sikh) Rural constituency, respectively.

Pandit Shri Ram Sharma : Will the Parliamentary Secretary please state whether the anti-corruption committees that have been formed, are at present functioning in the districts?

Parliamentary Secretary : I have already stated that they are functioning in five or six districts so far as criminal work is concerned and so far as civil work is concerned they have been set up in all districts.

Pandit Shri Ram Sharma : May I know the places where these anti-corruption committees exist?

¹Page 139 *infra*.

²Volume VII, page 614.

Parliamentary Secretary : I want notice for that question.

Chaudhri Muhammad Hassan : Is it a fact that these anti-corruption committees only deal with courts and not with the police in the districts ?

Parliamentary Secretary : That is so.

Pandit Muni Lal Kalia : With reference to the reply which is given by the Parliamentary Secretary that the number of such committees is not known, may I know if the places where such committees have been formed is not known how the Parliamentary Secretary has given the number of such committees ?

Parliamentary Secretary : If my honourable friend will refer to the question he will find that he did not ask for the names of the districts where such committees were set up ; he asked for the number and the number has been given.

Pandit Muni Lal Kalia : How was the number arrived at without knowing the places where such committees exist ?

Parliamentary Secretary : The number was given after knowing those places but unfortunately I have not got a retentive memory to remember those names.

Pandit Muni Lal Kalia : May I know if the Parliamentary Secretary could give one or two places where such committees exist, Lahore, Lyallpur or any other place ?

Parliamentary Secretary : My honourable friend would not expect me to submit to this test of memory. I regret I do not know the names of the several districts where such committees exist. I have said if a notice is given I shall be delighted to give the names.

Pandit Muni Lal Kalia : May I know if such a committee exists in Ludhiana ?

Chaudhri Muhammad Hassan : Do Government intend to appoint an anti-corruption committee so far as the Police department is concerned ?

Parliamentary Secretary : As stated in part (c) a reference was made to a certain earlier question in reply to which it was stated that a special anti-corruption staff has been appointed for the Police and other departments and it is hoped that the department will materially assist in the investigation of corruption cases.

Chaudhri Muhammad Hassan : Does Government intend to appoint such anti-corruption committees so far as the Police department is concerned in the districts ?

Parliamentary Secretary : I am afraid I would require notice for that question.

Pandit Shri Ram Sharma : May I know whether these committees will work under or have any connection with the new department which is going to be opened ?

Parliamentary Secretary : If my honourable friend would refer to the method of work of these anti-corruption committees given in the New Expenditure presented at the time of the Budget he would find his question answered.

Pandit Muni Lal Kalia : Does Government receive reports periodically from these committees with regard to the work they do?

Parliamentary Secretary : I require notice for that.

Sardar Rur Singh : Is it a fact that the work of the anti-corruption committees which have been set up, is not satisfactory? If so, what steps are intended to be taken in the matter?

Parliamentary Secretary : I must have notice of the question.

Lala Duni Chand : Have these committees got any power by which they can help the removal of corruption?

Premier : There is no anti-corruption committee; it was a conference of experts and officials.

Lala Duni Chand : Is it true that the complaint of these committees is that they have been given no powers and therefore they are helpless?

Premier : There is no such anti-corruption committee except on the judicial side now, but they are not working.

Lala Duni Chand : Is the matter of giving particular powers under the consideration of the Government?

Premier : What powers would my honourable friend suggest?

Pandit Muni Lal Kalia : On a point of order. There are two inconsistent answers, one given by the Parliamentary Secretary and the other by the Premier.

Mr. Speaker : Is that a point of order or a question?

Pandit Muni Lal Kalia : Which of the two answers is correct?

Premier : Both are correct.

Lala Duni Chand : Have any cases of corruption been detected through the efforts of these committees up to this time?

Premier : The Parliamentary Secretary has already replied to that particular question: none so far.

Lala Duni Chand : In view of that fact, will Government reconsider the question of reorganising these anti-corruption committees?

Mr. Speaker : That is a request for action.

Pandit Muni Kal Kalia : Is it a fact that Khan Qurban Ali Khan, Superintendent of Police, has been appointed as an Anti-Corruption Officer?

Premier : Yes.

CORRUPTION IN VARIOUS GOVERNMENT DEPARTMENTS.

***3964. Lala Duni Chand :** Will the Honourable Premier be pleased to state—

- (a) what steps have been taken by the present Government since it came into power to remove corruption from various Government departments,
- (b) whether apart from the Police and Criminal Investigation Departments, there exists any other agency, department or establishment to detect, trace and investigate cases of corruption;

[Lala Duni Chand.]

(c) whether apart from the controlling authorities of each department or establishment, there exists any independent agency to report cases of corruption in each department of Government;

(d) whether there is any proposal under the consideration of the Government to deal with corruption in an organized and systematic manner, and if so, what is that proposal?

Parliamentary Secretary (Mir Maqbool Mahmood): (a) and (d) In May 1937 a press *communiqué* was issued drawing attention to the old rule in Punjab Government Consolidated Circular No. 6, directing that where five reputable persons join in a written complaint accusing any official of corruption, the departmental superior of the officer in question shall be bound to make a full investigation and inform the complainants of the result. The whole problem of corruption in the services was examined in a conference in Simla last summer and several suggestions were then made which are now under consideration. It is hoped to issue a *communiqué* or statement in due course.

(b) and (c) A proposal is under the consideration of Government to form a staff of trained investigators to assist heads of departments in dealing with complaints of corruption. This scheme will be supplementary to the Panel Officer system which has been in force for several years past.

Lala Duni Chand: Is it true that every day, every week and every month dozens, rather hundreds, of applications, not only by five persons but by many more persons are presented to the local authorities as well as to the Government, and if so, whether any result has come out of them?

Premier: Yes. The result does come out of those applications which are genuine.

Lala Duni Chand: May I know the result? In how many cases have the persons complained against been dealt with or punished?

Premier: My honourable friend is referred to the statement which is laid on the table of the House every year.

Lala Duni Chand: Will the Honourable Premier be pleased to receive this information from me that practically no action is being taken?

Pandit Shri Ram Sharma: May I know whether in Rohtak district the Government is receiving complaints against corruption, signed by five or more persons as instructed by the circular issued by the Government and whether any action is being taken by the Government in the Rohtak district?

Premier: I said five respectable persons. Yes, action is being taken there.

Pandit Shri Ram Sharma: Is it true that a complaint regarding corruption, signed not by five respectable persons only but a hundred persons including ordinary people too was submitted to the Deputy Commissioner, Rohtak, but he asked the signatories to present themselves personally in his court with stamped petitions? Will the Honourable

Premier be pleased to state whether this was the spirit in which the Government issued the circular laying down that a complaint signed by five respectable persons would receive due consideration at the hands of Government?

Premier : The honourable member has made a speech. I am afraid, what he has stated does not arise from the question.

Pandit Shri Ram Sharma : May I know whether the remarks of the Deputy Commissioner while returning complaints include the spirit of the Government's circular?

Premier : The Government's circular had been issued to give facilities to people, so that they might easily lay their complaints before the Government. The spirit of the circular is this that matters should not be exaggerated.

Pandit Shri Ram Sharma : Does the Honourable Premier mean to say that all representations made are full of exaggerated incidents? Is telling the truth an exaggeration?

Premier : I am afraid the honourable member has not understood me. I would have accepted the representation, but after making an inquiry.

Pandit Shri Ram Sharma : Does the Honourable Premier know that he himself and the Government officials do not even take the trouble of sending an acknowledgment to a person who submits a representation?

Lala Duni Chand : Has the new officer prepared any plan to deal with corruption, and if so, has the Government approved of it?

Mr. Speaker : It does not arise out of the answer to the question.

Lala Duni Chand : Sir, the question relates to an independent agency to report cases of corruption.

Mr. Speaker : It does not arise out of the answer given.

Lala Duni Chand : Sir, it arises out of the answer given to part (d) of the question. It is :—

“Whether there is any proposal under the consideration of the Government to deal with corruption in an organized and systematic manner, and if so, what is that proposal.”

It does arise out of the answer given to this part of the question. I understand the Government is going to organize a department to eradicate corruption.

Mr. Speaker : Will the honourable member repeat his question?

Lala Duni Chand : Yes, Sir. It is, “what plan has been prepared by that officer to deal with corruption”?

Mr. Speaker : From which part of the answer does the question about plan arise?

Lala Duni Chand : I have referred to part (d) of the question where it is said as follows :—

“Whether there is any proposal under the consideration of the Government to deal with corruption in an organized and systematic manner, and if so, what is that proposal.”

Mr. Speaker : A supplementary question must arise out of the answer given.

Lala Duni Chand : That does arise out of the answer given to that part of the question.

Chaudhri Kartar Singh : Is it a fact that Mr. Moon, a previous Deputy Commissioner of Gujrat, submitted a complaint to the Honourable Premier against certain officers of that district who had been alleged to have accepted bribery ?

Premier : I cannot understand wherefrom honourable members oppose get such false reports. They, perhaps, do not know the discipline. No representation can be submitted to me directly by a deputy commissioner.

Chaudhri Kartar Singh : The papers had been submitted by Mr. Moon to the Commissioner and the Financial Commissioner. Is it true that when papers were submitted to the Honourable Premier asking him to take action against certain extra assistant commissioners Mr. Moon had been transferred from that place and appointed as Private Secretary ?

Premier : This is a wrong statement. No such incident has occurred..

Chaudhri Kartar Singh : Will the Honourable Premier be pleased to reply to my question ?

Premier : I have given the reply.

Pandit Shri Ram Sharma : Will the Honourable Premier be pleased to state whether it is a fact that a complaint had been received by the Government from the Deputy Commissioner, Hissar, against an extra assistant commissioner about corruption ? If so, with what result ?

Premier : It does not arise.

Munshi Hari Lal : Are the *communiqués* that are issued supplied to the honourable members ?

Premier : They are published in the papers. Does not my honourable friend read the newspapers ?

Lala Duni Chand : Is it not true that wherever the Honourable Premier goes he is told by respectable people belonging to his own party that corruption is rampant in every district ?

Premier : Not everywhere.

Khan Muhammad Yusuf Khan : May I know from the Honourable Premier whether the Anti-Corruption Officer has got original jurisdiction to investigate corruption cases ?

Premier : What does my honourable friend mean by 'original jurisdiction' ?

Khan Muhammad Yusuf Khan : Is he authorised to investigate cases of corruption without any reference to the heads of departments and can he take action of his own accord ?

Premier : In certain cases, yes.

Mr. Speaker : The next question.

Sardar Rur Singh : Has it ever occurred to the Government to open a special department which should report to the Government all the cases of corruption secretly or openly ?

Premier : Yes, we have already done so as I have indicated in reply to a question by Pandit Muni Lal Katia. An officer has been appointed along with a small establishment to deal with complaints of corruption.

Pandit Muni Lal Katia : I have received no such reply.

Pandit Shri Ram Sharma : Has corruption decreased during these two years ?

Premier : In my opinion, it has certainly decreased but as the present Government is a democratic government, people are allowed freely to make complaints, with the result that the number of complaints has increased.

Mr. Speaker : The next question.

Lala Duni Chand : I want to put some more supplementary questions.

Mr. Speaker : Chaudhri Muhammad Hassan will now put his next question.

Lala Duni Chand : I want to have your ruling, whether simply on the ground that a member of the House requests to be allowed to put a supplementary question, the Chair can refuse to let him put the question that stands in the name of that member of the House.

Mr. Speaker : The honourable member put a supplementary question, while the Chair called his next question. Several times the Chair called the next question but the honourable member did not ask it. There was no question of refusal. When a member is called to ask his question and does not put it in spite of the fact that he is asked several times, what can the Chair do but to call the question next after that ? I did not disallow the honourable member's question. I called him more than once to put it, but he did not rise to put it. Then I had to call the next question. However, I have no objection to the honourable member's putting his question now.

Question 3966 was not put by the honourable member (L Duni Chand).*

ACCEPTANCE OF BRIBE BY HEAD CONSTABLES IN LUDHIANA DISTRICT.

***4073. Chaudhri Muhammad Hassan :** Will the Honourable Premier be pleased to state—

- (a) whether any of the head constables in the Ludhiana district has been recently charged with receipt of eighty rupees as bribe ;
- (b) the name of the head constable, if any, his caste, home district, educational qualifications and length of service ;
- (c) whether any departmental or magisterial inquiries are pending against the said head constable or the result thereof ;
- (d) if the reply to the above part be in the affirmative, the name of the officer who is deputed to make the inquiry ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :
 (a) No. Proceedings are being taken against two head constables and one constable for receiving bribes, but in none of these cases does the sum correspond with that mentioned by the honourable member.

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

Sardar Sohan Singh Josh : If the case concerning Rs. 80 is false, may I know if the one relating to Rs. 70 is true ?

Chaudhri Muhammad Hassan : How long has it passed since this took place ?

Premier : The member might be knowing it himself.

APPLICATION BY DR. DIWAN JAI CHAND FOR ISSUING A MAGAZINE.

***4108. Munshi Hari Lal :** Will the Honourable Premier be pleased to state—

(a) whether it is a fact that Doctor Diwan Jai Chand, *Ex-Deputy Sanitary Commissioner, Punjab, and ex-Chairman of the Peoples Bank, now in Liquidation*, applied in March, 1938, to the District Magistrate, Lahore, for permission to issue a monthly Magazine 'Health and Homœopathy' ;

(b) whether it is a fact that a police constable visited the Doctor a few weeks after his application and wanted him to produce a gentleman in order to testify to his respectability and his financial condition ;

(c) whether or not the permission has since been given and communicated to the said doctor ; if it has been given, when it was communicated to the applicant ?

Parliamentary Secretary (Khan Bahadur Mian Ahmad Yar Khan Daulatana) : (a) Yes.

(b) The usual routine enquiries were made.

(c) The required declaration was authenticated by the District Magistrate, Lahore, on 27th January, 1939.

Chaudhri Krishna Gopal Dutt : What are the reasons for so much delay—from March 1938 to January 1939 ?

Premier : I think that in the first instance the papers were overlooked and the applicants did not follow them up. Later on when they sent a reminder, an enquiry was made and the matter was decided.

Chaudhri Krishna Gopal Dutt : When was the reminder sent ?

Premier : I could not give the date off-hand but if the honourable member gives notice of the question, I shall enquire.

Chaudhri Krishna Gopal Dutt : What sort of enquiry was held ?

Premier : The usual enquiry.

Chaudhri Krishna Gopal Dutt : What is that usual enquiry ? I want information on that point.

Premier : I am afraid I cannot give him the detail.

Chaudhri Krishna Gopal Dutt : Did the constable ask Dr. Diwan Jai Chand how much he was earning ?

Premier : I am not aware.

Chaudhri Krishna Gopal Dutt : Will you please enquire whether the constable asked nasty questions which were disrespectful to a gentleman of Diwan Jai Chand's position ?

Premier : It was very wrong if he did.

Dr. Gopi Chand Bhargava : Did the constable enquire about his respectability and financial position ?

Premier : I daresay he must have enquired.

Lala Duni Chand : Does Government justify the action of the police constable or does it disapprove ?

Premier : Government neither disapproves nor does it justify.

Dr. Gopi Chand : Who asked the constable to go to Diwan Jai Chand to enquire about his financial position ?

Premier : I do not think that a police constable would go and make enquiries unless a superior officer asked him to do so.

MURDER OF HARBANS SINGH AND NEGLIGENCE BY POLICE IN INVESTIGATION.

***4218. Dr. Gopi Chand Bhargava :** Will the Honourable Premier be pleased to state whether he received a memorial towards the end of January, 1939, from Sardar Makhan Singh of Gujrat regarding the alleged negligence of police in starting investigation into the murder of his grandson Harbans Singh, student of Government College at Gujrat ; if so, what does the Government propose to do in the matter ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : The memorial was duly received in the Secretariat, and inquiries are in progress to ascertain whether any negligence was in fact shown by the police in taking up the investigation.

PUBLIC SERVICES COMMISSIONS.

***4235. Dr. Gopi Chand Bhargava :** Will the Honourable Premier be pleased to state whether any agreement between the Punjab and North-West Frontier Provinces regarding the appointment of Public Services Commissions has been settled and entered into, which would come into force after April, 1939 ; if so, will he please lay it on the table of the House ?

Parliamentary Secretary (Mir Maqbool Mahmood) : The present agreement is operative up to the 30th April, 1939, only. The question of extending it for a further period is under consideration.

Dr. Gopi Chand Bhargava : May I ask as to when the matter will be decided and whether the question of the Frontier's share of expenditure will be kept in mind ?

Parliamentary Secretary : My honourable friend put two questions. His first question was when the decision will be taken. It will be taken before long. As to the other question of expenditure, I can assure him that when the agreement was entered into that question was thoroughly examined but if the experience of the past working shows any thing new I am sure it will be gone into.

Diwan Chaman Lall : Is it that a new fact is likely to emerge or whether Government consider that the agreement will be terminated at this end ?

Parliamentary Secretary : All these things are already under consideration and there is still a month to decide the question. My friend may be sure that all the relevant facts of the question will be considered before the extension of the agreement is decided.

**INTERMENT OF SARDAR BALWANT SINGH AND SARDAR NAINA SINGH
DHUT OF CHAK MANGAT SINGHWALA.**

***4238. Dr. Gopi Chand Bhargava :** Will the Honourable Premier be pleased to state whether Sardar Balwant Singh and Sardar Naina Singh Dhut of Chak Mangat Singhwala, district Multan, have been interned in their respective villages ; if so, whether they are paid any allowance ; if so, how much and if not, why not ?

The Honourable Major Sir Sikander Hyat-Khan : *First part.* No ;

Second part. Does not arise.

**DISQUALIFICATIONS FOR MAL-PRACTICES IN THE LAST GENERAL
ELECTIONS.**

***4256. Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to lay on the table a consolidated list of persons disqualified for mal-practices in the last general elections with the period of disqualification in each case ?

Parliamentary Secretary (Mir Maqbool Mahmood) : It is presumed that by 'mal-practices' the honourable member means 'Corrupt Practices and Offences' described in the First and Second Schedules to the Government of India (Provincial Election) (Corrupt Practices and Election Petitions) Order, 1936. If so, a list is laid on the table.

*The list of persons disqualified for corrupt-practices in the last
General Election.*

Constituency, No. and date of the Notification.	Serial No.	Name of person disqualified.	The date up to which the disqualifi- cation con- tinues.
1	2	3	4
Dera Ghazi Khan North (Muhammadan). No. 2588, dated 15th December, 1937.	1	Khawaja Ghulam Murtaza ..	28-10-1943
	2	Khan Sahib Sardar Karam Dad Khan, Khetran of Vehoa.	28-10-1943
	3	S. Rabnawaz Khan, Khetran of Vehoa ..	28-10-1943
	4	S. Allah Nawaz Khan, B.A. son of Rab- nawaz Khan.	28-10-1943
Hissar North (General) Nos. 12, dated 5th Janu- ary, 1938, 8 th , dated 14th January, 1938, and 275, dated 4th March, 1938.	5	Rai Sahib Atma Ram ..	20-12-1943
	6	Lala Mukand Lal, Pleader, Sirsa ..	20-12-1943

Constituency, No. and date of the notification.	Serial No.	Name of person disqualified.	The date up to which the disqualifi- cation con- tinues.
1	2	3	4
Amritsar and Sialkot (General), Nos. 269, dated 2nd March, 1938 and 423, dated 2nd April, 1938.	7	Maru, son of Bega ..	20-12-1943
	8	Natha, son of Girdhari ..	20-12-1943
	9	Ram Keran, son of Moti ..	20-12-1943
	10	Brij Lal, son of Ranjit ..	20-12-1943
	11	Indar, son of Mangu ..	20-12-1943
	12	Bhola, son of Hari Singh ..	20-12-1943
	13	Mr. C. Rai ..	14-2-1944
	14	Pandit Beli Ram, Advocate, Sialkot ..	14-2-1944
	15	Inayat Ullah, son of Khawaja Abdur Rah- man, Pahlwan.	14-2-1944
	16	Lala Anant Ram Bhatia, Advocate, Sialkot	14-2-1944
	17	Ghulam Sarwar Figar, son of Ghulam Dastgir.	14-2-1944
	18	Pandit Labha Ram, son of Hira Nand ..	14-2-1944
	19	Kesar Singh, son of Chain Singh ..	14-2-1944
	20	Dina Nath, son of Hukam Nath ..	14-2-1944
	21	Jagat Singh, son of Narainu ..	14-2-1944
	22	Nahr Singh, son of Jagir Singh ..	14-2-1944
	23	Lacha, son of Gandhu ..	14-2-1944
	24	Vakil Singh, son of Sirsa ..	14-2-1944
	25	Sain Singh, son of Bachitar Singh ..	14-2-1944
	26	Ghasitoo, son of Mehtab Rai ..	14-2-1944
	27	Chhajju Ram, son of Ram Ditta ..	14-2-1944
	28	Chain Singh, son of Khushia ..	14-2-1944
	29	Gandu, son of Jaimal ..	14-2-1944
	30	Chain Singh, son of Kasora ..	14-2-1944
	31	Munshi Ram, son of Nauranga ..	14-2-1944
	32	Chattar Singh, son of Mangal Singh ..	14-2-1944
	33	Mangoo, son of Dilba ..	14-2-1944
	34	Raseela, son of Khushala ..	14-2-1944

Constituency, No. and date of the notification.	Serial No.	Name of person disqualified.	The date up to which the disqualifi- cation con- tinues.
1	2	3	4
Amritsar and Sialkot (General)— <i>concd.</i>	35	Ram Lal, son of Railu ..	14-2-1944
	36	Fazal, son of Mangta ..	14-2-1944
	37	Lal, son of Jiwan ..	14-2-1944
	38	Fazal, son of Hira ..	14-2-1944
	39	Sant Ram, son of Maulu ..	14-2-1944
	40	Gangu, son of Sohnu ..	14-2-1944
	41	Hayat, son of Jahani ..	14-2-1944
	42	Nawab, son of Bindu ..	14-2-1944
	43	Caman, son of Sardara ..	14-2-1944
	44	Bahaduri, son of Gokal ..	14-2-1944
	45	Mehnga, son of Rai ..	14-2-1944
	46	Lehna, son of Ghula ..	14-2-1944
	47	Sultan, son of Hira ..	14-2-1944
	48	Shahna, son of Jiwan ..	14-2-1944
	49	Maulana Ata Ullah Shah Bokhari ..	24-2-1944
	50	Feroze-ud-Din Ahmad ..	24-2-1944
	51	Chaudhri Jahangir Khan ..	8-3-1944
	52	Bahadur Khan ..	8-3-1944
Amritsar City (Muham- madan), No. 326, dated 14th March, 1938.	53	Mohammad Asfand Yar Khan ..	8-3-1944
	54	Bakhsha, son of Kamun, Cheemba Khokhar of Bama Zarin. ..	8-3-1944
	55	Sardar Khan, son of Nazar Mohammad Khan. ..	8-3-1944
	56	Abdul Aziz, son of Maqsud Hussain ..	8-3-1944
	57	Dosa, son of Unraia ..	8-3-1944
	58	Jawaya, son of Murad ..	8-3-1944
	59	Dalawar, son of Bahadur ..	8-3-1944
	60	Shamun alias Shah Mohammad, son of Dalla Kharal. ..	8-3-1944
	61	Shah Mohammad, son of Shamun, Jat ..	8-3-1944
	62	Farid, son of Dil Mohammad ..	8-3-1944
	63	Hamun, son of Dula ..	8-3-1944
Okara (Muhammadan), No. 458, dated 9th April, 1938			

Constituency, No. and date of the notification.	Serial No.	Name of person disqualified.	The date up to which the disqualifi- cation con- tinues.
1	2	3	4
Okara (Muhammadian)— <i>concl'd.</i>	64	Mohammad Huseain, son of Ghulam ..	8-3-1944
	65	Yaru, son of Smail ..	8-3-1944
	66	Taja, son of Bahal ..	8-3-1944
	67	Jagdeo, son of Bahbal ..	8-3-1944
	68	Sajawal, son of Bahbal ..	8-3-1944
	69	Jawaya, son of Mahmi ..	8-3-1944
	70	Murad, son of Rahman ..	8-3-1944
	71	Sadan, son of Rahman ..	8-3-1944
	72	Nura, son of Rahman ..	8-3-1944
	73	Bahadur, son of Rahman ..	8-3-1944
	74	Ali, son of Rahman ..	8-3-1944
	75	Pir Ali, son of Rahman ..	8-3-1944
	76	Abbool, son of Rahana Vattu of Dattu ..	8-3-1944
	77	Fazal, son of Chakar ..	8-3-1944
	78	Sardaru, son of Daim ..	8-3-1944
	79	Saighar, son of Shahu ..	8-3-1944
	80	Ali, son of Karam Ali ..	8-3-1944
	81	Murid, son of Kamfir ..	8-3-1944
	82	Baqar, son of Shah Beg ..	8-3-1944
	83	Shahra, son of Samanda ..	8-3-1944
	84	Gabra, son of Samanda ..	8-3-1944
	85	Hathi, son of Thoba ..	8-3-1944
	86	Dadu, son of Mamna ..	8-3-1944
	87	Najabat, son of Bulanda ..	8-3-1944
	88	Mughla, son of Karam Ali ..	8-3-1944
Karnal (Muhammadian), No. 508, dated 26th April, 1938.	89	Nawabzada Mohammad Aijaz Ali Khan, son of Khan Bahadur Nawab Mohammad Umar Draz Ali Khan. ..	13-4-1944
	90	Idu, son of Aku ..	13-4-1944
Lyallpur and Jhang (Gene- ral), No. 548, dated 4th May, 1938.	91	Seth Ram Narain Virmani ..	19-4-1944

Constituency, No. and date of the notification.	Serial No.	Name of person disqualified.	The date up to which the disqualifi- cation con- tinues.
Bhalwal (Muhammadan), No. 587, dated 2nd June, 1938.	92	Hayat, son of Daim ..	3-4-1944
	93	Taja, son of Murad ..	3-4-1944
	94	Ali, son of Wali ..	3-4-1944
	95	Silla, son of Jiwan ..	3-4-1944
	96	Ditta, son of Gehna ..	3-4-1944
	97	Kalu <i>alias</i> Dattu, son of Muradi ..	3-4-1944
	98	Allah Ditta, son of Allah Rasi ..	26-6-1944
Multan Division Towns (Muhammadan), No. 807, dated 3rd August, 1938.	99	Imam Din, son of Buri ..	26-4-1944
	100	Bhola, son of Fateh Din ..	26-4-1944
	101	Ghulam Rasul, son of Ahmad Ali ..	26-4-1944
	102	Ghulam Mohammad, son of Fateh Din ..	26-4-1944
	103	Bawa, son of Umar Din ..	26-4-1944
	104	Nur Din, son of Umra ..	26-4-1944
	105	Umar Din, son of Allah Diya ..	26-4-1944
	106	Inayat, son of Lal Din ..	26-4-1944
	107	Mohammad Sharif, son of Ghulam Rasul ..	26-4-1944
	108	Allah Rakha, son of Kalu ..	26-4-1944
Eastern Towns (Sikh), No. 867, dated 29th August, 1938.	109	Fateh Din, son of Ala-ud-Din ..	26-4-1944
	110	Pala Singh, son of Anup Singh ..	4-8-1944
	111	Iqbal Narain Singh, son of Gursaran Singh ..	4-8-1944
	112	Fargat Singh, Pleader, Jullundur ..	4-8-1944
	113	Banta Singh, son of Mehnga Singh ..	4-8-1944

EXPENDITURE INCURRED ON ASSEMBLY ELECTIONS.

***4257. Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to state the total expenditure incurred on the Assembly elections by the candidates up-to-date since the last general elections ?

Parliamentary Secretary (Mir Maqbool Mahmood) : It is presumed that the honourable member is referring to the expenditure on bye-elections. If so, the total expenditure is Rs. 2,03,319.

EXPENDITURE ON ELECTION TRIBUNALS.

***4258. Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to state the total amount of money spent up to date on the Election Tribunals set up for the settlement of the election disputes?

Parliamentary Secretary (Mir Maqbool Mahmood) : Rs. 2,39,000 round, up to the end of February, 1939.

GUN-LICENCE HOLDERS IN NAKODAR AND PHILLAUR TAHSILS.

***4269. Mian Abdul Rab :** Will the Honourable Premier be pleased to state—

(a) the number at present of gun-licence holders excluding the military pensioners, in the Nakodar and Phillaur tahsils of the Jullundur district ;

(b) the number of licence-holders for revolvers in the above-mentioned tahsils up-to-date ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a) Phillaur ..	..	..	..	..	106
Nakodar ..	..	..	..	..	101
(b) Phillaur ..	..	..	..	..	10
Nakodar ..	..	..	..	..	11

QUARTERING OF EXTRA POLICE IN JIA BAGGA, AND OTHER VILLAGES IN LAHORE DISTRICT.

***4292. Sardar Hari Singh :** Will the Honourable Premier be pleased to state the exact grounds on which extra police has been quartered at villages Jia Bagga, Jhedi and Khudpur in the Lahore district ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : The location of additional police in these villages was found necessary owing to the general criminality and lawlessness of the inhabitants. During the three years 1935--37 no less than thirty offences were reported in Jia Bagga, and sixty-five others (mainly cases of house-breaking) were traced to it. In the case of the other two villages the crime statistics similarly provide clear proof of the need for special measures.

Sardar Hari Singh : How did the Government satisfy itself that for all these crimes the inhabitants of the villages were responsible and that it was not the work of outsiders ?

Parliamentary Secretary : I have already stated that no less than 30 offences were reported in Jia Bagga and sixty-five others were traced to it. It was on the basis of these statistics that the Government established that these people were criminally minded and a police force was quartered there.

Sardar Hari Singh : Did the Government satisfy itself that these crimes were due to the criminal nature of the inhabitants of the villages and not of outsiders ?

Parliamentary Secretary : Certainly ; Government did satisfy itself on the point.

Sardar Hari Singh : How many people of these villages were prosecuted and convicted for the crimes ?

Parliamentary Secretary : If the honourable member will give notice I shall make necessary enquiries.

RETURN OF BRIBE TO SOBHA SINGH.

***4296. Pandit Shri Ram Sharma :** With reference to the reply to my unstarred question No. 625¹, will the Honourable Premier be pleased to state—

- (a) who had marked the coins in advance, and with what object ;
- (b) whether the complainant was asked to substantiate his allegation ; if so, his reply and proof ;
- (c) if the allegation of bribe was not proved against the Ahalmad, whether the subordinate judge had any justification in the court to direct his Ahalmad to compensate the complainant ; if so, what amount the Ahalmad actually paid him ;
- (d) whether the Government proposes to take any further action in the matter ?

The Honourable Major Sir Sikander Hyat-Khan : The answers to these inquiries are surely apparent from the reply given to the original question. The answers are—

- (a) By the complainant, if his story is to be believed. His intention presumably was to trap the bribe-taker.
- (b) Yes, but he could produce no evidence other than his own statement.
- (c) It was an attempt, and by no means an unreasonable one, to do substantial justice. (The amount was Rs. 2.)
- (d) No.

Pandit Shri Ram Sharma : May I know the name and address of the complainant ?

Premier : It is not proper to give names.

Pandit Shri Ram Sharma : Not even of private persons ?

Premier : No, not even of private persons.

Pandit Shri Ram Sharma : Did the complainant make his complaint in court or out of it ?

Premier : You will find everything in the answer.

Pandit Shri Ram Sharma : May I know when the allegation was wrong why the court ordered the Ahalmad to pay Rs. 2 to the complainant ?

Premier : I never said that the allegation was wrong.

Pandit Shri Ram Sharma : When the complainant alleged to have given two rupees to the Ahalmad, was an enquiry made to find out whether the allegation was correct or otherwise ?

Parliamentary Secretary : I invite the attention of the honourable member to the answer given to the original question. The complainant alleged to have given two (marked) rupees to the Ahalmad. Thereupon a search of the person of Ahalmad was made but no such rupees were found with him.

Pandit Shri Ram Sharma : Did the person who made the complaint allege that he had himself given two rupees to the Ahalmad after marking ?

Parliamentary Secretary : Yes.

Pandit Shri Ram Sharma : Are you sure of that ?

Premier : Almost.

MOB VIOLENCE AT ROHTAK ON THE VISIT OF MINISTERS.

***4298. Pandit Shri Ram Sharma :** With reference to the reply to my unstarred question No. 628¹ will the Honourable Premier be pleased to state—

- (a) how many reports of criminal assaults, trespass, and looting, etc., were lodged with the Rohtak police in connexion with his and Sir Chhotu Ram's procession on 7th October, 1938, at Rohtak and the gist of each report ;
- (b) the name or names of police officers who investigated the reports and the duration of investigation in each case ;
- (c) whether during the course of investigation in each case, the complainant was asked to give his full statement, besides the report, and produce witnesses in support of his report ; if so, the names of those who refused to give statements and produce witnesses, and the names of those who gave statements and produced witnesses ;
- (d) the gist of each statement so given and evidences produced ;
- (e) the result of police investigation in each case and particular reasons for the failure of investigation ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

- (a) *First part.*—The honourable member is referred to answer given to part (b) of his starred question 3627².

Second part.—There were two complaints of trespass into a private house, beating the inmates and removing the Congress flag ; one of trespass into a private house and removing the Congress flag without beating the inmates ; four of removing Congress flags from shops ; three of knocking over a pedlar's goods on the road-side without looting them ; and three of looting sweetmeat sellers' shops.

(b), (c) and (d) It is not in the public interest to give names. The time and labour involved in collecting other information asked for by the honourable member are not commensurate with the results.

(e) The attention of the honourable member is invited to the answer given to part (d) of his starred question 3627² of 1938.

¹ Vol. VII, page 127.

² Vol. VII, page 347.

Pandit Shri Ram Sharma : With reference to the reply to part (a), may I enquire if my application addressed to the Superintendent of Police was included in the complaints enquired into by the authorities ?

Parliamentary Secretary : I am not aware of it.

Pandit Shri Ram Sharma : I want to know whether my application to the Superintendent of Police was included in the complaints regarding looting, house trespass, etc., received by the authorities.

Parliamentary Secretary : I am not aware of what my honourable friend wrote to the Superintendent of Police. I have supplied him with full information. Thirteen cases were reported at Rohtak, but none of them was proved. As a matter of fact in nine cases the complainants were not able to name the criminals or to identify them.

Pandit Shri Ram Sharma : I am afraid the Parliamentary Secretary has not understood my question. I asked as to how many reports had been received by the police and whether those sent by me were included in them.

Premier : The honourable member should himself know better because the applications were made at his instance.

Pandit Shri Ram Sharma : But I want to know how many were received by the police.

Premier : How can we know as to how many persons were induced by the honourable member to make these applications ?

Lala Duni Chand : Is it true that these complainants supported by Pandit Shri Ram Sharma are considered in the Rohtak district to be beyond the pale of law ?

Premier : If the honourable member means that they are outlaws, I am not prepared to make that statement.

Lala Duni Chand : I understand the Honourable Premier knows much better English than I do. May I repeat my question ? My question is whether it is not a fact that the general view prevailing in the Rohtak district is that all those persons who are supported by Pandit Shri Ram and other Congressmen are beyond the pale of law ?

Premier : My honourable friend behind him will be able to tell him whether they are outside the pale of law. Very likely they are.

Lala Duni Chand : So I understand that if any person is murdered or robbed and Pandit Shri Ram Sharma supports him, he is beyond the pale of law and he is not entitled to protection under the law ? (*Laughter.*)

Premier : Oh, that is the question.

Pandit Shri Ram Sharma : It was stated in the answers previously given that some counter complaints had also been received. May I enquire whether some of the original complaints contained complaints against those very people who had lodged their complaints ?

Premier : Very likely, because when false reports are made, the other party tries to meet them with counter complaints.

Pandit Shri Ram Sharma : My question is as to how many complaints have been received by the police and how many out of them are against those people who were said to have lodged counter complaints ?

Parliamentary Secretary : Only thirteen complaints were received by the police.

Pandit Shri Ram Sharma : It was stated in the answer that an enquiry was made but with regard to the various points about that enquiry, it is said that the collection of necessary information will entail too much labour and expenditure. May I know how that enquiry was conducted?

Parliamentary Secretary : My reply was clear—that it will involve unnecessary labour to collect the information. But all the disinterested witnesses were examined.

Pandit Shri Ram Sharma : Who are those disinterested persons who were examined?

Diwan Chaman Lal : May I enquire how they came to the conclusion that certain witnesses were interested and certain witnesses disinterested?

Premier : The enquiring officer's report.

Diwan Chaman Lal : How is it possible, may I ask my honourable friend, for any enquiring officer to come to the conclusion whether a witness is disinterested unless he takes evidence of that particular witness?

Premier : They must have taken evidence.

Pandit Shri Ram Sharma : In part (e) of my question I have asked why the enquiry proved a failure. May I know what was the special reason for that?

Premier : May be the complaints were false.

Pandit Shri Ram Sharma : Was it because there was a certainty that the procession of the Ministers was to come into question in the course of the enquiry?

Premier : Absolutely not.

PROSECUTING AGENCY IN CRIMINAL COURTS.

***4303. Munshi Hari Lal :** Will the Honourable Premier be pleased to state—

- (a) the authority which recruits persons serving in the Prosecuting Agency working in the criminal courts;
- (b) whether the prosecuting agency in a district works under the control and supervision of the Superintendents of Police?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :
 (a) The attention of the honourable member is invited to the instructions in Chapter 4 of the Punjab Law Department Manual, 1938, and in respect of the police prosecution agency to rules 27.4 and 27.14 of the Punjab Police Rules. Appointments of Prosecuting Deputy Superintendents of Police are made by the provincial Government, generally by promotion; other appointments among the police prosecuting staff by the Inspector-General of Police.

(b) This is dealt with in rule 4.22 of the Punjab Law Department Manual, 1938. "Public Prosecutors will discharge their duties under the direct orders and supervision of Deputy Commissioners and under the

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general control of the Legal Remembrancer". Members of the police prosecuting staff are under the orders of the Superintendent of Police subject to the general control and direction of the District Magistrate as head of the criminal administration of the district (Punjab Police Rule 1·15).

Lala Duni Chand : Is it not true that extraneous considerations and not considerations of merit very often weigh with the authorities in appointing men for the prosecuting agency ?

Mr. Speaker : Disallowed.

Premier : It is a most unworthy question.

Lala Duni Chand : Sir, this question directly arises out of the answer given. The original question relates to the recruitment of persons serving in the prosecuting agency and I ask the question whether it is only considerations of merit that weigh with the appointing authorities or extraneous considerations weigh with them. I think that is the very essence of the question and that is the very object of putting the question.

Parliamentary Secretary : Appointments are made on merit and on the suitability of persons for the post.

Lala Duni Chand : Is it a fact that very often senior members of legal profession are not selected but very inferior members of the bar are selected ?

Mr. Speaker : I disallow the question.

Pandit Bhagat Ram Sharma : May I know whether the Government has ever considered the advisability of placing the prosecuting agency independent of the control and supervision of the Superintendent of Police in the district ?

Parliamentary Secretary : Government has considered this question but does not think it desirable to deviate from the course it has adopted so far.

Pandit Bhagat Ram Sharma : What stands in the way of Government in placing this prosecuting agency in the district under the control of the Legal Remembrancer ?

Parliamentary Secretary : The prosecuting agency has to perform other duties as well and for that purpose it has to be under the administrative control of the police.

Munshi Hari Lal : What are those additional duties ?

Parliamentary Secretary : There are various administrative duties besides court work which the prosecuting agency has to perform.

Munshi Hari Lal : What are those various administrative and other duties ?

Parliamentary Secretary : If the honourable member gives notice of this question, I will give him detailed information.

UNIFORM FOR MEMBERS OF PROSECUTING AGENCY IN CRIMINAL COURTS.

***4394. Munshi Hari Lal :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that the uniform prescribed for the members of the Prosecuting Agency is the same as that of Police ;
- (b) whether it is a fact that the members of the Prosecuting Agency appear in criminal courts in the uniform prescribed ;
- (c) whether it is a fact that the Honourable Chief Justice of the High Court of Judicature at Lahore objected at Lyallpur to the wearing of the Police uniform by the members of the Prosecuting Agency in the court ; if so, does the Government intend to order a change in the uniform ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a) Yes.

(b) Yes. The relevant orders will be found in rule 4.4 (4) of the Punjab Police Rules.

(c) Representations were made by certain members of the Bar to the Honourable the Chief Justice while he was on tour recently, and Government have since received a reference from the High Court making certain inquiries on the subject. The question is now being examined in consultation with the Inspector-General of Police.

Pandit Bhagat Ram Sharma : Is the Honourable Parliamentary Secretary aware that if a prosecuting inspector appears in his uniform in the court, it hampers the witnesses ?

Parliamentary Secretary : I am not aware of it. It may be my honourable friend's opinion.

THEFT CASE IN MALIKPORE VILLAGE.

***4323. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

- (a) whether some six months back one Gordhan, son of Kare, Brahmin, of village Malikpore had lodged a report of theft in the Gannaur police station ;
- (b) whether after a few months the said person identified his stolen ornaments at the shop of a Saraf (jeweller) in Sonapat and again reported this to the police ;
- (c) if so, the time taken by the police in investigation of the case and the result thereof ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a) Yes. The theft is alleged to have occurred early in August last. It was not reported at the time to the police.

(b) On the 8rd September the victim of the theft claims to have recognised a portion of the stolen property in the shop of a Saraf in Sonapat, and on the 12th September he lodged a report at the police station.

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(c) The police completed the investigation and sent the case for trial on the 9th October. The four persons accused were discharged by the court on the 21st December.

Pandit Shri Ram Sharma : How much time did the police take to challan ?

Parliamentary Secretary : The necessary preliminary enquiries had to be completed before the police could challan.

Pandit Shri Ram Sharma : What are the dates of theft and challan ?

Parliamentary Secretary : I have already said that it was on the 3rd December that the plaintiff noticed some of the stolen property and it was then that the police started taking action.

NEW ANTI-CORRUPTION SCHEME.

***4333. Sardar Hari Singh :** Will the Honourable Premier be pleased to state the details of the new anti-corruption scheme devised by the Government and the proposed technique of the work ?

The Honourable Major Sir Sikander Hyat-Khan : The honourable member is invited to refer to the memorandum dealing with item (5) under the major head "25—General Administration" in the Schedule of New Expenditure for the year 1939-40, which was presented to the Legislative Assembly on the 27th February.

BAN ON SARDAR AJIT SINGH.

***4370. Sardar Hari Singh :** Will the Honourable Premier be pleased to state whether there exists any ban on the entry into the Punjab of Sardar Ajit Singh, a Punjabi exile from India ; if so, on what grounds ?

Parliamentary Secretary (Khan Bahadur Mian Ahmad Yar Khan Daulatana) : Sardar Ajit Singh left India of his own accord many years ago to escape prosecution and has not returned to the country since. He is believed to be a Brazilian subject and it is up to him to secure the necessary passport facilities if he wishes to return to India.

Sardar Hari Singh : May I ask if the Government intends to prosecute him ?

Premier : I am afraid I am not prepared to commit myself to any definite decision at this stage.

Sardar Hari Singh : May I ask whether the honourable member has considered the question and has come to any definite decision.

Premier : No. I have not.

Lala Duni Chand : May I know if any representations have been made to the Government asking for the removal of ban on his return to India and if so, what response has the Government made to these representations ?

Premier : I do not know about representations, but there is no ban. That is the answer.

Lala Duni Chand : May I know if he is free to come back ?

Premier : This is what it means. He left India of his own accord, we did not send him away and he can come back if he can get his passport from his own country. I understand that he is now a Brazilian subject. But as far as the question of prosecution is concerned, I am not in a position to commit myself at this stage.

Sardar Hari Singh : What are the charges outstanding against him ?

Premier : I am afraid I cannot go into details.

Lala Duni Chand : Is the Government prepared to give an assurance that so far as the Punjab is concerned, it will not place any restrictions against his return to India ?

Premier : I am afraid my honourable friend either did not understand my reply, or he did not listen. I made it quite clear that I am not prepared to commit myself one way or the other at this stage.

Sardar Partab Singh : How does he know that Sardar Ajit Singh has acquired naturalization papers in Brazil ?

Premier : That is what we understand.

Pandit Shri Ram Sharma : Will Government create any facilities for his return ?

Premier : What sort of facilities should we create ? Does he want us to send an aeroplane for him ?

Diwan Chaman Lall : May I ask whether the Punjab Government have considered the question of Sardar Ajit Singh's return and the possibility of launching a prosecution against him should he return ? Have the Government considered the matter ?

Premier : We have not considered this matter.

Sardar Partab Singh : How does Government know that he has been naturalized in Brazil ?

Premier : Government has its own agencies of information which my honourable friend also knows.

SECURITY FROM THE EDITOR OF *SHANTI*.

*4406. **Dr. Sant Ram Seth :** Will the Honourable Premier be pleased to state whether he is aware of the fact that a security has been demanded from the editor of *Shanti*, a Hindi journal of Lahore ; if so, on what ground ?

Parliamentary Secretary (Khan Bahadur Mian Ahmad Yar Khan Daulatana) : "No, but security was required from the publisher of the *Shanti*, because it published an article which offended against clause (b) of sub-section (1) of section 4 of the Indian Press (Emergency Powers) Act, XXIII of 1931."

Dr. Sant Ram Seth : Have you read that article ?

Premier : The Parliamentary Secretary has not read it.

Dr. Sant Ram Seth : In what press is it printed ?

Premier : This was not asked for.

Dr. Sant Ram Seth : Who is the principal offender in this case ?

Premier : My honourable friend must be knowing it. I do not know.

Dr. Sant Ram Seth : A security of one thousand rupees has been demanded from the paper which was printed in the Virjanand Press. But the Press has been asked to furnish a security of 2,000. How is that ?

Premier : The Press must have done something else.

Dr. Sant Ram Seth : The Press filed an appeal in the High Court and the appeal was accepted by the High Court and the proprietor was honourably acquitted.

Premier : But he has not been acquitted in this matter.

Dr. Sant Ram Seth : Did you give him any warning ?

Premier : My honourable friend should put a separate question.

Pandit Shri Ram Sharma : Can you tell me for what reason was this security demanded ?

Premier : I have already stated it.

TRAVELLING ALLOWANCE DRAWN BY MINISTERS.

4467. Dr. Sant Ram Seth : Will the Honourable Premier be pleased to state—

- (a) the number of places in the province visited by each Minister from April, 1938, to 28th February, 1939 ;
- (b) the number of speeches made by them during their tours ;
- (c) the total travelling allowance earned by each Minister from April, 1938, to 28th February, 1939 ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) and (b). The collection of this information would require an amount of time and labour out of all proportion to the results likely to be obtained. Information asked for in (a) is, however, usually published in the press and if the honourable member attaches importance to it he should be able to get it from that source.

(c) Such travelling allowance as was due under the rules and within the vote of the Assembly has been paid.

Diwan Chaman Lall : May I ask my honourable friend whether the information regarding the amount of travelling allowance drawn is also published in the press ?

Premier : It is published in the Budget.

Parliamentary Secretary : My honourable friend has obviously not followed my answer. What I said was that the information asked in part (a) was about the number of places visited by each Minister. I am sure that in the light of that answer he would feel that his question is not justified.

Diwan Chaman Lall : May I ask whether the reply that he gave does not cover the two points, namely the travelling allowance drawn by the ministers and the dates on which travelling was done and the amount of

travelling allowance drawn by them during that period. May I ask whether he will now revise his opinion and give this information on the floor of the House as has been the custom in the past?

Parliamentary Secretary : The question which my honourable friend has referred to is part (c) and the question which has been answered was in these words which I am prepared to read for his benefit. Such travelling allowance as was due under the rules.

Diwan Chaman Lall : May I ask whether he will look into the question first and then answer it. The question is not whether the allowance was according to the rules or not according to the rules, the question was what is the amount of travelling allowance. May I ask him to give a correct answer?

Parliamentary Secretary : Such amount was due under the rules.

Diwan Chaman Lall : Why is he feeling so shy in answering this question? Why does he not answer? How much money was drawn?

Premier : The question has been answered in the House a dozen times.

Diwan Chaman Lall : It has not been answered in reference to this particular matter. May I draw his attention to the fact that the question relates to the total travelling allowance drawn between the 1st of April, 1938 and 28th February, 1939. This question has not been answered. We want to bring up to date the information on this point. May I ask whether he is prepared to answer it, since we want to bring up to date the information that the public should have regarding the allowance drawn by the Ministers for travelling.

Premier : My honourable friend can get all the information from the Budget.

Diwan Chaman Lall : May I ask whether he has read the Budget and whether this information is contained in the Budget? This specific item is not contained therein.

Premier : No.

Diwan Chaman Lall : Why is he then funkling in giving this information?

Premier : It is not a question of funkling. It is a case of answering a question several times over.

Diwan Chaman Lall : Is it that the honourable member's department feels that the public would probably look with ridicule at the amount of money that the Ministers draw as travelling allowance?

Premier : That is an inference which only my honourable friend can draw.

Diwan Chaman Lall : It is very uncharitable, I agree, but true. Will he be good enough to revise his previous decision as to not giving this information to the House particularly in a matter which relates to the finances of the province.

Premier : I have given the information several times and I am not going to repeat that information every week.

Diwan Chaman Lall : May I, on a point of order, draw your attention to the fact that this House has the right to demand full information relating to finance which should be placed before it. Full information is sought by means of an interpellation and my honourable friend denies that information to this House although this information cannot be found in the Budget.

3 P. M.

Mr. Speaker : It is, no doubt, the right and privilege of the honourable members of this House to get as much information as they consider to be in public interest through interpellations, but it is equally the privilege and right of Ministers to refuse to answer questions, if they do not consider it in the public interest to answer them.

Dr. Sir Gokul Chand Narang : Is it provincial autonomy ?

Diwan Chaman Lall : We cannot get information regarding our own finances ! This is provincial autonomy !

Mr. Speaker : The question hour is over.

ADJOURNMENT MOTIONS.

ASAUDHA HAPPENINGS.

Pandit Shri Ram Sharma (Urdu) : Sir, I beg to move the adjournment motion standing in my name.

Mr. Speaker : The honourable member appears to be very keen about the Asaudha affair. He gave notice of an adjournment motion before the budget session started ; but along with some other motions I ruled it to be out of order, as all those motions could be discussed in the course of the budget discussion. The honourable member then gave a fresh notice yesterday. To-day he has again come forward with a fresh notice in a slightly different form. Both the motions of the honourable member, notices of which have been received, are, in my opinion, out of order for they lack..... (Interruption) (Honourable members : Order, order.) It is the duty of every member of the House to support the Chair in maintaining order. So, if an honourable member stands up or keeps standing and does not sit down when I rise, then it is the duty of all honourable members in this House to ask the member standing, as Pandit Shri Ram Sharma is at the moment, to order.

Dr. Sir Gokul Chand Narang : But not to create disorder !

Mr. Speaker : I tried to convince the honourable member by my ruling that his motions were not in order. Now he wants me to repeat the same thing over again. I have every sympathy with him but, at the same time, rules are rules and law is law. Adjournment motions should not be tabled as a matter of course on very trivial matters.

Pandit Shri Ram Sharma (Urdu) : I hope you would give me some time to clear my point before you give your decision.

Mr. Speaker : I may state why I consider the honourable member's motion to be out of order. One motion is 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 police so far in filing

the challan of the accused in the case of the criminal assault by an organised band on the peaceful and non-resisting Congress workers gathered to hold a conference at village Asaudha (Rohtak) on the 19th February, 1939.

The complaint is that up to this day the police has not challaned the case. Is this a matter of urgency? What does it matter if the case is challaned to-day or a fortnight hence? In my opinion this matter cannot be discussed by an adjournment motion. The other motion is :
(*Interruption*).

Sardar Sohan Singh Josh : Should they be allowed to rot in the lock-ups?

Mr. Speaker : If the police have not made a challan, the honourable member may file a complaint.

Pandit Shri Ram Sharma (Urdu) : My submission is—

Mr. Speaker : The honourable member has no right to make a speech at this stage.

Sardar Sohan Singh Josh : That is a queer way of dealing with prisoners.

Pandit Shri Ram Sharma (Urdu) : I admit what you have said but my submission is—

CORRUPTION AT JHAJJAR.

Mr. Speaker : The second motion is 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 refusal of the district and tahsil authorities to see and check the corruption of the contractor at Jhajjar, who was exacting two annas per rupee in the distribution of fodder taccavi on 28th March, 1939, resulting in the wholesale and open corruption in the famine relief work.

This motion also is clearly out of order.

SCHEDULE OF EXPENDITURE AUTHENTICATED BY GOVERNOR.

Minister for Finance : As required by section 80 (2) of the Government of India Act, 1935, I lay on the table the schedule of expenditure for the year 1939-40 authenticated by His Excellency the Governor.

As required by sub-section (1) of section 80 of the Government of India Act, 1935, I hereby authenticate the following schedule in respect of the financial year 1939-40 which specifies :—

- (a) the grants made by the Punjab Legislative Assembly, and
- (b) the sums required to meet the expenditure charged on the revenues of the Province.

Schedule of Expenditure.

Grant No.	Major Heads of Account.	Grants made by the Punjab Legislative Assembly.	Sums required to meet expenditure charged on the revenues of the Province.	Total.
		Rs.	Rs.	Rs.
1	7—Land Revenue	44,00,200	1,51,900	45,52,100
2	8—Provincial Excise	11,54,500	..	11,54,500
3	9—Stamps	53,700	1,06,900	1,60,600
4	10—Forests	20,82,900	5,06,400	25,89,300
5	11—Registration	71,600	..	71,600
6	12—Charges on account of Motor Vehicles Taxation Acts ..	2,09,600	..	2,09,600
	13—Other Taxes and Duties ..			
7	XVII—Irrigation—Working Expenses.	70,52,300	1,42,92,300	2,13,44,600
	17—Interest on Irrigation Works for which Capital Accounts are kept.			
	18—Other Irrigation Expenditure financed from Ordinary Revenues.			
8	Irrigation—Establishment Charges ..	99,35,500	18,32,100	1,17,67,600
9	19—Construction of Irrigation Works financed from Ordinary Revenues.	79,26,500	..	79,26,500
	68—Construction of Irrigation Works (Capital Expenditure).			
	22—Interest on Debt and Other Obligations.	..	—22,66,700	— 22,66,700
	23—Appropriation for Reduction or Avoidance of Debt.			
10	25—General Administration ..	93,03,400	23,58,400	1,16,61,800
11	27—Administration of Justice ..	39,47,100	14,11,600	53,58,700
12	28—Jails and Convict Settlements ..	28,88,300	1,35,100	30,23,400
13	29—Police	1,16,36,300	10,49,100	1,26,85,400
	36—Scientific Departments ..	1,84,700	42,500	2,27,200
14	47—Miscellaneous Departments ..			
	62—Miscellaneous adjustments between the Central and Provincial Governments.			
15	37—Education (European and Anglo-Indian).	6,97,400	8,300	6,15,700
16	37—Education (excluding European and Anglo-Indian).	1,57,42,200	1,58,700	1,59,00,900
17	38—Medical	48,16,800	6,30,600	54,97,100

SCHEDULE OF EXPENDITURE.

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Grant No.	Major Heads of Account.	Grants made by the Punjab Legislative Assembly.	Sums required to meet expenditure charged on the revenues of the Province.	Total.
		Rs.	Rs.	Rs.
18	39—Public Health	23,65,400	73,900	24,39,300
19	40—Agriculture	38,20,600	1,71,200	39,91,800
20	41—Veterinary	18,64,700	65,400	19,30,100
21	42—Co-operation	17,99,300	74,000	18,73,300
22	43—Industries	21,46,200	..	21,46,200
23	43-A—Capital Outlay on Industrial Development charged to Reve- nue.	400	..	400
	72—Capital Outlay on Industrial Development not charged to Revenue.			
24	50—Civil Works	93,23,900	1,27,100	94,51,000
25	Buildings and Roads—Establishment Charges.	16,13,900	3,60,700	19,74,600
26	51—Interest on Capital Outlay on Hydro-Electric Schemes.	31,24,750	27,76,760	59,01,510
	XI—Hydro-Electric Schemes— Working Expenses.			
27	Hydro-Electric—Establishment Charges.	12,61,800	..	12,61,800
28	50-A—Capital Outlay on Civil Works met out of Extraordin- ary Receipts.	12,53,500	..	12,53,500
	81—Civil Works not charged to Re- venue (Capital Expenditure).			
29	53—Capital Outlay on Hydro-Elec- tric Scheme met out of Revenue.	41,22,400	..	41,22,400
	79—Capital Outlay on Hydro-Elec- tric Scheme (Capital Expenditure).			
30	54—Famine	39,23,750	10,750	39,34,500
31	55—Superannuation Allowances and Pensions.	53,75,000	25,66,800	79,41,800
32	55-A—Commutation of Pensions financed from Ordinary Revenues.	2,91,800	—76,700	2,15,100
	83—Payments of Commuted Value of Pensions (Capital Expenditure).			

Grant No.	Major Heads of Account.	Grants made by the Punjab Legislative Assembly.	Sums required to meet expenditure charged on the revenues of the Province.	Total.
		Rs.	Rs.	Rs.
33	56—Stationery and Printing ..	9,96,900	..	9,96,900
34	57—Miscellaneous ..	33,48,100	42,400	33,90,500
	Advances not bearing interest—			
35	Advances Repayable ..	4,78,000	..	4,78,000
	Loans and Advances bearing interest—			
36 {	Loans to Municipalities, Advances to cultivators, etc.	68,26,400	..	68,26,400
	Loans to Government servants ..			

LAHORE :
The 31st March, 1939.

H. D. CRAIK,
Governor of the Punjab.

APPROPRIATION ACCOUNTS.

ALLOTMENT OF TIME FOR DISCUSSION.

Diwan Chaman Lall : May I draw your attention to the request that I made sometime ago ? I asked my honourable friend, the Premier, with your permission, whether he was prepared to allot a day for the discussion of Appropriation Accounts. May I ask whether my honourable friend has not yet considered the point and if he has, will he give this House a day for the discussion of Appropriation Accounts ?

Premier : Does my honourable friend consider that it would be more appropriate to let the House as a whole scrutinise the accounts and discuss them before they are examined by the Public Accounts Committee ? If necessary we can always discuss the matter when the report of the Public Accounts Committee is available. If the accounts are discussed in the whole House nothing useful would come out of it, but the Public Accounts Committee will be able to give time and attention and scrutinise the accounts carefully.

Diwan Chaman Lall : May I say, with your permission, that it is not a matter that is now referred to the Public Accounts Committee but these accounts have been vetted by the Auditor-General of India and they are now before the House and form a document which the House is in possession. Not one comma, not one syllable and not one figure of the accounts can be altered. The Public Accounts Committee can do nothing

in respect of these accounts. And it is an important matter. My honourable friend said, on the occasion when I raised the matter, that after he had gone through the Appropriation Accounts, he would have no objection to allot a day to us. I would request him to give a day for the discussion of Appropriation Accounts so that we may be able to go through the accounts and to discuss the report of the Auditor-General.

Premier : I am afraid I was not able to make myself quite clear to my honourable friends. There are accounts for the year prior to 1937. Then there are accounts for 1937-38 which will be now placed before the Public Accounts Committee because they were not ready till now. The new Public Accounts Committee was formed only yesterday and it will now be in a position to examine those accounts. Before that our Public Accounts Committee could not do any work because the accounts were not ready and the accounts which were ready related to the period prior to the new constitution. It would not be in the interest of this House to discuss the accounts now before they have been examined by the Public Accounts Committee.

Diwan Chaman Lall : I think the Honourable Finance Minister will be able to enlighten the House in respect of the fact that we are not referring to accounts prior to the period when my honourable friend took charge of his office. The accounts that have been laid on the table relate to the period 1937-38, which have been scrutinised by my honourable friend's department. All that I say is this that there is a period of office of my honourable friend in these accounts and, therefore, this House should have the opportunity of discussing those accounts. It does not matter in the least whether those accounts have gone before the Public Accounts Committee or not. The accounts that will go before the Public Accounts Committee will be placed before the House later on. These accounts have been closed and they refer to a period of office of my honourable friend and it is only right that this House should be given an opportunity of discussing them.

Premier : I have not said that we should not discuss them. My honourable friend should try to follow me. What I meant was that these accounts could not be placed before the Public Accounts Committee earlier because they were not ready.

Diwan Chaman Lall : May I make the position clear. If the accounts are going to be scrutinised by the Public Accounts Committee it means nothing because the accounts are already published. If my honourable friend wanted to adopt this procedure then they should not have been placed on the table of the House. They should have gone to the Public Accounts Committee, vetted by the Public Accounts Committee and the report of the Public Accounts Committee should have been placed on the table of the House. But I take it that these accounts which are now placed on the table of the House are accounts which the Public Accounts Committee has not dealt with. The Public Accounts Committee which should have dealt with them is *functus officio*. If the Public Accounts Committee is *functus officio* then there is no Public Accounts Committee to check and vet the accounts and they cover a period which cannot be vetted by any Public Accounts Committee.

Premier : I will again explain what I meant. These accounts were not ready : they could not be placed on the table of the House because they had not been scrutinised by the previous Public Accounts Committee. Now that a new committee has been appointed I suggest that they should be allowed to examine the accounts and make a report ; and then if necessary we can discuss them in the House. I think we should not waste the time of the House. If my honourable friend would speak to my honourable colleague outside the house, probably some *via media* might be found which would suit him.

LEGISLATIVE ASSEMBLY (OFFICES) BILL.

Sardar Hari Singh (Kangra and Northern Hoshiarpur, Sikh, Rural) : Mr. Speaker, let me take up the thread of the discussion on the motion moved by me on the Punjab Legislative Assembly (Offices) Bill yesterday. I was submitting that the measure proposed by my honourable friend opposite is an innovation in the parliamentary legislative field. He has no precedent to go upon, either in India or in England or in the dominions, for a measure of this nature. No provincial legislature of any other province has passed or is proposing to pass a similar measure. Even the Central Legislature, I was submitting yesterday, has not passed or has not thought fit to pass a similar measure to arm the Speaker with a power under the law to eject members through the Sergeant-at-Arms or some other official. This measure sponsored by my honourable friend is quite an innovation in the field of legislation in the parliaments of the world. I also submitted that if there is at all the need for arming the Speaker with the power which is going to be given under this Bill it could be given otherwise by rules as it has been done in England in the House of Commons or in the Council in Ceylon or in the Australian parliament. It could be done by the insertion of a rule to the effect that if a member is guilty of a disorderly conduct and does not withdraw from the House at the direction of the Speaker, the Speaker may direct the Sergeant-at-Arms to remove him bodily by force. That would have met the situation quite appropriately without resort to legislation of the character proposed by my honourable friend opposite. But, has such a situation arisen and has an emergency arisen that we do stand in need of such a measure ? Do I take it that in the opinion of the Leader of the House we are the naughtiest legislators in India, the naughtiest members of a legislature anywhere in the world or does he mean to say that he is the most ardent champion of the dignity of the House which he is not ? I shall at this stage refer you to the Standing Orders of the Senate of the Commonwealth of Australia to show that they have got powers given to the Speaker under the rules which are proposed to be given under this Bill by my honourable friend opposite. We should have followed those rules by inserting a rule on the same lines which are to be found in the rules of the Commonwealth of Australia. The rules are Nos. 438, 439, 440, 441 and 442. It will be of benefit to my honourable friends if I read out these rules. Rule 438 reads as follows :—

If any Senator—

- (a) persistently and wilfully obstructs the Business of the Senate ; or
 - (b) is guilty of disorderly conduct ; or
 - (c) uses objectionable words, and refuses to withdraw such words ; or
 - (d) persistently and wilfully refuses to conform to the Standing Orders, or any one or more of them ; or
 - (e) persistently and wilfully disregards the authority of the Chair ;
- the President may report to the Senate that such Senator has committed an offence.

How does he proceed? The proceedings on the report of the offence are given under Standing Order No. 440 which reads like this—

When any Senator has been reported as having committed an offence he shall be called upon to stand up in his place and make any explanation or apology he may think fit, and afterwards a motion may be moved—"That such Senator be suspended from the sitting of the Senate." No Amendment, Adjournment or Debate shall be allowed on such motion, which shall be immediately put by the President.

Standing Order No. 441 reads like this—

If any Senator be suspended, his suspension on the first occasion shall be for the remainder of that day's sitting; on the second occasion for one week; and on the third or any subsequent occasion for fourteen days, such suspension occurring within the same session.

If the offence is repeated in the same session then the penalty increases. Then Rule 442 gives the Speaker the power to use force through the Sergeant-at-Arms or the official who is designated as the Usher of the Black Rod. The Rule reads like this—

When a Senator has been suspended he shall not be permitted to enter the Chamber during the period of his suspension. If he does so enter the Chamber during such suspension, the President shall order the Usher of the Black Rod to remove him from the Chamber.

If a rule is needed at all we want to have a similar rule. I do not think we need any rule at all at the present time. Merely a single instance of disorder on a certain day does not constitute sufficient justification for bringing forward a measure of this nature. If at all there is any lacuna in the rules or in the law, that can be provided by inserting a new rule on the lines of the rules which are given here in the Commonwealth of Australia Senate Rules. Not only there, but even in the Council of State of Ceylon there is a provision in the rules that the Speaker may use necessary force in order to eject a member who would not withdraw at the direction of the Speaker. On page 28 of the Standing Orders of the Council of State, Ceylon, Standing Order No. 101, part (4) reads like this—

If any member or members acting jointly, who have been suspended under this Order from the service of the Council, shall refuse, at any time during the period of suspension, to obey the direction of the Speaker to withdraw from the precincts of the Council Chamber, the Speaker may direct such steps to be taken as are required to enforce his decision.

Even, a legislature of our own country, the North-West Frontier Province has got in a diluted form a rule to the same effect. On page 17, part 4 of Rule 56 reads like this—

If the member, who has been ordered to withdraw or whose suspension has been ordered by the House, refuses to withdraw the Speaker may order his removal by force.

So the use of force is employed and an explicit power is given to the Speaker in order to effect the removal of a member who refuses to withdraw. Why cannot we, if at all, give explicit powers to the Speaker. Why cannot, instead of the obnoxious legislative measure of the sort proposed by my honourable friend, we bring in such powers in our rules? I suggest to you, Mr. Speaker, as I appealed to you yesterday, to advise the Government to drop this measure and come forward, if there is any need, with a measure of the nature I have mentioned.

Mr. Speaker: I am not the Legal Adviser of the Punjab Government.

Sardar Hari Singh : In all matters pertaining to the procedure of the House and in all matters connected with the rules of conduct of this House, it is the duty of the Leader of the House to take advice from you and not to take advice from the Legal Remembrancer. It is you who are the custodian of the dignity of the House. He has been so often guilty of inflicting indignity on this House. It is you who are the custodian of our rights and the dignity and the orderly procedure in this House. If you wish to know I would tell how the necessity was felt for a rule of this nature, that is, Standing Orders 18 and 20 in the Manual of Procedure in the House of Commons. I referred to these rules yesterday that in the House of Commons sufficient power was given to the Speaker to enforce his order and to enforce his decision and to effect the removal of a member who refused to withdraw from the House by use of force. Those powers are given under Standing Orders 18 and 20 and how was the necessity felt for those two standing orders? The history of the House of Commons shows that in the year 1887, in the second session of the Parliament, there was an unusually disorderly scene in the House of Commons. Therefore, the Government felt it necessary to bring in new rules of procedure. A resolution was brought on the floor of the House and by means of that resolution those two new rules were introduced in the Manual of Procedure of the House of Commons. If you turn to Hansard's Parliamentary debates, volume 322, page 1678, you will find a debate on those rules, the necessity for bringing in those new rules, was brought to light in the course of discussion there. The new rule proposed was under the title "Disorderly Conduct." The First Lord of the Treasury, Mr. W. H. Smith (Strand, Westminster), proposed this new rule and while rising to move this rule against "disorderly conduct" he said :—

He proposed the Rule with great regret ; but scenes that were in the memory of honourable members, and which occurred during the last session, showed the necessity of such a rule.

So, if my honourable friend the Leader of the House feels that there have been unusually unruly scenes in the House, he should have followed the example of the First Lord of the Treasury in the year 1888. He went on to say :—

The Government felt that if the House was to maintain its ancient character, power should be given to the Speaker or the Chairman of Committee to name a Member on the spot when the conduct of the Member was grossly disorderly. He thought the Rule would recommend itself to the good feeling of honourable members on both sides of the House, for it was not directed against any one section of members, but against disorderly members generally whoever they might be.

A resolution was placed before the House and when it was adopted it became Standing Order No. 20. The resolution was to the following effect :—

That Mr. Speaker or the Chairman do order members whose conduct is grossly disorderly to withdraw immediately from the House during the remainder of that day's sitting ; and that the Sergeant-at Arms do act on such orders as he may receive from the Chair, in pursuance of this Resolution. But if, on any occasion, Mr. Speaker or the Chairman deems that his powers under this Standing Order are inadequate, he may name such member or members in pursuance of the Standing Order (Order in Debate), or he may call upon the House to adjudge upon the conduct of such member or members.

Provided always, that members who are ordered to withdraw under this Standing Order, or who are suspended from the service of the House under the Standing Order (Order in Debate), shall forthwith withdraw from the precincts of the

House, subject, however, in the case of such suspended members, to the proviso in that Standing Order regarding their service on Private Bill Committees.

So this new rule was inserted by means of a resolution passed in the session in which unusually unruly scenes were exhibited in the House of Commons. That was the proper course adopted by the Leader of the House there in that year and that is the proper course, if at all there is a necessity of this measure for the Leader of the House here to bring in an amendment to the present rules of the Assembly, and not bring a measure of this nature which is of a very contentious and controversial nature. Besides being open to objections on its own merits, it is a measure which is open to objections on technical grounds. Any member from the Government benches may stand up and say, "Well, the mover of this amendment has said in his speech that there is no Act similar to this anywhere in any parliament of the world," and he may refer me to the Offices Bill of the House of Commons. But that is quite a different Act. That is not an Act which gives the Speaker any powers which are not given under the rules. It is an Act which only makes a provision for the appointment of the Clerk of the House of Commons. It is an Act which makes a provision for the salary and emoluments of the Clerk and the Sergeant-at-Arms of the House of Commons.

If you turn to the Offices Bill in 52 George 3, A. D. 1812, you will find that it only shows that there is a provision on page 520 of that book and House of Commons (Offices) Bill is the title of that Act. Section 5 deals with the appointment and the emoluments of the Sergeant-at-Arms and reads thus—

And whereas the offices of serjeant-at-arms attending the Speaker of the House of Commons during the sitting of Parliament, and of housekeeper of the House of Commons, now are and for a long time past have been holden conjointly by the same person, and the salaries, wages, fees and emoluments appertaining to the offices so holden have been hitherto brought to account conjointly under the Act hereby repealed: Be it, therefore, enacted, that after the expiration of the present interest of the said John Clementson so appointed serjeant at-arms as aforesaid, the office of housekeeper of the House of Commons shall henceforth be holden by the person who shall be appointed to the office of serjeant-at-arms attending upon the speaker of the House of Commons: and the salary, fees, and emoluments heretofore usually paid to the housekeeper shall be paid into the hands of the said commissioners, or the person or persons so appointed by them as aforesaid, and be accounted for to the said commissioners,.....

In this note nowhere do we find that the Speaker is under this Act given any new power which he has not got under the rules of the House of Commons. So under the Bill which is sponsored by the Leader of the House new powers are being given to the Speaker which are not given under the rules or under any legislative enactments. So, Mr. Speaker, as I said a little while ago, this is not the proper step to give the Speaker this power if that power is at all required. In order to maintain the dignity of this House the only essential condition is goodwill between the members of the House. That is the quality which we should inculcate here and the Leader of the House has to set an example in parliamentary polish, decorum and dignity and the rest of the House will, I am sure, follow his lead. He should take into confidence the Leader of the Opposition and the leaders of the various parties in the House and devise steps to maintain the dignity of the House. This obnoxious measure which is unheard of in parliamentary annals anywhere else should be dropped.

Mr. Speaker : Motion under consideration amendment moved is —

That the Punjab Legislative Assembly (Offices) Bill as reported by the select committee be circulated for the purpose of eliciting public opinion thereon by the 1st of April, 1940.

Mir Maqbool Mahmood (Parliamentary Secretary) : Sir, my honourable friend opposite will remember that a similar motion for the circulation of this Bill was moved on the 24th January last when the Honourable Leader of the House proposed the reference to the select committee. The House at that time after hearing the arguments of both sides and after careful consideration of the pros and cons involved decided that reference to select committee shall be sanctioned and that circulation of the motion shall not be sanctioned. I submit that the Bill as it has emerged from the select committee has introduced no new items or brought no new ideas which need circulation of the Bill for public opinion again. That is my first submission and I expected from my honourable friend opposite that he would enlighten the House as to what particular new items or new ideas have been introduced in this Bill in the select committee stage for which he wishes the House to revise its earlier opinion of not allowing the circulation for opinion. I can assure my honourable friend opposite that I am one of those who always listen with attention to his speech and I can assure him with equal seriousness that I have never been less moved by his speech than to-day.

What are the arguments that he has advanced in favour of his motion ? To begin with, I heard him say that in the House of Commons the Sergeant-at-Arms has not those powers which are being accorded to the Sergeant-at-Arms under this Bill. I also heard him say, when he was referring to rules Nos. 18 and 20 of the House of Commons Procedure, that the members in certain cases are asked to leave the chamber and that in similar cases there is ample provision under our present rules. On that point, permit me to invite your attention only to two brief quotations from May's Parliamentary Practice.

Mr. Speaker : I have no doubt that Mir Maqbool Mahmood is perfectly in order in replying to all the arguments advanced by Sardar Hari Singh, but Sardar Hari Singh's speech was irrelevant in many places. The motion before the House is that the Bill be taken into consideration. The amendment moved is that the Bill be circulated for public opinion. The honourable mover of the amendment should have given reasons why it should be circulated. He has raised the question of conferring these powers not by legislation, but by rules. The House having accepted the principle of the Bill and having referred it to a select committee, the only matters for discussion are why the Bill should not be circulated or taken into consideration.

Diwan Chaman Lall : The only propositions before the House are these two, but in detailing argument as to why the Bill should not be taken into consideration it is surely open to the members to give all the reasons and all the arguments and all the facts that they possess against the Bill. This is the stage when the Bill can be attacked from every point of view, and I hope you will give the honourable members the necessary latitude.

Mr. Speaker. I have no objection to all arguments being advanced to support why the Bill should or should not be circulated.

Mir Maqbool Mahmood : I am grateful to you for having given the correct ruling on this point and clarified the position. The issue now before the House I take it is, why should the Bill be not taken into consideration, and from that point of view, if I may interpret the argument given by my honourable friend opposite, he said that if in the House of Commons such powers were not exercised by a Sergeant-at-Arms then we were going beyond those provisions. I would invite your attention to two brief extracts from May's Parliamentary Practice. The first is on page 332 and there you will find in the second paragraph that the exclusion of members who are named or members who refuse to leave the House when named by the Speaker, is not limited to their leaving the chamber or the room or the hall where the Assembly deliberates, but to the precincts of the House. This is what is said here :—

Members ordered to withdraw in pursuance of this standing order, or suspended from the service of the house in pursuance of Standing Order No. 18, must withdraw forthwith from the precincts of the house.

Precincts of the House has been defined as follows :—

The area within the walls of the Palace of Westminster composes Parliamentary precincts.

The second point which my honourable friend quoted from Campion was with regard to the duties of the Sergeant-at-Arms. Here again, he will find that the duties of the Sergeant-at-Arms are given in full detail at page 199 of May's Parliamentary Practice and also at page 172 of Redlich. He will find that he, as keeper of the House, is in charge of all committee rooms and other buildings during the sittings of Parliament. I submit that the duties of the Sergeant-at-Arms in the House of Commons are not limited to the lobbies and the hall, but extend to the committee rooms and all the buildings attached to the Houses of Parliament when the Houses are in session.

The next point raised was his argument in favour of the circulation motion. His point was that necessary provision should be made in the rules and not by legislation. On that point I need not take much of the time of the House. The position is obvious. I know that there is a school of thought which advocates that rules are the proper method of giving effect to the provisions of this Bill. But in the case of this legislature I beg to invite the attention of honourable members opposite that we draw our powers and privileges from the Government of India Act, 1935. That Act does definitely lay down in section 71 (2) that the privileges of the House shall be such as may from time to time be defined by Act of the Provincial Legislature, and, until so defined, shall be such as were immediately before the commencement of this part of this Act enjoyed by members of the Legislative Council of the Province. Now, that specifically enjoins or permits or enables us to frame a legislation to deal with the privileges of the House. I think that is why my friend Diwan Charan Lali when he spoke earlier said that we should have an Act or rules to deal with the question. But I would ask my honourable friend opposite whether there is any prohibition in the Government of India Act that we cannot deal with this matter by legislation. If there is no such prohibition and the law permits us to deal with it either by rules or by legislation, obviously it does not lie in the mouth of my honourable friend opposite to come forward and say that the House shall not exercise this power. I should have expected my friend opposite

[Mir Maqbool Mahmood.]

to have joined us in trying to extend and develop to the fullest possible extent the powers given to us and to exercise those powers within the orbit of the powers. But in this particular case I am surprised to find him and his friends putting forward a proposition that the House shall not exercise those powers.

Now, let me take his next point, namely, that these vast powers should not be given to the Speaker and that he should deal with this matter through the ordinary powers of rule-making. Here I may invite the attention of honourable member to certain clauses of the Bill before the House. Here certain powers are given to the Sergeant-at-Arms under the proposed measure by which he can invoke the assistance of any servant of the Crown if need be. Surely it is not contended that by making a provision in the rules of procedure we can bind the servants of the Crown to assist the Sergeant-at-Arms. That being so the only logical way of dealing with this matter is through legislation as has been proposed in this measure.

There is one other point before I conclude. What is after all the purpose of the Bill? It is nothing beyond this that the Speaker shall have the power to enforce the rules. I submit with due deference to all honourable members that the Speaker is above all parties and above all politics. He belongs to all. He is the tribune and the custodian of the dignity of this House. Therefore no reasonable member of this House should cavil at any powers being placed in the hands of the Speaker which are only intended to enable him to enforce the rules of procedure. Sardar Hari Singh said, let us lay down the foundations of good traditions under which such incidents as happened some time ago may not happen. I endorse that. I appeal to both sides of the House that we are the first custodians of the rights and privileges of this province as members of this reformed legislature (*laughter*). There is no need for laughter. It is a very serious thing that we are now discussing. Everything we do here will form a precedent for a large number of people to follow. It is up to us, therefore, to lay down the tradition that if anybody on this side tries to do anything which is against the dignity of the House or of the Speaker we should stop that member from doing so and similarly if any member on the other side tries to interfere with the business or procedure of the House honourable members on the other side should stop that member from taking the law into his own hands. That being so, I submit that there should be no opposition to the powers being placed in the hands of the Speaker and ensure that law and procedure of the House are duly preserved.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural): My justification for getting up to support this motion for circulation is, in the first instance, this. I have been observing that ever since this Government came into power it has been violating the conventions which were followed in this House. Ordinarily every Bill that is moved is circulated for eliciting public opinion. It might be that some Bills are not circulated. I do not state it as a rule that it is the invariable convention that every Bill that is introduced in the legislature should be circulated. I know that there is no such inflexible rule. But ordinarily all important Bills are and ought to be circulated for eliciting public opinion. But what we have been noticing is that this Government has not circulated any Bill.

that it has brought forward before this House. (*Diwan Chaman Lal*: Excepting my Anti-Phooka Bill.) I am referring to Government Bills. We moved for the circulation of every Bill that came up during the last few sessions, I mean all important Bills, particularly those which excited so much controversy in the province. Not one motion was accepted by the Government. Even that I will pass over. But I have now risen to protest against the policy of this Government which is to ride rough-shod over almost every convention. Every day and certainly almost every week the Premier gets up with his motion that rule so and so be suspended or that the non-official day be utilised for transacting Government business or that the House should sit from 12 to 4-30 P.M. instead of from 2 to 6-30 P.M. or still further that the House should continue to sit till a particular Bill is finished. These are really things which we cannot tolerate with patience. We have been in this House for so many years. I have been in this House since 1923. For the fifteen years before these gentlemen came into power, you would agree with me that not one convention of this kind was broken and now these conventions and these rules are honoured more in the breach than in the observance. (*Hear, hear.*) Therefore, I consider it my duty to get up and make my protest against these irregularities of the present Government.

Then, Sir, with respect to the measure itself, I think the speech that Sardar Hari Singh has made is a memorable speech. (*Hear, hear.*) I think that every member of this House would compliment him on his learned speech. In fact I was saying to my friend here that it was a pity that Sardar Hari Singh was not a lawyer and if I may venture an advice, I would advise him to qualify himself to practise at the bar and I predict that he would be an acquisition to the bar and would make his mark at the High Court bar with his acumen and his industrious habits. I believe you will all agree with me that he is probably the one member or one of the few members here who take parliamentary work in this province seriously and devote their time and energy to the study of questions which come up before this House. I expected that his speech would have the desired effect. But I was surprised when I heard the honourable Parliamentary Secretary sitting behind the Honourable Premier saying that although he always listened with great attention and respect to the speeches made by Sardar Hari Singh, yet he was sincere and very truthful in stating that the Sardar's present speech had made no impression on him or words to that effect. I must say that a man who is not at all influenced by a speech like the one which Sardar Hari Singh has just made must indeed be very incorrigible and he must have shut all the doors of reason and understanding against any impressions that Sardar Hari Singh's speech might create on his mind. I would not go into the various points which Sardar Hari Singh has so elaborately placed before the House. But I must say that really no case has been made out for a measure like this. The only reason that one could think of is that some episodes which occurred a few months ago in this House seem to have upset the equanimity of the members of the Government and they have hastened with a coercive measure like the one which is now before the House. You must be aware, Sir, that even in the Mother of Parliaments, the British Parliament, which is probably the oldest Parliament of its size in the world, such scenes are not rare and I came across a whole chapter in Viscount Snowden's Autobiography when I was going through it, in which he has referred to such

[Dr. Sir Gokal Chand Narang.]

incidents and if you would permit me, I would make a brief reference to that, not to justify such measures but simply to point out that such things are sometimes inevitable and they must be tolerated and not too much importance attached to such episodes. I would certainly not go into the merits or demerits of those episodes. I would not try to apportion the blame. But I think I am perfectly on safe ground when I say that there is a keen difference of opinion with respect to the side on which the blame rested so far as even those episodes are concerned. During the last 18 years that the Punjab Legislative Council has been in existence—for the last two years in the present form—there have been no such incidents and no one ever dreamed that when provincial autonomy begins to take effect in the province, a popular Government, popular not in the ordinary sense but in the constitutional sense, would come forward with a coercive measure like this. I consider it an insult to the House and to yourself that such a measure should be brought forward—to the House because it would mean that the House is so rowdy that it requires a Sergeant-at-Arms to chuck out the unruly members. It is disrespectful to the chair—happily those episodes did not happen while you were in the chair—because it would be thought that the Speaker or the Deputy Speaker or any chairman who might take the chair on occasions is not competent enough to maintain order in the House and he requires the help of a man at arms to come forward and chuck out rowdy and unruly members. It is, therefore, disrespectful both to the House and to the Speaker. Then again, as Sardar Hari Singh rightly pointed out, it depends upon the members of the Government themselves whether there would be unseemly scenes in the House or whether the work would go on smoothly and peacefully. Sardar Hari Singh coined a word which I appreciate very much. He said that the honourable Premier was the most “interruptive” member in this House. It may not be King’s own English, but certainly it is very expressive and it describes the Honourable Premier very correctly because you must have noticed, not always but on most occasions, that he is really most guilty of interruptions. He is irrepressible. He could not keep quiet even for two minutes at a time and the members on this side had to draw your attention to this and they had to quote, I quoted,

جو کفر از کعبہ پر خیزد کجا ماند مسلمان When the Premier himself is guilty of making interruptions and creating disorder and obstruction, you cannot blame the ordinary members of this House. I was just going to draw your attention to some of the episodes from the British Parliament to show that these things are tolerated and ought to be tolerated and even the best of Parliaments in the world is not an exception. I am referring to Volume I of Viscount Snowden’s Autobiography, Chapter XVIII.

Mir Maqbool Mahmood : On a point of order, Sir.

Dr. Sir Gokal Chand Narang : I thought that a point of order would come. (Laughter.)

Mir Maqbool Mahmood : I see that my honourable friend is taking the roll of a prophet also. I do not envy him. What I submit is that at this stage we are not concerned with the question whether the Bill is needed or is not needed. That stage is over and what we are considering is whether the Bill is to be taken into consideration now or whether it should be circulated for eliciting public opinion thereon.

Dr. Sir Gokul Chand Narang : You have already disposed of that point of order. (*Laughter.*) I am not only supporting the motion of Sardar Hari Singh, but I am opposing the motion which has been moved by the Government. It is such a wretched measure, it is such an uncalled for measure that it should be dropped and stopped even at the eleventh hour. Now that the Honourable Premier has asked the House to consider this measure, to consider the report of the select committee, I think it is the right of every member to say that it should be dropped.

Shaikh Karamat Ali : May I know with due deference whether the remarks now made actually support this particular contention on the other side that this Bill should be circulated for eliciting public opinion? Is this the manner in which this can be argued—wretched measure and all that? The measure can be discussed when it is taken clause by clause.

Mr. Speaker : I see the honourable member's point. The original motion was that the Bill, as reported by the select committee, be taken into consideration. The amendment moved is that the Bill instead of being taken into consideration, be circulated for eliciting public opinion thereon. Now the question is what is under discussion, the amendment or the original motion or both. When an amendment is moved to take the place of an original motion in its entirety, the debate that follows is not restricted to the amendment alone; but includes the amendment as well as the original motion, both matters being under the consideration of the House as alternative propositions. Consequently the honourable member is entitled to discuss why the Bill should not be taken into consideration.

Shaikh Karamat Ali : Constitutionally when a particular amendment has been moved, the amendment is taken first for consideration.

Diwan Chaman Lall : May I ask my honourable friend to look up the rules and not waste the time of the House?

Dr. Sir Gokul Chand Narang : I am glad that the honourable member from Sheikhpura has received some enlightenment. Referring to one or two incidents—

“When Mr. Asquith rose to move the Order of the Day pandemonium broke out. Before he could utter a word members were on their feet shouting and trying to put points of order.”

Such as sometimes happens here and may happen everywhere.

“The Speaker appealed in vain for a hearing for the Prime Minister. Mr. Asquith sat down occasionally to allow the storm to subside. But each time he rose it broke out with greater fury. Dozens of members were all trying to say something at once. Lord Hugh Cecil, the representative of the culture of Oxford University and Mr. F. E. Smith were the ringleaders of the riot.”

Both very great men.

The latter managed to get in a coherent sentence to the effect that he and his noble friend were entitled to apply the same treatment to Mr. Asquith which the Liberals had given to Alfred Lyttleton seven years before. Above the tumult the voice of Lord Hugh Cecil could at times be heard hurling insults at the Prime Minister. Will Crooks, pointing at Lord Hugh Cecil shouted: ‘Many a man has been certified as insane for less than half what you are doing.’ (*Laughter.*)

Premier : All the Crooks on that side can say the same thing.

Dr. Sir Gokul Chand Narang : A Tory member was speaking,

"And when making some reference to Mr. Asquith there broke out from the Tory benches cries of 'Traitor.' The 'traitor' of course was Prime Minister (Laughter).

Not this Prime Minister !

"The Speaker intervened and said that if he knew who had used the expression he should call upon him to withdraw it. A candidate for martyrdom was there. The redoubtable Sir William Bull announced that he was the man, and to support his claim he again shouted 'Traitor'. He was ordered to leave the House. He received his crown of glory the next evening at a great Unionist demonstration in the Albert Hall

Not these Unionists (Laughter).

where he was uproariously received as a hero who had said 'Traitor'. After Sir William Bull's expulsion from the house the Tories evidently got together and decided they would have a row. About half past seven Sir Rufus Isaacs, the Attorney General rose to speak.

The man who became later on the Viceroy of India.

"There was no obvious reason why he should be attacked. But immediately he rose the whole Tory Party burst into a chorus: 'Adjourn! Adjourn!!' The Speaker appealed in vain for order. The chorus gained strength. It was clearly evident that there was a determined conspiracy to prevent any discussion."

There has never been a conspiracy on this side. Everything has been clear and everything has happened on the spur of the moment.

"Front-bench Tories openly defied the Speaker. The uproar was terrific. Liberals were on their feet shouting and shaking their fists at the Opposition.

It has never come to this here !

"It was useless to go on, so the Speaker rose and said: 'In my opinion grave disorder has arisen.' 'I think so, too,' interjected Jerry Marveagh. So the Speaker suspended the sitting for an hour."

As our learned Deputy Speaker also did on one occasion.

It was thought that an interval would allow passions to cool.

This is how Sardar Sahib also thought.

"But the Tories employed the hour to revive their strength from the resources of the dining room. When the House resumed the rowdiness was renewed with greater violence than before. Sir Rufus Isaacs was permitted to say 'Mr. Speaker' and no more. A Tory member, Lord Helmsley, rose, but his Tory colleagues howled him down. The Speaker pleaded with the Tory front bench to give a hearing to him. It was all in vain. It was quite obvious that there would be no speaking that evening, so the Speaker adjourned the House till next day.

A very wise thing !

"The Tories acclaimed their victory by jumping up, shouting and waving handkerchiefs and papers for several minutes. The Labour members had been silent and disgusted spectators of this scandalous exhibition. It was a revelation to them of the breeding and culture of the 'gentlemanly' Party.

The word 'gentlemanly' is within inverted commas !

"The Liberals and Nationalists behaved with great restraint throughout the whole proceedings. It was a scene to cause feelings of contempt rather than of anger. As members were walking out of the House, the sight of Mr. Churchill and Colonel Seely together—two former Tories—exasperated the Tories, who assailed them with cries of 'Rats! Rats,!' Mr. Ronald M'Neill, the seven-foot Ulster Unionist, seized a book from the table and hurled it at Mr. Churchill, who was struck on the side of the face and bruised. The House met next day in a subdued mood.

Then he says—

“ I remember another instance of disorderly conduct which was not the outcome of pre-meditation, but of ‘spontaneous combustion.’ ”

A few words more and I would finish and not take the time of the House.

“ Mr. George Lansbury had been returned to Parliament at the second General Election of 1910. He soon made himself conspicuous by asking innumerable questions on every possible subject, and by impulsive interventions in debate. At this time the militant suffragist agitation led by Mrs. Pankhurst and her daughter Christabel was attracting a good deal of public notice. Their activities had not yet assumed the violent form they did later. A number of women had been arrested for small offences and had gone to prison as the alternative to promising to be of good behaviour. Mr. Lansbury always the champion of people in distress, put questions to the Home Secretary about the alleged harsh treatment of these women in prison. I may say that Mr. Lansbury was not alone in taking up the case of these, for Mr. Keir Hardie and myself were quite as active on their behalf, until their activities became criminal and alienated all sympathy. In reply to a question which Mr. Hardie had put about one of these prisoners, the Prime Minister made the remark ‘that these women could walk out of prison this afternoon if they gave the undertaking asked for.’ ”

This reminds me of our Premier's declaration on various occasions that some of the political prisoners could walk out of the jail by giving an undertaking.

“ For some reason this remark put Mr. Lansbury into a state of uncontrolled passion. He was sitting beside me, and he hurled this remark at Mr. Asquith : ‘ It is perfectly disgraceful that the Prime Minister of England should make such a remark.’ This caused an uproar. Mr. Lansbury left his seat below the gangway and walked up to the Ministerial Bench, shook his fist in Mr. Asquith's face, and hurled at him a volume of abuse the like of which I have hardly ever heard.

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

That was all done in the House.

“ You are murdering, torturing and driving women mad, and tell them they can walk out ! It is the most disgraceful thing in the history of England. You will go down to history as the man who tortured innocent women.”

The Congress members here may say you will go down to history as one who tortured Teja Singh and others.

It is disgraceful to tell women who are in prison on principle that ‘ they can walk out.’ And so he went on for several minutes. The Speaker was very lenient with him. He called him to order several times, but Mr. Lansbury was too excited to realise what was being said. Finally he cooled down and turned to the Speaker and said, like a man recovering his senses : “ What do you want me to do, Mr. Speaker ? ” The Speaker replied that he had told him three times to leave the House for grossly disorderly conduct. Mr. Lansbury withdrew. This was one of those scenes which do not arouse the indignation of the House. Members realised the deep sincerity of Mr. Lansbury, and that he had been carried away by his emotions and probably did not know what he was saying.

Premier : May I ask how many pages more he has to quote ?

Dr. Sir Gokul Chand Narang : Is it a point of order ?

Premier : May I know how many pages this book has got because it is a very interesting book indeed ?

Dr. Sir Gokul Chand Narang : Further on it is stated—

The Pankhursts prevailed on Mr. Lansbury to become its champion in the Labour movement. His action can only be explained if one understands the truth of Mr. Augustine Birrell's description of him. He said : “ the trouble with Lansbury is that he will let his bleeding heart run away with his bloody head.”

[Dr. Sir Gokal Chand Narang.]

That may sometimes be applied to some members of this House who are so sincere and earnest that they sometimes forget themselves in making their protests especially when they are thwarted and when attempts are made to domineer over them and to obstruct them.

Premier : If my honourable friend will give us the numbers of pages he is quoting, we will read them at leisure. He has gone through half the book.

Dr. Sir Gokul Chand Narang : I have read only one or two instances. I need not go through the remaining passages. I read out these instances not to justify the conduct either of Mr. Lansbury or Mr. Balfour's followers. Mr. Balfour was present as the leader of his party when these incidents occurred there and the author of this autobiography says that Mr. Balfour took no steps to prevent his followers from doing these things. It does not mean that Mr. Balfour was himself a rowdy or a man of unruly temperament. He knew that it was inevitable that sometimes when circumstances are provoking some members might let themselves go. It was not, therefore, with a view to justify such a conduct but simply to point out that if such things are possible in the best of parliaments as the English Parliament is supposed to be, there is no wonder that sometimes there is an instance of an outburst of temper either on this side of the House or on that side of the House. Sometimes even father and son fall out and use a language which in calmer moments they would not use against each other. It does not mean that with every little activity which is of an unrestrained character, a Bill should be brought forward. I would, therefore, submit that there was absolutely no necessity of bringing forward such a measure. For eighteen years the House has behaved in a most commendable manner and no serious complaints have ever been heard against the conduct of any members of this House. Then, again, there is another reason why such a Bill should not be proceeded with. You know the number of days for which the Assembly sits. It is not sitting all the twelve months or on all the days of every month. At the utmost the Assembly sits for eighty or ninety days—I have not counted them—but in any case for not more than a hundred days in a year. That means that you will be burdening these poor zamindars with the expense of maintaining a staff which will be called upon to work only for one hundred days at the utmost in the year and even during those one hundred days the services of the Sergeant-at-Arms or his deputies may not be requisitioned even once. So, it is like keeping a *billa* (a wild cat) to frighten these people in the House and pay him, as I expect, a substantial salary. It is of course a different matter if the Premier has someone in view whom he wants to patronise or whose interests he wants to advance and who may be some retired Subedar, Jamadar or Risaldar either from Rohtak or from Campbellpur. I do not mean to say that they have some people in view but it would be a different matter if they had in view because loyalty must be rewarded. (*Laughter.*) But if they are the real well-wishers of poor zamindars, whom I see on this side, they should not impose even one penny as additional burden upon them because their shoulders are already over-burdened with the weight of taxation and debt and with the travelling and other allowances of the Ministers which amounts are not even mentioned in the House lest these gentlemen should take

offence and lest they should get a shock when they know that additional burden is going to be imposed upon their heads in addition to the thousands taken away from their pockets every month to enable the Ministers to enjoy their picnics and parties in the countryside and their elephant rides. (Premier: Oh!) (Laughter.) The expenditure would be a sufficient ground for dropping a measure like this. Unless a strong and clear necessity is made out for a measure like this, it should be dropped even at this stage. Then again even if this Bill is passed, it would be an utterly useless measure. This point has not been touched, so far as I could follow, by Sardar Hari Singh. In one or two minutes I shall try to point out to you how it will be an utterly useless measure. Supposing I get excited over something that the Premier says or I do not like the remarks of a particular gentleman when he is speaking and I lose my temper and I shout out something which you do not like and you ask me to go out. I still continue making disorder and some of my friends support me and follow me because sometimes this infection is caught. You know it too well Mr. Deputy Speaker. Then what happens? You say, "Order, order" and we all shout 'order, order' and continue creating disorder and ultimately there is pandemonium in the House. What will you do? You will pick out one of us and name and ask him to go out. He will continue creating disorder with the help of his friends. You will again say, "I ask the honourable member to withdraw." He does not withdraw. Disorder continues. You are not going to call the Sergeant-at-Arms at once when the slightest noise is created. If you do so, you stultify yourself and you will be disgracing the Chair. Therefore, you will not allow that to come to pass and on the slightest provocation you won't take this action. You will take this action only when you think that the position has become serious and that will take half an hour or so of this House. Ultimately, when the member refuses to withdraw, you will say, "I call upon the Sergeant-at-Arms to show the way to the honourable Mr. So and So." The Sergeant-at-Arms then steps down. The honourable member says 'thairo bhai thairo' and walks out. What do you gain? Or he does not walk out, a scuffle takes place; but let us assume that he does walk out. The Sergeant-at-Arms becomes useless. Do you think that any honourable member of this House will so forget himself that when he has been named by the Speaker and when the Speaker has asked him politely to withdraw he would allow an extreme position to arise and he will behave in such a manner as to require you to requisition the services of the Sergeant-at-Arms to throw him out? I assure you such a thing will never happen. I can assure you I am convinced it will never happen and the whole law will become ridiculous and a farce. That the Sergeant-at-Arms may be required to throw out a weak man physically like Pandit Kalia or some one else with the help of three or four people and may bodily remove an honourable member, that case will never arise: I am convinced that it will never arise. Therefore my submission is that this measure is not required: it is utterly useless. Then, again, what is the necessity of having a Sergeant-at-Arms if such a case arises? You can take some other measures, and Sir, you can rely on the good sense of the party to which the offending member may belong. I assure you that the whole party can never misbehave, if they are convinced that any member of their party was in the wrong, at least they will not encourage him and when things come to an extreme they will surely ask him to withdraw if they have failed to persuade

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him to keep order before that extreme position arises. Therefore on that ground also I think such a measure is unnecessary because it will be utterly useless. If the object is to maintain order in the House and is not merely to throw a member out of the House you will not be able to maintain order. You can take it from me that if these gentlemen are not willing to allow order to prevail in the House then your 20 Sergeants-at-Arms will not be able to control or coerce them to maintain order in the House. Rather the effect may be just the reverse. There may be a re-action. They will feel insulted. In fact they feel that it is on account of their 'misbehaviour' that this Bill is being brought forward and it is to keep these gentlemen in check that this Bill has been brought forward. That certainly will produce a well-grounded and well-justified resentment in their minds and your object will be entirely defeated. They will continue, if they so wish, to create disorder. Then you will pick out someone and ask the Sergeant-at-Arms to throw him out with the help of the police or some other people. How many people will you chuck out every day? There are 60 members on this side and if they all resolve not to allow the work to proceed you will have nothing to do but chucking out these members through the Sergeant-at-Arms almost every minute of the hour. If you chuck out some people they will come again the following day and start the thing *de novo* by adopting the same course again. By throwing them out again and again you will be heaping insult on them and threatening them with the arms of the Sergeant-at-Arms. I do not know why the Government did not give a moment's thought to it. They have acted like children who are upset over a little thing and say '*abhi danda lata hun*'. (Laughter.) This is how children fight in the streets. This is your '*danda*'. You should know that these people can also bring forward some sort of '*danda*' by exercising their tongues and lungs, but of course their *danda* would be non-violent. The whole thing will be reduced to a farce and nullity. Before I sit down I would venture to give a piece of advice, if I may, to the Premier. It is this that he should not go to the extreme length. He brought forward a Bill to suppress the press in the Simla session, I think, last year. The press people partly out of fear perhaps and partly out of the goodness of their heart prevented the Premier from going astray and launching upon an unwise measure. They approached him and he was wise enough to drop that measure when he got up in the House and said that he was not proceeding with it. He was not withdrawing it but he was not proceeding with it. That Bill, if I am not mistaken, is still there and he can any day bring it forward again at the next stage. He declared that he would not proceed with it and would watch the effect on the press; and the other day at a meeting of the journalists the Premier was in a better mood and he declared that the tone of the press had considerably improved. I know that his threats have perhaps as much to do with the so-called improvement in the tone of the press as the good sense of the press itself. He seems to have held out threats to the press so that—I know it as a matter of fact—even innocent documents of the people, who venture to follow different politics from the politics of the honourable the Premier (Premier : Question) are not printed by the printing presses of Lahore. I am stating it as a fact. People have come to me making complaints saying "We took certain documents to such and such presses and they say there is the word

"ghair zaraf pesha" occurring in this document, and there is some criticism of the Government, there is reference to the black Bills, we cannot publish them." My object in giving this instance was that if we take it for granted that the so-called improvement in the tone of the press is due to the Damocle's sword, the Premier, in the form of a Bill, keeps hanging over their heads, then why should he not say "well, gentlemen, I trust you will continue to behave as members of the Assembly ought to behave, I would tolerate certain things as a certain amount of temper or excitement in debate is inevitable and I would not take any notice of them; but if there is deliberate, persistent and continued disorderly conduct in the House then I might be compelled to revive this measure: for the present I would in deference to both sides drop this measure. (*An honourable member*: A deputation of the press representatives waited upon the Honourable Premier.) But, I hope there will be none in this case. I do not know if the Honourable Premier expects a deputation led by Dr. Gopi Chand Bhargava or by Diwan Chaman Lal. I do not misbehave. I do not mean to say that anybody else does so. I would not accuse any one. But I hope that he is not expecting a deputation of honourable members of this side of the House to wait upon him before he would drop this measure. No doubt a deputation of the press representatives waited upon him and they did very well and they were given what they wanted for the time being. As the Honourable Premier more than once stated, his threat has had some effect and the tone of the press has improved. I think the very idea of having a Bill like this should act as a deterrent even in case of those people who are more prone to losing their temper. If I were in your position, Sir,—if I may venture to say so,—I would have certainly opposed this Bill and would have advised the Government not to come forward with such a measure. Before I sit down I may express a hope that even if this Bill is passed, you will see that it remains a dead letter. (*Hear, hear.*)

✓ **Shaikh Karamat Ali** (Nankana Sahib, Muhammadan, Rural) (*Urdu*): Sir, it would have been better if the last speaker who has just resumed his seat had not made his speech. In that case the opposing of this Bill would surely have fallen in some better hands. His very speech shows that there is a great necessity for such a Bill. The most important argument that was advanced by him was that if this Act was placed on the statute book and if under its provisions the Speaker ordered the Sergeant-at-Arms to chuck out any disorderly member as I see so many on the other side, he in the first place could refuse to go even after the Sergeant-at-Arms had requested him to leave the House. Secondly, after refusing, pleading and hesitating he can even leave the House. In his opinion these are the two alternatives open to him. In other words my learned friend is stating that even if the Government places this highly important measure on the statute book, all the members on that side of the House should do all that lies in their power to infringe the rules of this honourable House and to behave in disorderly manner.

Besides, my learned friend has quoted a few instances from the history of the House of Commons to show that in the House of Commons itself the members of Parliament had infringed the rules of procedure of the House of Commons or otherwise behaved in a disorderly manner. He has also stated that even sometimes the members picked up quarrels with each

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other on the floor of the House, and thus they gave evidence of their bad temper. But after relating these incidents my learned friend remarked that in his opinion there was no necessity for the enactment of such a measure here in the Punjab. I think that by stating such things on the floor of the House the honourable member has given proof of his highly irresponsible remarks. I wish he had been holding some responsible job in the Assembly and if this very Sergeant-at-Arms Bill had been introduced at that time, then I would have seen how he could have opposed it on the floor of the House. I am perfectly aware of the fact that the introduction of such a Bill reflects a great deal on our honour and respect, but with all this I can say that it is a pity that we do not feel our responsibility or at least some of us do not realize their responsibility.

Further my friend has not stated how, if such an occasion arises, to deal with it. And he has not even advanced a single argument to show that at present a great necessity is not felt for the introduction of such a measure. I may point out that when the outside public reads that such disorderly scenes were witnessed in the Punjab Legislative Assembly people laugh at us. They ridicule us and say all sorts of things. They say, "are these members the representatives of the public? Are they the pick of the country? Are they the embodiment of honour and virtue? Why do they behave in so disorderly a manner that even a child cannot do?" If such questions had been put to my honourable friend by some one, I am sure he must have avoided them or had given an evasive reply. I would like to assure my learned friend that when such scenes are created in the Assembly Chamber and even the orders of the Speaker are not obeyed and the rules of the House are infringed, it becomes all the more necessary that a definite provision should be made for the enforcement of the orders of the Speaker in the maintenance of order.

Now after these preliminary remarks the first thing that I would like to submit is that the original amendment that was moved by honourable friends on the opposite was that the Punjab Legislative Assembly (Offices) Bill be circulated for the purpose of eliciting public opinion thereon. But I may submit that not a single argument has been advanced by the learned speaker who preceded me as to why this Bill should be circulated for eliciting public opinion thereon. No wonder my honourable friends over there are in the habit of moving such circulation motions in the case of each and every Bill that is brought forward in the Assembly. They have moved a similar motion in connection with this Bill as well, which in my opinion has nothing to do with the public at all. As a matter of fact the public cannot decide this matter whether or not this Bill is useful for them? (*Munshi Hari Lal*: But the emoluments of the Sergeant-at-Arms and his establishment will be paid out of the revenues of the Punjab.)

Mr. Speaker : Order, order. No one from the treasury benches interrupted any member of the Opposition when speaking ; so I expect the same from the Opposition.

Shaikh Karamat Ali : Now my honourable friend over there has brought in the question of their pay. (*Munshi Hari Lal* : Please see clause 3.)

Mr. Speaker : Clauses of the Bill are not under consideration or discussion.

Shaikh Karamat Ali : I may submit that this is merely an after-thought. Moreover the pay of the Sergeant-at-Arms and his establishment is a secondary thing only. When we feel that there is the necessity for making a provision for such officer we can vote money for him as well. It is this House which can decide whether or not such and such a person is required to run the work efficiently. No one from the public can question its authority. But may I know whether my friends have obtained a charter for irresponsibility so that whenever they come here they utter such highly irresponsible expressions? I may assure my friends that the public has nothing to do with this Bill that is now before the House. The only thing that concerns them is that they would like to see their representatives conducting themselves in a way which befits their dignity and high position. If my friends only recollect for a minute the incident that happened recently in the Assembly Chamber they would feel highly ashamed of themselves.

Besides, my learned friend who has preceded me has delivered his speech in a humour-*cum*-sarcastic manner. As a matter of fact he usually adopts such an attitude, for often we have seen that he has always some grievance against the present ministry. Since the time that this Government has come into power my friend has always been complaining against them. In my opinion the most important grievance that he has is that he has been excluded from the present ministry. And this is what is troubling him most.

Dr. Sir Gokul Chand Narang : Sir, I protest against these remarks. It is nothing but meanness. He is trying to take revenge for what I did as a Minister.

Mr. Speaker : Please do not be personal.

Shaikh Karamat Ali : I am very sorry if I have been personal.

Dr. Sir Gokul Chand Narang : He is a *bacha* in the House and he does not know manners.

Sheikh Karamat Ali : Besides, I should like to make this submission, that my honourable friend opposite has signally failed to convince us about the desirability of circulating this Bill for eliciting public opinion. No case has been made out by him to prove as to how the public is concerned with this Bill. My honourable friend has overlooked the fact that this Bill relates to a purely domestic matter. The Bill concerns only this honourable House and none else outside it. If the honourable member had brought forward a circulation motion in connection with some other legislative measure concerning the public and made an elaborate speech like this in support of his proposition, it would have mattered something and we might have felt disposed to consider the advisability of taking such a motion into consideration. But here in this case my friend has simply wasted his breath. I may point out to the honourable members that the sole object of this Bill is to maintain order and dignity of the House and to avoid occurrence of uproarious scenes. We should regard ourselves as members of one family and like good and obedient children should readily agree to the enforcement of any order that the head of the family might deem necessary in order to

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keep the house well under control. If any recalcitrant member does not see eye to eye with the order emanating from the head of the family we should unanimously resolve that he must submit to that order. Similarly, Mr. Speaker, we look to you as the head of this House and the custodian of the rights and privileges of every individual member. Under your able guidance we want to keep our house in order so that in future undignified and stormy scenes may not take place and the business of the House may be conducted in a perfectly orderly manner.

Then my honourable friend has tried to adopt dilatory tactics by putting forward a motion for circulation of this salutary and wholesome measure. He has simply wasted the valuable time of this august House. I need hardly tell him that his motion is neither in the interests of this House, nor in the interests of the public. His opposition to the consideration of the Bill as reported by the select committee is based on an opposition which may be called a professional opposition. (*Hear, hear, and laughter.*) There is no genuine desire behind his motion. The consideration of the Bill is being opposed simply for the sake of opposition. (*Hear, hear.*) Again, Mr. Speaker, as far as my memory goes, my honourable friend Sardar Hari Singh appealed to the Government, through you, to withdraw this measure as we will be tarnishing the fair name of this legislature and besmirching our faces, if we enact this Bill into law.

Chaudhri Kartar Singh : Please do not forget that you represent the Jats.

Shaikh Karamat Ali : My friend is very restive. He must interrupt without rhyme or reason. Well, Sir, he is the same person who, the other day was guilty of gross disorder in the House and persisted in disobeying your order. Now that a measure has been introduced to put such refractory elements right, he feels a bit penitent and cavils at the advisability of this measure being passed. I am reminded of a verse by the celebrated Poet Ghalib, which tersely sums up the feelings of my honourable friend.

یہ میرے قبل کے بعد اُس نے جفا ت توہ

ہائے اُس زود پشیمان کا یسیدمان ہونا

Then, Sir, I was going to submit that certain members of the Opposition had given signal proof of their irresponsibility. On that day when we witnessed those unseemly scenes, the recollection of which makes us hang our heads in shame, you repeatedly warned the recalcitrant members to desist from persisting in the commission of irregularities. But your warnings were ignored. You called them to order but they refused compliance. All that you did on that day was not out of malice or vindictive motive, but with the sole purpose of maintaining order in the House. Then you made it clear to them that you would be forced to take strong action in the matter. Consequently according to rules you named those honourable members and ordered them to withdraw from the House. But they were obdurate and deliberately defied your orders. From that time onwards the Government have felt the necessity of legislating such a measure by virtue of which the commands of the Chair may be respected. That desire has taken the shape of the present Bill which has been presented to the House for consideration. I think the time has come when this should

be passed into law. Besides, there is another point. We have been here for more than two years. My head has grown hoary and my honourable friend Dr. Narang has become bald-headed. It has dawned on him that old age has set in and I too realise that I am getting on in years. What I mean to say is that all the while we have been in this legislature, we have been given to understand that there are constitutional methods by which the ejection of a refractory member can be brought about. But in spite of that my honourable friend committed irregularities. I may, therefore, inform my honourable friends over there that the time is ripe and opportune when a measure like this should be passed.

Then my honourable friend Sardar Hari Singh has attempted to cite examples by adducing rules of different legislatures that such a law as contemplated by this Bill exists nowhere barring very few countries. He further remarked that even if provisions to this effect existed in some countries, they were framed under rules of procedure and not enacted by legislation. It is a pity that in spite of his elaborate speech he has not suggested any remedy for the evil. Then my friend very glibly remarked that the business of the House had been conducted in a very modest manner. I wonder if he calls rowdiness as modesty by way of euphemism. He has not the courage to call a spade a spade. I am constrained to say that when now the Opposition has got what they deserved, they are squealing and professing modesty of behaviour. Again, my honourable friend was pleased to refer to an incident which took place in the House of Commons. He said that once an honourable member of the mother of Parliaments had the audacity to cross the floor and administer a slap on the face of the Speaker. Although it is highly undesirable, yet I think that exchange of blows in the House is much better than howling at the Government. (Laughter.) Besides, I may inform my honourable friends over there that if the proceedings of the House had been conducted with utter modesty, it was due to strict control exercised by our Ministers and the discipline and restraint observed by the Ministerial benches. But all the same the necessity of a law as proposed in the present Bill is called for. We need not call that day an evil day, when this Bill will be enacted into law. We should rather consider that day an auspicious day because henceforward the position of the House will become more secure than before, and we will no longer witness stormy scenes. This sort of irregularity is likely to be committed by every honourable member either on this side or on that side. Even Sir Gokul Chand Narang may go against law. So far as the rules of this Honourable House are concerned, I may also do anything objectionable in this House. My submission is this, that irregularity or to break law is human. When such a useful Bill has been put before the House, I think, the honourable friends sitting opposite should have voluntarily come forward and welcomed the Bill. But to my surprise they have shrunk themselves from doing so. It means that they do not want to maintain discipline in the House. This measure should have been considered as the best specimen of constitutional life that has ever been legislated by any province. May I refer Indian Penal Code to those of my learned friends who are sitting on the opposite benches? What is that Code for? As you are aware, Sir, the rules and regulations of Penal Code do not allow us to commit such faults which may be considered against the law of the land and if ever a person happens to

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go against law he is given due punishment according to the rules of the Penal Code. Why should we not legislate a measure to maintain peace in this august House whose proceedings affect the masses very vitally, outside this chamber? My learned friends who have spoken from the opposite side have completely ignored this fact that to break law is very natural for man. The matter is very simple and palpable. If ever a disturbance takes place in this House, what legal powers has the Honourable Speaker got to subside that row and disturbance created in the House? I may add that it is not worthy of an Honourable Speaker either to suspend the House as a protest against his ruling being not obeyed or to sit helpless in the chair and watch the House being vacated by the Opposition. I would submit with all the emphasis at my command, that this sort of dealing is nothing but a hard blow on the constitutional powers of the Honourable Speaker.

Begum Rashida Latif Baji : On a point of information, Sir. May I ask you whether you really need a Sergeant-at-Arms?

Mr. Speaker : I may inform the honourable member that no questions can be asked from the Chair?

Shaikh Karamat Ali : I appreciate the question put by the honourable lady member but I am afraid she does not seem to have understood her limitations. It is known to everybody, no doubt, that the Honourable Speaker is above party-feelings and he, therefore, should appreciate the arguments advanced on both sides of the House. But in view of that criticism which we happened to hear outside the Assembly Chamber, regarding that ugly scene over which this row has taken place, it seems very essential that such a law should be enacted to empower the Honourable Speaker by virtue of which he may be able to face the difficulties of this type. Hence, I am of the opinion that this Bill should not be circulated for eliciting public opinion. Under these circumstances, I feel, I should support the Bill as it stands and oppose the amendment regarding its circulation.

Honourable Members : Question may now be put. (*Cries of 'no, no.'*)

Mr. Speaker : Two honourable members of the Opposition have expressed their views and two honourable members of the Unionist Party also have spoken (*Chaudhri Jalal-ud-Din Amber :* From the Independents' side none has spoken.)

Mian Abdul Aziz : This is an important matter and I know that you were pleased to remark that two members from both sides have already spoken. But in view of the very great importance of the subject before the House I suggest that you will be pleased to allow two or three more members from either side to speak.

Mr. Speaker : The amendment before the House is that the Bill be circulated for eliciting opinion thereon. I do not think it requires any further discussion.

Diwan Chaman Lall : I submit that this measure is of very great importance. The question whether this House should now take up this measure for consideration or whether it should be delayed in order that public opinion may express itself on it and thereafter the House should

take it up for consideration is of the greatest importance. This question cannot be decided unless a full dress debate takes place on the floor of the House. There are at least a dozen speakers on this side, not only from the official Opposition side, but also from the Independent bloc who are anxious to participate in the debate. I do submit that it will be an abuse of the rules of procedure of the House if my friends opposite insist upon closure. It would only result in throttling the minority, exactly the same thing which was the prime cause for the introduction of this Bill, namely, the prevention on the part of the official benches of a proper debate being had on a matter of vital interest to every member of this House and particularly to the minority and the Opposition. I submit that under the rules you have discretion to protect the interests of the minorities in reference to a motion for closure. I speak on behalf of 61 members of the Opposition (*An honourable member*: Seventy.) I request you not to allow the official benches to prevent discussion of this measure at this stage and throttle the Opposition and prevent it from expressing its views. I know that the rules allow you discretion either to accept or not to accept closure, but it will be against the interests of the minorities if you accept closure.

Mr. Speaker : So long as I am in this chair it is my duty to see that the majority does not oppress the minority and that the minority does not obstruct the majority. (*Hear, hear.*) So, in view of what has been said I will allow one more member on either side to speak and then I will put the closure motion.

Diwan Chaman Lall : May I ask whether you have decided to continue the debate or to accept closure ?

Mr. Speaker : I have not decided to accept the closure motion. I will call one more member from each side and then consider whether the closure motion should be put or not. Dr. Alam may speak.

Dr. Shaikh Muhammad Alam (Rawalpindi Division Towns, Muhammadan, Urban) (*Urdu*) : Sir, you were just pleased to point out to me that one could only put forward new arguments at this stage. I myself am of the opinion that a fresh argument is always useful, and especially so when we have those learned friends sitting on the opposite benches who would understand nothing but a novel argument. They are not to blame for that. It is the height of their intellectual level which does not permit them to appreciate a stale and worn out argument. It is no wonder, therefore, that my honourable friend over there who has the privilege of always sitting under the wing of our friend the Premier, was foremost in appreciating the arguments advanced by Sardar Hari Singh. (*Laughter.*) The Treasury benches were fortunate enough not to have to travel farther than Sheikhpura district to find in Shaikh Karamat Ali the champion who would not only be able to appreciate the speech of my learned friend Dr. Sir Gokul Chand Narang word by word but would reply to it equally efficiently. And to be able to find a listener who would understand his learned speech well enough Dr. Gokul Chand Narang could get only my honourable friend the member from Sheikhpura who I should say not only appreciated the speech of the learned Doctor but did more than that. He was able to read

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more in his speech than perhaps what the Doctor meant to convey. All credit must go to him, therefore, for his imagination of which he has given ample proof. But I feel constrained to remark that my learned friend in his zeal for argument erred on the side of exaggeration. My appreciation of my learned friend's appreciation of the speech of Dr. Narang cannot be more aptly described than by the line of the poet—

پتھر پتھر سے کہتا ہے دماغ پر

One wonders that after the eloquent, lucid, emphatic, and elaborate exposition of the case of the Opposition from this side of the House, my learned friends on those benches would still be in doubt as to what we mean. This reminds me of the story of one who had been listening to the romance of Yusuf and Zulikha for the whole of the night and at dawn solemnly asked the narrator, "please, Sir, but was Zulikha a man or a woman?" Our arguments too have been completely lost on our friends just as the story teller's narrative was wasted on the curious questioner to whom I have referred just now. My friends, I should think, have been led astray by their desire to please the Government. Sycophancy seems to have totally clouded their vision and blunted their wits. That seems to be the only explanation for the strange phenomenon of so very learned and scholarly gentlemen failing to see what is so patent and clear. They must be expecting very great things from Government for adopting this attitude. I, for one, would not have adopted this attitude even if the post of a sessions Judge had been held up as a bait for me. (Cheers.)

I must confess that I have been greatly disappointed to find my friends on the other side of the House indulging in peurile prattle on such a question of great importance which involves the liberties of the honourable members on the floor of this House. It was a sad spectacle for me to see them airily bring forward a hundred and one things into this discussion which have absolutely no bearing on the point now before the House. For instance, what has a lecture on human nature got to do with the present problem? How are the 'peshas' and 'peshis' which my honourable friends have thought it fit to bring into this discussion so often, relevant? The way in which my honourable friends have sought to approach this all-important question does not reflect credit either on themselves or on the House of which they are the honourable members. It passes beyond all imagination that with such audacity, temerity and such unabashed presumption my honourable friends opposite, of all persons in the world, should claim that all disorderliness and uproar which has so far been witnessed on the floor of this House, was the creation of the members of the Opposition. Travesty of facts, I must say, could go no further. You will agree with me, Sir, that the boot is on the other leg. It is really distressing to find that my friends on the opposite benches bring forward the self-same accusations against us which can reasonably be laid at their own door. I am confident that the charges of disorderliness and rowdiness have been brought home to the other side. I could find no better words than I have already used to repudiate the baseless charges which were brought forward against us.

What levity it really is to suggest that this matter is the exclusive concern of this House and has nothing to do with the general public! But may I ask my honourable friends, the supporters of this measure, whether

they think it advisable to call in the services of a Sergeant-at-Arms to restore peace when there is a domestic quarrel and the consequent tumult in their own house? They have really strange notions about the sanctity of household affairs! On the one hand they agree that an outsider should be allowed to wave his rod over their heads in their own house and on the other they fight shy of referring this matter to the public opinion. What has the public opinion got to do with it? What do my honourable friends care about public opinion? They are neither the representatives of public nor have they their confidence. What is more important is the fact that they even do not intend to ask for people's votes in future. They are here because Unionist Party has managed it, and it will not be the public who will elect them. The Almighty Unionist Party will see to it that in spite of the vote of the people they are returned to this Legislature next time as well. Thus it is that public has no concern in the matter. So why should we talk about it? We fear public opinion. Not only fear but we respect it. Hence we urge that this measure should be circulated to elicit public opinion thereon before it is placed on the statute book.

It has been pointed out that the present Bill is intended to bring to an end the disorder which is alleged to have been witnessed on the floor of this House. But if there be any undesirable features of their own house, we are totally in the dark as to what is the nature of those misdeeds. How do we know of what misdemeanour and misbehaviour our friends on the opposite benches are guilty and where and how they perpetrate their misdoings?

As for the incidents which have occurred on the floor of this House, they have been few and far between and, I have no hesitation to admit, were all in the nature of a protest against the encroachment on our rights and privileges. It was nothing more than this (*cheers*). And if a Sergeant-at-Arms is sought to be imported with a view to making it impossible for us to raise our voice in protest against the encroachments upon our privileges, I would make it clear to the Government in no ambiguous terms that a hundred Sergeants-at-Arms will not be able to crush our spirit. We will be rather provoked to guard our rights all the more jealously. We on this side of the House have resolved not to take things lying down. We will rather lay down our lives than submit to the humiliating treatment at the hands of a Sergeant-at-Arms. Our blood, the blood of one and all from among us, will be made to flow on the floor of this House before anybody ventures to lay his hands on us. We want this House to differentiate between the sweet and the coaxing language used in his speech by my honourable friend Dr. Sir Gokul Chand Narang. We have no desire to be so sweet and mild in our protests. We will resist the attempts made to humiliate us, with our lives. We quite realise that it is the people of our party who have been marked for sacrifice. I assure you that it is our blood which will be shed. No harm will, however, come to people like my honourable friend who has the knack of talking blindly and frivolously on matters of such serious and grave nature. After all what purpose is to be served by the speeches of people like my friends? They are meant only to be looked upon with approval by the leader of that party. I am sure that after finishing the speech my honourable friends go out into the lobby to receive as it were, a commendation certificate. A promise for a good position is not out of the question.

[Dr. Sheikh Muhammad Alam.]

It surpasses my comprehension as to why my learned friend Shaikh Karamat Ali needlessly dragged Mahatma Gandhi into this discussion. He should mind his own business. He should not try to ridicule old and revered men like Mahatma Gandhi. For the present he would do well to concentrate his attention on the young men here who cannot manage their household without the help of a sergeant with a rod in his hand. My honourable friend was talking as if he were chatting to his mistress over a cup of tea. He looked to be in a holiday mood when he ought to have been more sensible of the responsibility on his shoulders. But who cares about responsibility? This shows, Sir, the mentality of my honourable friends and this is all the concern which they can show for public affairs of such an important and grave nature.

My friend Dr. Narang in the very beginning of his speech paid a glowing tribute to Sardar Hari Singh for his fine and elaborate exposition of the matter now before the House which produced no effect on the other side. No doubt Sardar Sahib made out a case for a circulation motion but all his efforts to convince the other side have been in vain. If one endeavours to vindicate his rights and privileges, he is not guilty of disorderly conduct. But he who plays second fiddle to the persons in authority and becomes a party with those who build upon the ruins of the poor is alone guilty of grossly disorderly conduct. I hope you remember I was the first to be picked up by you at Simla for that offence. Even though I was not at that time occupying the floor of the House yet in obedience to your orders saying

سر دوستان سلامت کہ تو خنزر آزمائی I withdrew from the Assembly Chamber. There are some who obey and there are some who disobey your orders. But when this Bill is passed into law I would dub those who withdraw as cowards and those who stick to their seats as courageous. Let me say, Sir, that for me and for my friends on this side of the House your orders are more than sufficient. I do not flatter you, for if I were a flatterer, you can very well imagine the seat I would have been occupying. It would not be on this side but there on the opposite benches. Sir, what I am submitting is not by way of flattery but is a hard fact, as a matter of right and as a matter of truth. You have by virtue of your long experience and impartiality won our confidence and sergeants or no sergeants you can well direct the business of the House smoothly and efficiently. Why not then drop this measure? We do obey your orders and submit to your rulings and as such we can rightfully request you to nip this evil in the bud. But if the honourable members over there insist upon this Bill becoming law and it actually becomes law, I would beseech you to better resign as a protest against this indignity and disgrace. Sir, you are pre-eminently fit for this chair but if a Sergeant-at-Arms is appointed, kindly vacate it for some inefficient and incompetent person who may not be able to carry on without the sergeant's rod of authority. While it is our duty to oppose a measure like this, we want it to be circulated merely to show to the world outside what is going on here now and what is going to take place here in future. In good old days an elderly woman after travelling several hundred miles came to the court of a monarch and asked him to abdicate if he could not run the administration of the country efficiently. But to-day my friends here cannot keep their house in order and seek to avail of the rod of a

sergeant. Well, Sir, let the people outside see my friends over there in their true colours. It is immaterial if the honourable members on the opposite benches wear long *Shamlas*, for, long *Shamlas* have never been an emblem of learning and wisdom. Let the Bill be circulated so that the public at large may come to know of the diffidence and incompetence of the Unionists to perform their duties to the public. But if they persist in having this law enacted, let the rod of the sergeant be used at them. For us, your ruling is enough. Let there be a sergeant for that half of the House to comply with their wishes to their entire satisfaction. It is of course a matter of actual experience if they have the strength enough to bear well all the blows of the Sergeant's stick. (*Laughter.*) It is essential for us to think twice before giving our assent to this Bill. I am trying to show by using new phrases and new arguments that you are the custodian of our rights and privileges and you know full well how to protect them. I would, therefore, submit that if this Bill is passed into law it would amount to a slur on your capabilities. Would it not then be advisable for you to vacate the chair? There is no reason, no argument and no occasion to ask for a sergeant. When my friends requisition for the services of a Sergeant-at-Arms, they do not perhaps realise that it speaks of their inefficiency, incompetence and inability to do their job. Let all this come to the notice of the public at large. They should know all about it. Witnessing all the activities of my friend over there I am constrained to remark—

مگر ہمیں کتب است دین لای کار طفلان تمام خواہد شد

The honourable member who preceded me has left the House. His speech was so melodious and beautiful that we were transported with joy when we listened to it. His verse was better than poetry and poetry better than music and then what beauty, even Venus stood spell-bound. What a state of rapture and what an earnest desire for the rod of iron! (*laughter.*) With these words I submit with all the force at my command that this Bill be circulated for eliciting public opinion thereon.

Malik Barkat Ali (Eastern Towns, Muhammadan, Urban): Mr. Speaker, I was a member of the select committee which had been appointed to report on this Bill and now that the principle of this Bill has been challenged and is being challenged on the floor of this House, I deem it my duty to place before this House the considerations which necessitated the introduction of this Bill.

Sir, it has been said that the Sergeant-at-Arms Bill is an affront, is an insult to the dignity and the prestige of this House. I should like to state for the information of my learned friends who are under that misapprehension, that the Sergeant-at-Arms Bill means nothing of the kind. My friends cannot forget that there is a House of Commons Officers Act for the Mother of Parliaments. That Act (52 Geo. III c. 11) provides for a Sergeant-at-Arms for the House of Commons. If the appointment or existence of a Sergeant-at-Arms were an affront or an insult to the dignity of any elected house, surely the Mother of Parliaments would not have been a party to the passage of any such enactment. And why is a Sergeant-at-Arms needed? I will read out to you from page 198 of May's Parliamentary Practice—

His duties are to attend the Speaker, with the mace, on entering and leaving the house, or going to the House of Lords or attending His Majesty with addresses

[Malik Barkat Ali.]

Now, under the provisions of this Bill, if you turn to clause 5, you will find that one of the duties of the Sergeant-at-Arms is to attend on the Speaker. I put it to this House, is it an insult, is it an affront to the dignity of this House if this House provides for a Sergeant-at-Arms to attend on the Speaker who embodies the honour, the dignity and the prestige of this House? (*Cheers.*) My learned friend says that this is not the object of the Bill. I draw my honourable friend's attention to clause 5 which is as follows:—

"5. The duties of the Sergeant-at-Arms and his deputies, if any, shall be to attend on the Speaker....."

Diwan Chaman Lall: Is that the only duty? (*Laughter.*)

Malik Barkat Ali: Let me go on, Diwan Sahib. This is not the only duty. My learned friend is perfectly right. What are the other duties of the Sergeant-at-Arms under the Act of Parliament?

It is his duty to keep the gangway at and below the bar clear, and to desire the members to take their places, and not to stand with their backs to the chair, nor to stand, nor remove from their places, with their hats on, when the house is sitting. He takes strangers into custody who are irregularly admitted into the house, or who misconduct themselves there; causes the removal of persons directed to withdraw; gives orders to the door-keepers and other officers under him in connection with divisions;.....

I shall read out the other duty of the Sergeant-at-Arms under the clauses of this Bill. The duties of the Sergeant-at-Arms will be—

".....to keep the doors of the Assembly building and to execute the orders given by the Speaker under section 4, for which purposes they may enlist to their aid such servants of the Crown or of the Assembly as they may consider necessary."
(*Laughter.*)

My learned friends laugh. I cannot help it if they laugh, but my learned friends ought to remember, I believe it was my learned friend the honourable Diwan Chaman Lall, for whom I have the greatest respect, who, on the floor of this House, took very serious objection on an occasion when the Deputy Speaker (*Interruption*)—on the occasion of a scene which was enacted in this House—wanted somebody to show the way to an honourable member. An objection was raised by my honourable friend Diwan Chaman Lall that the person who was being deputed by the Deputy Speaker to show the way was a stranger and no stranger could be admitted into the House. I desire to examine this argument at some length. It is clear that there are a number of door-keepers moving upwards and downwards along the gangway. I know that there is a gentleman over there who precedes you, Sir, when you enter the precincts of this House, with the mace, and when you leave the House he puts down the mace. I put it to the House, are all these gentlemen, who are absolutely necessary, in the absence of the present Bill, not strangers in this chamber and, therefore, if strangers cannot enter this chamber, it is obvious that all these door-keepers, the officer who precedes you and who looks to the mace and so on and so forth, are all strangers. Therefore it is absolutely necessary to have a Punjab Legislative Assembly (Offices) Bill like the House of Commons Offices Act, providing for a Sergeant-at-Arms, a Deputy Sergeant-at-Arms, door-keepers and various other officers. It is necessary that there must be legislative sanction for the presence of these persons within the chamber; otherwise they will be strangers who have no right to enter the House.

The other duty of the Sergeant-at-Arms under the Act of the Mother of Parliaments is to carry out or execute the orders of the Speaker. In this connection, I will again refer you, Sir, to section 5 of the Bill. After recounting the duties of the Sergeant-at-Arms on which I have already enlarged, namely, that he shall attend on the Speaker, that he shall keep the doors of the Assembly building, it is laid down, as I have already said, that he shall execute the orders given by the Speaker under section 4. This is the last duty of the Sergeant-at-Arms and my learned friend on my right lays down that it is this duty which is of the very crux to the Opposition benches. I ask my learned friends to consider—I am not going to indulge in any pungent remarks or severe criticism, I am not given to malice, I am not given to sarcasm, I am a very sober, earnest, serious man—if the Speaker of the House of Commons has been given by the Legislature an officer by the name of Sergeant-at-Arms and if, under the provisions of that Act and the standing orders and the rules of business of the House of Commons it is the duty of the Sergeant-at-Arms to execute the orders of the Honourable Speaker to remove or exclude members guilty of grossly disorderly conduct, then what objection can the Opposition have to the provision for a Sergeant-at-Arms whose duty it shall be to execute your orders? And I put it in all seriousness to my learned friends that, as provided in our rules, if the Speaker calls on any honourable member who is not behaving in an orderly fashion, to withdraw, normally the member concerned will withdraw and I hope that no member of this House will refuse to withdraw when ordered by you or by your Deputy Speaker to withdraw. But assume for the sake of argument, that the member concerned does not withdraw, it follows that you must have an officer, call him a Sergeant-at-Arms, to execute your order and to remove the member who has refused to withdraw. I may remind you, Sir, that, as a matter of fact, on a particular occasion when the Deputy Speaker wanted somebody to show the way to an honourable member, objection was taken that the Deputy Speaker or the Speaker must himself come down from his pedestal and turn the member out. It was pointed out in reply and this was the argument used on the floor of this House. (*Chaudhri Krishna Gopal Dutt*: Nobody said that.) I may be wrong but the best proof of that is the record of the House and I hope that the record of the House will bear me out. I am glad that you do not share that view. (*An honourable member*: Take the record.) I will. I was present on that occasion. (*Interruption*.) I do not mind an interjection of that kind. I submit, if you order a member to withdraw and he does not withdraw and you call upon the Sergeant-at-Arms to execute your order what objection can possibly be taken to a provision of this kind. I have yet to understand, I have not been able to understand, as to why it is being said that this Bill is an insult to the prestige of this House, to the dignity of the honourable members when a similar provision exists in the House of Commons. The House of Commons was constituted in the thirteenth or fourteenth century. By the thirteenth or fourteenth century the House of Commons had become supreme so far as legislative authority is concerned and yet the Sergeant-at-Arms Act was enacted in the year 1812 in the reign of George III. This is my answer to the argument of my learned friend who says, "Oh, Sir, we have been sitting all these months very well. This House has been sitting all these two years and there have not been any such scenes." What does it matter if there are no scenes? The Act won't come into

[Malik Barkat Ali.]

play and if there are scenes which go beyond the limits of all propriety and if honourable members refuse to withdraw, will not withdraw, will persist in disorderly conduct, then you, Mr. Speaker, have either to utilise the service of a Sergeant-at-Arms or to suspend the House. Do my learned friends mean that the suspension of the House should be the rule of the day? If you want the House to be suspended on all occasions, then the House will not allow itself to be stultified in that fashion. The House must go on with its business.

Pandit Muni Lal Kalia : On a point of order. Is this speech on the third reading of the Bill?

Malik Barkat Ali : I am only replying to the arguments used by the other side which were listened to with rapt attention and perfect silence on this side (*hear, hear*). It was said by one honourable member that this House is not going to sit for more than 75 days in a year and that there may not be any occasions for utilising the services of a Sergeant-at-Arms. Well, I assure the honourable members that we who are parties to the principle of this Bill do not want the Sergeant-at-Arms to be used on a single occasion for the purpose of showing honourable members the way out. We are all very responsible members and I have not the least doubt that such an occasion will never arise; but the fact that an occasion is not going to arise is no reason for not providing for the precaution for which we have a precedent in the history of the House of Commons. I would respectfully submit that my learned friend's misapprehensions are really ill-founded and there is absolutely no desire to show any disrespect to any honourable member on this side of the House or that side of the House. If any honourable member whether on this side or on that side indulges in grossly disorderly conduct and if the Speaker, or the gentleman for the time being occupying the Chair, considers that the stage has been reached where he should call on the honourable member to realise his responsibility and to withdraw and the honourable member in spite of the warning from the Speaker, refuses to withdraw, then what is the alternative left? If you will read the rules of the House of Commons you will find it stated there that the Sergeant-at-Arms may even use force. We do not want force to be used: I trust that members on both sides of the House will implicitly obey your orders. I would respectfully submit that this attitude of the House, namely, implicit obedience of your orders, is absolutely no reason why a Bill of this kind intended to meet so many other needs should not be passed. I would respectfully submit that there is really no occasion for circulating a simple Bill of this character, a Bill which simply follows the House of Commons Act and consists only of a few provisions for officers of this House to see that order is maintained and that the building itself is looked after, etc. I would submit that there is nothing.....

Munshi Hari Lal : May I know what is the name of the Act? Where is the Act which defines the duties of the Sergeant-at-Arms of the House of Commons?

Malik Barkat Ali : I will refer my learned friend to 52 George III, Chapter 11.

Munshi Hari Lal : That deals with only emoluments.

Malik Barkat Ali : My learned friend says that the Bill was passed with a view to provide emoluments. Assuming this to be true it comes to this that previously the House of Commons had an honorary Sergeant-at-Arms, and according to my honourable friend, after the enactment of the Bill, the Sergeant-at-Arms was actually paid out of the exchequer. According to this argument even, little remains of the argument used on the floor of the House, namely, that this Bill will be a burden on the public exchequer. I think my learned friend should study 52, George III, Chapter 11. He will find that even previously the Sergeant-at-Arms was a paid and not an honorary officer.

(Honourable members : Question be now put.)

Dr. Gopi Chand Bhargava (Labore, General, Urban) (*Urdu*) : Sir, my learned friend, Malik Barkat Ali, has urged the following grounds in support of the Bill which has been moved to provide for the appointment of a Sergeant-at-Arms. His first ground was that as there was a similar provision for the House of Commons, we would do well to have a like measure here too. Again, he has told us that the duty of the Sergeant-at-Arms here will not be confined to showing the way to a member who refuses to obey the Chair but he will also perform other duties, namely, he will attend on the Speaker and will keep the doors of the Assembly. Sir, I had the privilege of being a member of the select committee of which my honourable friend, Malik Barkat Ali, was also a member. But I am pained to observe that although Government could carry so many amendments in the Bill as[†] introduced with the help of its majority in the select committee, it has now thought fit to go back even on those amendments. This is really deplorable. We should bear in mind the fact that the Act of the House of Commons to which reference has been made was passed in totally different circumstances. Even there the statute is five centuries old. The British Parliament did not make laws to regulate its procedure. It only established conventions. British Parliament is a creature of conventions. The law to which reference has been made seems to have been passed in 1812 and that too in order to bring about a change in the duties of the Sergeant-at-Arms and to fix his emoluments. The law was not meant to create a Sergeant-at-Arms. He was already there to attend on the King. Under the new arrangements, he was summoned to be present in the Parliament as well. But the question is : why should we be asked to follow the example of the British Parliament in the appointment of a Sergeant-at-Arms ? Have we the power to pass all those laws which the House of Commons is in a position to enact for the transaction and regulation of its business ? I do not think that we have the power to follow at all times in the footsteps of the British Parliament.

The Act of the House of Commons was never designed to gag the minority. May I ask if the same thing can be said about this Bill ? Is it not an attempt to trample over our right of speech ? Then, I would draw your attention to the fact that the various parties in Indian Legislatures do not behave like those in the House of Commons. The culture of the British people is absolutely different from ours. In the House of Commons it is an ordinary thing for members to hurl abuses and rotten eggs on their political opponents. But such a thing never happens here. If our Government wants to adopt the British culture it is welcome to do so, but I will stick to my culture. (*Hear, hear.*)

[D. Gopi Chand Bhargava.]

Now let us see what is the history of this Bill. The facts in brief are that the Deputy Speaker, while he was in the Chair, ordered a certain person to eject a member from the House. We on this side strongly objected to a stranger being asked to eject an honourable member of the House in utter disregard of our rights and privileges as well as the sanctity of the House. And I raised a point of order. No ruling was given. The result was that a conference was held at once and in the most indecent hurry this Bill was drafted. This clearly shows that the object of this Bill is nothing but to gag and repress the minority. You should always bear in mind the fact that we are as yet quite new to the present system. As a democratic legislature we are still in the making. It is, therefore, absolutely necessary that we should set up healthy conventions. Let us not take any hasty steps.

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

An honourable member was pleased to remark that the Sergeant-at-Arms was required simply to attend on the Speaker and that, therefore, there should be no opposition to this Bill. I know, Sir, that it is the duty of the Sergeant-at-Arms to attend on the Speaker. Clause 5 tells us that much. But the same clause tells us something more too. If my honourable friend were to read that clause as well as other parts of the Bill carefully he would find that this is not the only duty of the Sergeant-at-Arms. He has been assigned many other duties besides attending on the Speaker. And then again the Government was not satisfied even with that much. It has got the clause in question greatly modified and thereby its scope has been widened to a great extent. More than that. It has sought even to change the long title of the Bill itself. May I, in this connection, refer the House to what happened in 1937 when the question of appointing a Marshal to assist the Speaker in bringing in and taking out files, etc., came up before us? A committee was appointed to look into the matter but then the Speaker told us that he did not want a Marshal and the matter was dropped. But in the case of the present Bill even the wishes of the Speaker are not taken into consideration. The Government says—"No matter whether you want or do not want a Sargeant-at-Arms we are going to thrust one on you."

The real position in the case of the House of Commons is that one or two out of the twelve men who used to attend on the King were deputed to attend on the Speaker, and that is all. But here this measure has been brought forward to gag and throttle the minority.

Reference has been made to the watch and ward branch of the Assembly office. These people have been working in the Chamber and no one has ever taken exception on the ground that they are strangers. *(Interruption.)* I know what I am saying. If my honourable friend Malik Barkat Ali wants to correct me or has something else to say let him stand up and have his say. I am quite willing to give way to him. Anyway, Sir, when the question of the appointment of a Marshal was under discussion the Honourable Premier stated in support of his proposal that there was a Marshal in the Central Assembly. And now another honourable member has said that the appointment of a Sergeant-at-Arms is necessary because the watch and ward people are strangers. My submission is that the watch and ward people are not strangers as such. They have their own duties

to perform and those duties are very important too. What we objected to was the order of the Deputy Speaker to the Watch and Ward Officer to eject an honourable member from the Chamber. We are still of the opinion that it is none of the duties of the Watch and Ward Officer to eject a member from the House. In fact at that very time I raised a point of order in this connection. I asked for a ruling from the Deputy Speaker who was in the Chair at that time. No ruling was ever forthcoming but we have got this Bill in lieu thereof. This shows that this measure has been brought forward simply to frustrate the attempts of the minority to establish its rights.

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

I, therefore, again submit that we should set up healthy conventions so that this parliament of ours may become worthy of this ancient country. You cannot achieve this object by any legislation of the kind that you have brought forward. It is not proper to threaten the minority with such Bills and to say that any attempt on its part to establish its rights will be met with a Bill like the one they have in the House of Commons. Now let us see what you are actually doing. Section 4 of the Bill says—

The Speaker shall have the power to direct the Sergeant-at-Arms or any of his deputies to remove or exclude from the Assembly building or any part thereof any person who in the opinion of the Speaker infringes the rules of procedure of the Assembly or otherwise behaves in a disorderly manner.

You know, Sir, there is a rule that when the Speaker is on his legs no member should enter or leave the Chamber. Supposing a member happens to infringe this rule, what will happen? The Speaker will ask him to withdraw and if he says that the offence was a minor one and, therefore, he should not be asked to withdraw, the services of the Sergeant-at-Arms will be requisitioned. Thus you are giving the Speaker very wide powers by this measure. Then, the slightest infringement of our rules is ruled out of order. Do you want that instead of ruling it out of order the Speaker should ask the Sergeant-at-Arms to turn out the member concerned at once? That is what this section of your Bill means. If you quote the example of the House of Commons why do you not follow it yourself and confine the Bill to the emoluments and duties of the Sergeant-at-Arms? You are going far beyond that and giving new powers to the Speaker. My honourable friends wish to kill two birds with one stone. They want to do two things by means of one Act. I may submit that if my friends wish to give any powers to the Speaker they should bring in a new measure altogether. Under the pretence of giving an agency to the Speaker through which he can enforce his orders, my friends are indirectly combining two things in one measure alone.

Now I would like to say a few words as regards the amendments that have been tabled by my honourable friends opposite. I may submit that the draft of Bill No. 1 was quite different from that of Bill No. 2 and the draft of the Bill as reported by the select committee is quite different from that of the draft of Bill No. 2. Now, Sir, section 3 of the Bill as amended by the select committee says—

The Punjab Government shall appoint a Sergeant-at-Arms and may appoint one or more deputy sergeants-at-arms, and may provide for the payment of their emoluments from the revenues of the Punjab.

[Dr. Gopi Chand Bhargava.]

I may submit that when this Bill was first introduced in the Punjab Legislative Assembly we opposed it tooth and nail and at that time we urged that my friends were giving these powers of appointing the Sergeant-at-Arms to the Punjab Government and that they should not do so, rather we suggested that if they wanted to give these powers of appointment they should give this power to the Speaker or we suggested that instead of the word "shall" the word "may" be inserted. But at that time my friends opposite did not agree to our suggestion. Now, Sir, another amendment has been tabled by my friends opposite which says that for the words "Punjab Government" the words "Governor or such person as he may direct" be substituted. In other words they mean that Governor or such person as he may direct shall make these appointments. Now if we proceed further we would find that two kinds of powers have been given to the Speaker by the select committee—

The conditions of service of any persons so appointed shall, subject to the sanction of the Punjab Government in respect of any financial liability, be such as may be prescribed by the Speaker, who shall have power to suspend or remove any such person.

An amendment has been tabled by the Government which says that sub-clause (2) of clause 6 be deleted. In other words it means that the Speaker shall have no power to suspend or remove any such person as may be appointed by the Governor or such person as he may direct to assist the Sergeant-at-Arms. If this amendment is accepted it will deprive the Speaker of his powers. Nor shall he have any power to assign duties to the Sergeant-at-Arms. Let me point out that this very clause in draft No. 1 was different and when it was drafted for the second time it was something else and after it has emerged from the select committee it has been amended altogether and now there is another amendment which seeks to delete it altogether. I know that my honourable friends would put forward this answer that we have only provided in the Bill that the Governor or such person as he may direct may appoint these officers, for it is just possible that the Governor may ask my honourable friend to invest these powers in the Speaker or that if the Governor thinks fit he may appoint these officers himself. That is the reason which has led my honourable friends to insert the word "may" for the word "shall." Let me now point out what the Government is aiming at. The appointment of these officers does not fall within the discretion or individual judgment of His Excellency the Governor and therefore by the word 'Governor' my friends mean the Punjab Government. As a matter of fact these appointments would be made by my friends opposite. I may submit that if it is correct that these appointments would be made by the Punjab Government, then why do not they insert here the words the 'Punjab Government?' Why are they inserting the word 'Governor' instead? Why do they not say in so many words that the Punjab Government will make these appointments? May I ask them what draft should we take to be correct? Should we take draft No. 1 or draft No. 2 or the Bill as it has been amended by the select committee or the amendment that has now been tabled, as correct? (*Malik Barkat Ali*: The Government of India requires it.) I may submit that when this thing was discussed in the select committee my honourable friend Malik Barkat Ali was there. May I know why he forgot the Government

of India at that time? (*Malik Barkat Ali*: It was a mistake.) Yes I perfectly know that. I do not like to disclose the talks of the select committee; otherwise I would have shown that there are some other motives behind. If, as my friend Malik Barkat Ali says it was due to a mistake, may I know why all other provisions have been changed? My friend can read the draft of the select committee and after reading it he will find many changes in the Bill. Instead of the word "shall" the word "may" has been inserted. Previously it was provided that the Punjab Government shall appoint the Sergeant-at-Arms but now it is stated that the Governor may appoint such officers, messengers and other persons of the Assembly. Keeping in view the reasons which have led the Government to insert the word "may" for the word "shall" and to make other changes in the Bill, I wish to ask why my friends desire to have the powers when they have no desire to give effect to this Bill? Why do they want to have these powers when they do not wish to exercise them? In this connection I would submit that instead of enacting such measures it would be much better to establish healthy conventions which are absolutely necessary for the successful working of representative institutions.

Besides, many Provincial Assemblies have been established in the different provinces and they are working successfully under the Government of India Act. There is not a single Assembly which has thought fit to enact such a measure. But if the Punjab Government were to enact this measure what would others think of this Government? Do not try to have the odium of being the first to enact this measure. It will not enhance the prestige of the Punjab Government but on the other hand people say that those pugnacious Punjabis have failed to establish healthy conventions and that is why they have thought fit to enact such a measure. If my friends think that the Opposition should not have behaved in a manner in which they behaved recently and if, in order to prevent the recurrence of any such incidents they wish to enact this measure, they are mistaken. Let me say that if they think that the members of the Opposition committed a mistake, the best way to set right that mistake is not to enact this measure, but to lay the foundation for healthy conventions. The cure lies in healthy conventions and not in a measure of this kind. Conventions have greater force than law. I know that if we enact a measure of this kind and after that if a member refuses to obey the orders of the Speaker, then he can be forcibly taken out of the Assembly. But I may point out that all these things can be set right in a better manner by the establishment of conventions. In my opinion such forcible ejections would create such scenes too often. Even if the Opposition err in defying the authority of the Chair they are amenable to reason and they are willing to assist in the setting up of practices that would raise the dignity of the House.

Sir, I should like to submit that when we are fortunate to have
 6 P.M. a Speaker in an eminent person like you who, by his outstanding ability, invaluable experience and remarkable power of persuasion, can manage to get his orders obeyed by the honourable members, I see no reason why a Sergeant-at-Arms should be placed over our heads. Mr. Speaker, when the honourable members are prepared to carry out your behests and obey the authority of the Chair, there appears no necessity nor any ground for thrusting

[Dr. Gopi Chand Bhargava.]

this Bill down our throats. I assure you, Sir, that where you easily succeed in regard to certain matters, the Sergeant-at-Arms, the symbol of brute force, will utterly fail to achieve his object. We are told that a Sergeant-at-Arms exists in the Mother of Parliaments. But may I know whether in spite of his presence undignified scenes have ceased to occur there? I am emphatically of the opinion that only healthy conventions can solve our difficulties. It is they which can put a stop to such rowdy and unbecoming scenes. My submission is that in case you, with all your ripe and mature experience, fail in your attempt to carry into effect the procedure of the House, it is only then that a need for legislation will arise. Again, laws of this nature necessarily contain flaws in them. They cannot succeed in mending matters. But on the contrary healthy conventions succeed where laws as proposed in the present Bill fail to achieve their end. Again so many laws have been enacted upon which courts frequently differ in their interpretations and as a result of that sometimes worst criminals are acquitted. I, therefore, submit that Government should not lose sight of the fact that to-morrow someone will sit in judgment over this obnoxious measure which they are going to enact under the pretext of regulating the business of the House. I may sound a note of warning that this enactment will certainly bring them into disrepute. It will tarnish the fair name of this legislature. The remedy for checking these undignified and stormy scenes lies in the establishment of healthy conventions. If to-day the Government get this Bill passed into law by sheer force of numbers, I may warn them that they will be creating obstacles in their own way and the responsibility for that will fall on their shoulders.

Again, it has been argued by Government that it was futile on the part of the Opposition to bring forward a motion for circulating the Bill to elicit public opinion. They say that public has nothing to do with this Bill. The public is not at all concerned with the procedure of this House. I repel this suggestion. My submission is that we are to-day setting up a historical precedent. Mr. Speaker, you are aware that any ruling given by you becomes a permanent thing in the records of the Assembly and no future Speaker can alter it in any way until and unless he has weighty reasons to put forward for doing so. I, therefore, submit that the precedent which Government are going to establish to-day, will be a permanent one and it will prove a stumbling block in the way of the future representatives of the Punjab Assembly. In my opinion every Punjabi is concerned with this Bill. It is his duty to see that no impediments are placed in the procedure of the House, which the future representatives of the people have to work. My submission, therefore, is this that majority party of this House should not act in haste in legislating this measure so that the Government later on may not think that this Bill has been passed in a hurry and such and such defects are present in it. May I ask the Government whether all those Bills which are published in the *Government Gazette* have been introduced in this House? No, it is not so. Take for instance the Members Allowances and Salaries Bill that has been published in the *Government Gazette* but has not yet been introduced. We have seen the programme of official business that has come on the Agenda of 31st March but how strange it is that this Salaries Bill is not there! Does it mean that the Government is not going

to put it before the House? This indicates that the Government first prepares a Bill and later, after reconsidering it, does not introduce it at all. Under these circumstances it seems most essential that the Bill should be circulated for eliciting public opinion and after that if Government thinks it necessary to introduce it, it will be at liberty to do so.

With this remark I support the amendment that the Bill that has been put before the House be circulated for the purpose of eliciting public opinion thereon.

Pandit Bhagat Ram Sharma : I rise on a point of order. I have given notice of an amendment and I have not been called upon to speak on the motion.

Diwan Chaman Lall : I have two points of order to raise. The first is that when a particular amendment is given notice of by an honourable member, is it or is it not his right to be heard in reference to that amendment?

Mr. Speaker : If he rises, he will be given preference.

Diwan Chaman Lall : He did rise in his seat.

Mr. Speaker : The Opposition whip gave me a list of the names of members whom the Opposition Party selected to speak. I called those members *seriatim*.

Diwan Chaman Lall : My point of order is this. If an amendment is tabled by an honourable member, is it not the duty of the Chair to call upon him to speak before accepting the closure? I think full opportunity should be given to every honourable member who has given notice of an amendment to speak.

Premier : Before you give your ruling I should like to offer a few remarks on the point of order raised. I may draw your attention to the practice of this House that sometimes an amendment is given notice of by some 30 or 40 members. Is it contended that all the 30 or 40 members should be called upon to speak?

Mr. Speaker : That is what I was going to say.

Pandit Bhagat Ram Sharma : My point is this, my amendment differs from the one before the House inasmuch as the latter fixes the date for eliciting opinion as 1st January, 1940, whereas mine fixes the date as the 1st October, 1939.

Mr. Speaker : The mere fact that one amendment differs from the other in respect of date, does not make any difference in substance. I may also point out that not a single member has up to this moment referred to dates.

Diwan Chaman Lall : That is all the more reason why you should allow the honourable member to speak now.

Pandit Bhagat Ram Sharma : There is a special purpose in mentioning a definite time and I want to make certain remarks with reference to that, if you permit me.

Mr. Speaker : No, I do not. I will give my ruling on the point raised by Diwan Chaman Lall and then put the motion.

[Mr. Speaker.]

When several honourable members give notices of identical motions, their motions are called in the order in which their notices were received and entered in the List of Business. The member in whose name the first notice stands is called first to move his motion, if he does not, the giver of the next notice is called and so on. The mere fact that a member has given notice of a motion does not entitle him to any preference inasmuch as if the notice of a motion is given by 20 or 30 members all such members cannot be allowed to speak and exhaust their arguments before their motion is put to the vote of the House.

The question is—

That the question be now put.

The Assembly divided : Ayes 99, Noes 42.

AYES

Abdul Hamid Khan, Sufi.
 Abdul Haye, The Honourable Mian.
 Abdul Rahim, Chaudhri (Gurdaspur).
 Afzaalali Hasnie, Sayed.
 Ahmad Yar Khan Daulatana, Khan Bahadur Mian.
 Ahmad Yar Khan, Chaudhri.
 Akbar Ali, Pir.
 Allah Bakhsh Khan, Khan Bahadur Nawab Malik.
 Amjad Ali Shah, Sayed.
 Anant Ram, Chaudhri.
 Ashiq Hussain, Captain.
 Badar Mohy-ud-Din Qadri, Mian.
 Balwant Singh, Sardar.
 Barkat Ali, Malik.
 Bhagwant Singh, Rai.
 Chhotu Ram, The Honourable Chaudhri Sir.
 Dasaundha Singh, Sardar.
 Faiz Muhammad Khan, Rai.
 Faiz Muhammad, Shaikh.
 Faqir Hussain Khan, Chaudhri.
 Farman Ali Khan, Subedar-Major Raja.
 Fateh Jang Singh, 2nd-Lieutenant Bhai.
 Fateh Khan, Khan Sahib Raja.
 Fateh Muhammad, Mian.
 Fateh Sher Khan, Malik.
 Fazl Ali, Khan Bahadur Nawab Chaudhri.
 Fazal Din, Khan Sahib Chaudhri.
 Fazal Karim Bakhsh, Mian.
 Ghazanfar Ali Khan, Raja.

Ghulam Mohy-ud-Din, Khan Bahadur Maulvi.
 Ghulam Rasul, Chaudhri.
 Ghulam Samad, Khawaja.
 Gopal Singh (American), Sardar.
 Gurbachan Singh, Sardar Sahib Sardar.
 Habib Ullah Khan, Malik.
 Haibat Khan Daha, Khan.
 Hans Raj, Bhagat.
 Harnam Singh, Captain Sodhi.
 Het Ram, Rai Sahib Chaudhri.
 Indar Singh, Sardar.
 Jafar Ali Khan, M.
 Jagjit Singh Bedi, Tikka.
 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 Amin, Khan Sahib Shaikh.
 Muhammad Ashraf, Chaudhri.
 Muhammad Azam Khan, Sardar.
 Muhammad Faiyaz Ali Khan, Nawabzada.
 Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar.
 Muhammad Hayat Khan Noon, Nawab Malik Sir.
 Muhammad Hussain, Chaudhri.

Muhammad Jamal Khan Leghari, Nawab Sir.	Nur Ahmed Khan, Khan Sahib Mian.
Muhammad Nawaz Khan, Major Sardar.	Pir Muhammad, Khan Sahib Chaudhri.
Muhammad Qasim, Chaudhri.	Pohop Singh, Rao.
Muhammad Raza Shah Jeelani, Makhdumzada Haji Sayed.	Pritam Singh Siddhu, Sardar.
Muhammad Saadat Ali Khan, Khan Bahadur Khan.	Ram Sarup, Chaudhri.
Muhammad Sadiq, Shaikh.	Ranpat Singh, Chaudhri.
Muhammad Sarfraz Khan, Chaudhri.	Ripudaman Singh, Thakur.
Muhammad Sarfraz Khan, Raja.	Roberts, Sir William.
Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.	Sahib Dad Khan, Khan Sahib Chaudhri.
Muhammad Yasin Khan, Chaudhri.	Shahadat Khan, Khan Sahib Rai.
Muhammad Yusuf Khan, Khan.	Shah Nawaz, Mrs. J. A.
Mushtaq Ahmad Gurmani, Khan Bahadur Mian.	Shah Nawaz Khan, Nawab Sir.
Muzaffar Ali Khan Qazilbash, Sardar.	Sikander Hyat Khan, The Honour- able Major Sir.
Muzaffar Khan, Khan Bahadur Captain Malik.	Singha, Diwan Bahadur S. P.
Muzaffar Khan, Khan Bahadur Nawab.	Sohan Lal, Rai Sahib-Lala.
Nasir-ud-Din Chaudhri.	Sultan Mahmood Hotiana, Mian.
Nasir-ud-Din Shah, Pir.	Sumer Singh, Chaudhri.
Nasrullah Khan, Rana.	Sundar Singh Majithia, The Honour- able Dr. Sir.
Naunihal Singh Mann, Lieutenant Sardar.	Suraj Mal, Chaudhri.
Nawazish Ali Shah, Sayed.	Talib Husain Khan, Khan.
	Tara Singh, Sardar.
	Tikka Ram, Chaudhri.
	Ujjal Singh, Sardar Bahadur Sardar.

NOES

Abdul Aziz, Mian.	Kartar Singh, Sardar.
Ajit Singh, Sardar.	Kishan Singh, Sardar.
Bhagat Ram Choda, Lala.	Krishna Gopal Dutt, Chaudhri.
Bhagat Ram Sharma, Pandit.	Mazhar Ali Azhar, Maulvi.
Bhim Sen Sachar, Lala.	Mohy-ud-Din Lal Badshah, Pir.
Chaman Lal, Diwan.	Muhammad Abdul Rahman Khan, Chaudhri.
Dev Raj Sethi, Mr.	Muhammad Alam, Dr. Shaikh.
Duni Chand, Lala.	Muhammad Hassan, Chaudhri.
Faqir Chand, Chaudhri.	Muhammad Iftikhar-ud-Din, Mian.
Gokul Chand Narang, Dr. Sir.	Muhammad Nurullah, Mian.
Gopi Chand Bhargava, Dr.	Mukand Lal Puri, Rai Bahadur Mr.
Hari Lal, Munshi.	Mula Singh, Sardar.
Hari Singh, Sardar.	Muni Lal Kalra, Pandit.
Harjab Singh, Sardar.	Partab Singh, Sardar.
Harnam Das, Lala.	Prem Singh, Mahant.
Jalal-ud-Din Amber, Chaudhri.	Rur Singh, Sardar.
Jugal Kishore, Chaudhri.	Sahib Ram, Chaudhri.
Kabul Singh, Master.	
Kartar Singh, Chaudhri.	

Sampuran Singh, Sardar.
Santokh Singh, Sardar Sahib
Sardar.
Sant Ram, Seth Dr.

Satya Pal, Dr.
Shri Ram Sharma, Pandit.
Sohan Singh Josh, Sardar.

Mr. Speaker : Question is—

That the Punjab Legislative Assembly (Offices) Bill as reported by the select committee be circulated for the purpose of eliciting opinion thereon.

The motion was lost.

Chaudhri Krishna Gopal Dutt : I beg to move—

That the Punjab Legislative Assembly (Offices) Bill as reported by the select committee be recommitted to the same select committee with instructions that the select committee should re-examine the matter after holding consultations with the Speaker and the Deputy Speaker of the Punjab Legislative Assembly as well as the Speakers and Deputy Speakers of legislatures in other provinces of India and report before the 1st of August, 1939.

It is my well-considered view that we have not been able to discuss this measure in a proper and free atmosphere. We feel that we have got certain handicaps which stand in our way in discussing this Bill in a candid and free manner.

Mir Maqbool Mahmood : On a point of order. I beg to invite your attention to rule 96. It reads—

That the Bill as reported by the select committee be recommitted to the same select committee either—

- (i) with respect to particular clauses or amendments, only or
- (ii) with instructions to the select committee to make some particular or additional provision in the Bill.

I submit that the motion as worded is not in order.

At this stage the Assembly adjourned till 11 A.M. on Wednesday, 5th April, 1939.

PUNJAB LEGISLATIVE ASSEMBLY.

FIFTH SESSION OF THE 1ST PUNJAB LEGISLATIVE ASSEMBLY.

Wednesday, 5th April, 1939.

*The Assembly met in the Assembly Chamber at 12 Noon of the Clock
Mr. Speaker in the chair.*

STARRED QUESTIONS AND ANSWERS.

SECURITIES DEMANDED FROM NEWSPAPERS AND PRESSES.

***4422. Mian Abdul Rab:** Will the Honourable Premier be pleased to state—

- (a) the number and names of the newspapers and presses in the Punjab whose publishers and keepers respectively have been asked to furnish fresh securities during the period from January, 1938, to date;
- (b) the reasons, in each case, for forfeiting their previous securities and calling upon them to furnish fresh securities?

Parliamentary Secretary (Khan Bahadur Mian Ahmad Yar Khan Daulatana): (a) and (b). A statement is laid on the table.

Statement showing number and names of newspapers and presses whose publishers and keepers, respectively were asked to furnish fresh securities from 1st January, 1938, to 6th March, 1939 and reasons in each case for forfeiting the previous securities and calling upon them to furnish fresh securities.

Serial No.	Names of newspapers or printing presses.	Reasons for forfeiting previous security.	Reasons for demanding fresh security.	REMARKS.
1	2	3	4	5

(a) Newspapers.

1	<i>Aboli Patrika</i> (Lahore).	Offended against section 4 (1) of Act XXIII of 1931.	Demand was made by the District Magistrate under section 9 of Act XXIII of 1931.	..
2	<i>Ikhan</i> (Lahore) ..	Ditto ..	Ditto ..	..

Serial No.	Names of newspapers or printing presses.	Reasons for forfeiting previous security.	Reasons for demanding fresh security.	REMARKS.
1	2	3	4	5
(b) Printing Presses.				
3	Diwan Printing Press, Lahore.	Offended against section 4 (1) of Act XXIII of 1931.	Demand was made by the District Magistrate under section 5 of Act XXIII of 1931.	..
4	Nami Press, Lahore.	Ditto ..	Ditto ..	The management filed an appeal against the forfeiture order which was accepted by the High Court, Lahore, and consequently the enhanced security deposited by the keeper became refundable to him.
5	Akali Patrika Printing Press, Lahore.	Ditto ..	Ditto ..	..
6	Nami Press, Lahore.	Ditto ..	Ditto ..	..
7	Diwan Printing Press, Lahore.	Ditto ..	Ditto ..	..

INTERNEES IN AND EXTERNEES FROM THE PUNJAB.

***4448. Dr. Sant Ram Seth :** Will the Honourable Premier be pleased to state the total number of internees in and externees from the Punjab district-wise with the amount of maintenance allowance, if any, granted to each of them ?

Parliamentary Secretary (Khan Bahadur Mian Ahmad Yar Khan Daulatana) : The number of internees and externees, district-wise, is as follows (on 14th March, 1939) :—

District.	Internees.	Externes.
Lahore	1	..
Amritsar	2	..
Gurdaspur	3	..
Jullundur	5	1
Montgomery	1	..
Ferozepore	1	..
Hoshiarpur	2	2
Bombay .. .. .	..	1
Delhi .. .. .	..	1
Tehri Garhwal .. .. .	..	1
Sirmoor State .. .. .	..	1
Kapurthala State .. .. .	..	1

Of these, the three persons confined in jail under Regulation III of 1818 are paid monthly allowances of Rs. 32, and daily diet allowance of Re. 1-6-0. One of them is also paid a family allowance of Rs. 30 per mensem.

INCREASE IN THE SCALE OF PAY OF POLICE CONSTABLES.

***4496. Shrimati Raghubir Kaur :** Will the Honourable Premier be pleased to state whether there is any proposal under consideration of the Government to increase the grades of pay of the police constables ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : No.

PAYMENT OF CHAUKIDARA BY SCHEDULED CASTES.

***4504. Sardar Gopal Singh (American) :** Will the Honourable Minister of Revenue be pleased to lay on the table of the House a statement showing the chaukidara now being paid by the scheduled castes and others community-wise in the village of Nathowal, tahsil Jagraon in Ludhiana district ?

Parliamentary Secretary (Mir Maqbool Mahmood) : A statement is laid on the table.

Particulars of the current chaukidara assessment in Nathowal, in the Ludhiana district.

Community.					Number of persons assessed.	Assessment for the year.
1					2	3
						Rs. A. P.
Jat	..	..	..	..	236	183 8 0
Lohar	..	..	..	..	8	5 4 0
Tarkhan	..	..	..	..	3	1 2 0
Jhiwar	..	..	..	..	2	0 14 0
Chhimba	..	..	..	..	2	1 12 0
Senar	..	..	..	..	14	10 6 0
Nai	..	..	..	..	2	1 12 0
Khatra	..	..	..	..	1	0 12 0
Rangrez	..	..	..	..	2	2 4 0
Bharai	..	..	..	..	3	3 0 0
Teli	..	..	..	..	18	10 0 0
Mochi	..	..	..	..	10	5 2 0
Sagqah	..	..	..	..	2	1 6 0
Joiaha	..	..	..	..	1	0 8 0
Chamar	..	..	..	..	50	49 0 0
Chuhra	..	..	..	..	16	11 6 0
Total						283 0 0

**RESIGNATIONS TENDERED DURING LAST CIVIL DISOBEDIENCE AND
NON-CO-OPERATION MOVEMENT.**

***4512. Chaudhri Muhammad Abdul Rahman Khan:** Will the Honourable Premier be pleased to state—

- (a) the names of persons who resigned their posts under the Government during the last civil disobedience and non-co-operation movements in the Punjab ;
- (b) the names of persons dismissed by the Punjab Government for taking part in these movements ;
- (c) the names of persons, properties of whom were confiscated, and the names of newspapers, securities of which were forfeited, for the same reason ;
- (d) the names of persons who were re-instated in their previous posts, to whom properties thus confiscated were returned and the names of newspapers, securities of which were returned ;
- (f) whether Government proposes to take any action to make good the losses suffered by the persons and newspapers mentioned in parts (a), (b), (c) and (d) above ?

Parliamentary Secretary (Mir Maqbool Mahmood): I am sorry that I cannot undertake historical research into incidents that occurred years before the present constitution came into being.

INTERMENT OF COMRADE DYAL SINGH.

***4516. Chaudhri Muhammad Abdul Rahman Khan:** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that Comrade Dayal Singh, resident of village Ghorial, district Jullundur, has recently been interned in his own village ; if so, whether the Government made inquiries as to the means of his livelihood before ordering his internment and if no inquiries were made, the reasons for the same ;
- (b) whether it is a fact that the said Comrade has made an application to be submitted on his own behalf to the Chief Secretary, Punjab Government, Lahore, for providing him with maintenance, if so, whether any action has been taken upon that application so far, and if no action has been taken, the reasons for the same ?

Parliamentary Secretary (Khan Bahadur Mian Ahmad Yar Khan Daulatana): (a) 1st part : Yes.

2nd part : Enquiries were made.

(b) 1st part : No.

2nd part : Does not arise.

INTERMENT OF COMRADES BHAGAT SINGH AND OTHERS.

***4517. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Premier be pleased to state—

(a) whether it is a fact that Comrades Bhagat Singh and Jawala Singh of village Bilga, Comrade Harbans Singh of village Bundala and Comrade Bojha Singh are at present interned; if so, whether any inquiries were made about the means of their livelihoods before their internment; and if any inquiries were made, what is the result of those inquiries and if no inquiries were made, the reasons for the same;

(b) whether and when the Government intends to give allowances to the said interned persons and if not, why not?

Parliamentary Secretary (Khan Bahadur Mian Ahmad Yar Khan Daulatana) : (a) and (b) Bhagat Singh, son of Hira Singh, and Jawala Singh, son of Ralla Singh, of Bilga, Harbans Singh Basi, son of Jiwan Singh, of Bundala, and Bujha Singh, son of Dharam Singh, of Chak Maidas, Jullundur district, are restricted to their villages under section 3 of the Punjab Criminal Law (Amendment) Act, 1935. No special enquiries were made about their means of livelihood before their restriction, but in the case of Harbans Singh enquiries were made after his restriction on receipt of an application from him for the grant of an allowance and it was found that he had adequate means of livelihood. The Punjab Criminal Law Amendment Act does not require that such enquiries should be made or that allowances should be granted to interned persons.

EXTRA ASSISTANT COMMISSIONERS, TAHSILDARS, NAIB-TAHSILDARS
AND ZILLADARS RECRUITED FROM THE AMRITSAR DISTRICT.

***4549. Chaudhri Fazal Din :** Will the Honourable Premier be pleased to state—

(a) how many extra assistant commissioners, tahsildars, naib-tahsildars and zilladars have been recruited from the Amritsar district since the present Ministry took the charge;

(b) how many of them are Muslims and how many non-Muslims;

(c) the number of zamindars and non-zamindars among them;

(d) the number of Muslims among them and the number of those who were taken from the rural areas of the Amritsar district for the posts mentioned in (a) above?

Parliamentary Secretary (Mir Maqbool Mahmood) : A statement is laid on the table.

Diwan Chaman Lall : How is it, may I ask my honourable friend, that he finds it so easy to answer a question district-wise regarding the tahsildars, etc., but he is not in a position to answer district-wise a question relating to externees and interneers?

Minister for Public Works : The two categories are different.

Diwan Chaman Lall : Does it require more trouble to collect information regarding externees and interneers ?

Parliamentary Secretary : Is that a supplementary question ?

Diwan Chaman Lall : I am asking it as a supplementary question. The question is how many extra assistant commissioners, tahsildars, naib-tahsildars and zilladars have been recruited from the Amritsar district since the present ministry took charge and so on. May I ask my honourable friend, if it is easy for him to collect this information in detail, how it is difficult or troublesome for him to collect information regarding externees and interneers ?

Parliamentary Secretary : When was that information asked for ?

Diwan Chaman Lall : In question *4512. How is it not possible for him to collect that information ?

Mr. Speaker : That question was put to another Parliamentary Secretary.

Statement.

Number of persons recruited since 1st April, 1937.

	MUSLIMS.		NON-MUSLIMS.		REMARKS.
	Zamindars.	Non-zamindars.	Zamindars.	Non-zamindars.	
Extra Assistant Commissioners	..	..	..	..
Tahsildars .. ..	..	..	..	1	The candidate belongs the urban area.
Naib-tahsildars	1	..	2	..	One candidate was taken from the rural area of the Amritsar district and one belonged to the rural area of the Gurdaspur district, but was employed in the Amritsar district as Sadar Kanungo when he was recruited.
Zilladars .. ..	..	..	2	..	Both belong to urban area.

PROPORTION FOR RECRUITMENTS AND PROMOTIONS IN SERVICE.

*4552. **Rai Bahadur Lala Gopal Das :** Will the Honourable Premier be pleased to state—

- (a) whether any proportions have been fixed for the recruitment of men belonging to several communities to various departments of service ;

- (b) whether that proportion is also observed in giving promotions to higher grades after recruitment has once been made ;
- (c) whether those proportions have been fixed by the Governor in the discharge of his special responsibilities or by the Government ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) The honourable member is referred to the reply given to Assembly question No. 4120¹ put by him on the 18th March, 1939.

(b) No.

(c) The proportions have been fixed by the Government.

Lala Duni Chand : May I know the share of those classes that have been hitherto called intellectual classes in the Punjab ?

Mr. Speaker : Which are those classes ?

Lala Duni Chand : I think it is a well-known term.

Diwan Chaman Lall : If you could be kind enough to cast your glance on that side you will see the intellectuals sittings on those benches (referring to the Ministerial benches). (Laughter.)

Khan Bahadur Nawab Muzaffar Khan : No, Sir, intellect seems to lie only on this side and not on the other. (Laughter.)

COMPLAINT AGAINST ONE MUHAMMAD SHARIF, POLICE CONSTABLE,
BY THE PUNJAB MOTOR UNION (REGISTERED) LAHORE.

*4569. **Maulvi Mazhar Ali Azhar** : Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that one Muhammad Sharif, Police Constable, No. 2091, of Lahore traffic police took in possession the driving licence of Qamar-ud-Din Shah, son of Nizam-ud-Din Shah, motor driver, on 28th January, 1939, near Baghbanpura without giving him a receipt in lieu ;
- (b) whether it is a fact that the constable mentioned in part (a) issued the driver a chit on a piece of paper without mentioning the date of impounding the licence on 28th January, 1939 ;
- (c) whether it is a fact that the matter was brought to the attention of the Assistant Inspector-General of Police by the Punjab Motor Union Registered, Lahore, on 28th January, 1939 ; if so, the action taken in the matter ?

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

(b) Yes.

(c) Yes. A copy of the Union's letter was sent to the Senior Superintendent of Police, Lahore. Inquiries made under the latter's orders show that on the 28th January the constable named observed Qamar-ud-Din driving a lorry in a rash manner. The vehicle was stopped and the driver informed that he would be prosecuted. The driver adopted an unreasonable attitude and when offered a printed receipt for his driving licence refused to accept it and drove away. Some days later the driver, probably realising

[Shaikh Faiz Muhammad.]

that he might be asked to produce his driving licence by some other police officer, approached the constable for a receipt. Since the latter had already forwarded both the foil and counterfoil of the printed form to headquarters with the prosecution report he was forced to give the driver a receipt made out on plain paper. On the 23rd February Qamar-ud-Din was convicted and fined Rs. 6.

RECRUITMENT OF MEMBERS OF DEPRESSED CLASSES IN THE POLICE DEPARTMENT.

***4572. Chaudhri Jugal Kishore :** With reference to the declaration made by him on the floor of the House on the 9th March, 1938, to the effect that 30 persons of the depressed classes will be recruited in the Police Department as constables, will the Honourable Premier be pleased to state—

- (a) whether the required number of recruitments have yet been made ;
- (b) the number of members of the depressed classes of the Ambala division recruited in the Police Department ;
- (c) whether police officers of all the districts are willing to recruit members of the depressed classes in the Police Department ;
- (d) whether he has issued any instructions to the district police authorities for the recruitment of the members of the depressed classes in the Police Department ?

Parliamentary Secretary (Mir Maqbool Mahmood) : The information with regard to this question is being collected. It will be communicated to the honourable member as soon as it is available.

Lala Harnam Das : Is it a fact that in spite of this question being a starred one, a reply to it has been evaded on the ground that the answer to this question is not ready ?

Mr. Speaker : Please do not impute motives.

Lala Duni Chand : May I know if the repeated demands of the representatives of scheduled castes and others for due share to untouchables in Government services has not had any effect so far upon the Government ?

Mr. Speaker : Disallowed. It does not arise from the answer given.

Sardar Mula Singh : May I know from the Parliamentary Secretary as to what difficulties confront him in giving a reply to this question ?

Parliamentary Secretary : I have already stated that the information with regard to this question is being collected. It will be communicated to the honourable member as soon as it is available.

Lala Duni Chand : Is the Government aware of the state of feeling prevailing among the untouchables that the Government has done nothing for them during the last two years ?

Mr. Speaker : Disallowed.

Lala Duni Chand : May I know why it is disallowed ?

Mr. Speaker : Because it does not arise from the answer given.

Lala Duni Chand : I would like to be enlightened.

Mr. Speaker : I have tried to enlighten the learned Pandit.

Chaudhri Jugal Kishore : The reply given to my question is that it is being enquired into. May I know whether the information will be made available during this session ?

Parliamentary Secretary : It is expected that the information will be made available during this session.

RECRUITMENT IN SERVICES

***4591. Mian Abdul Aziz :** Will the Honourable Premier be pleased to lay on the table of the House a list of—

- (a) persons taken into the service of the Government after 1st of April, 1937, in the various departments under their control, on monthly salaries of rupees forty and upwards, together with their designations, rate of pay, and the original places of their residence ;
- (b) the total number of appointments made at the instance of, or on the recommendations of the various members of the Unionist Party, together with the number of the persons related to or connected with the members of the Punjab Legislative Assembly ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) It is regretted that the information asked for is not readily available and the labour involved in its collection would hardly be commensurate with any public advantage to be gained.

(b) I must refrain from going into personal matters of this sort on the floor of the House, but if the honourable member will communicate his information to me privately he shall be very glad to have it.

DISPUTE OVER THE QUESTION OF AZAN AT NADAUN IN KANGRA DISTRICT.

***4592. Mian Abdul Aziz :** Will the Honourable Premier be pleased to state—

- (a) whether he is aware of the fact that at Nadaun in the Kangra district, a dispute had arisen between the Hindus and the Muhammadans on account of the saying of *azan* (call to prayers) recently ;
- (b) whether it is also a fact that a platform had been raised in front of this mosque for the Sadhus who sounded the *Sankh* there at the time of the *azans* ;
- (c) whether the mosque has been in existence at the site for the last several years, and that *azan* has always been called there loudly ;

[Mian Abdul Aziz.]

(d) whether it is a fact that the Deputy Commissioner of Kangra got a compromise effected between the contending parties, with the reservation that the Mussalmans should henceforth refrain from reciting the *azan* loudly ;

(e) what action, if any, Government have taken or propose to take, to ensure that the legitimate religious right of the Mussalmans to say *azan* loudly is not interfered with ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) Yes. The Muslims, who already possessed two mosques and comprised a small minority at Nadaun, wished to convert a school situated in the Hindu Abadi into a mosque and started calling the *azan* in that place in December 1938.

(b) No platform was constructed by or for the Sadhus. Some of the Sadhus put up an idol in a plot of land, belonging to a Hindu goldsmith, opposite the school and played music and sounded conches at the time of prayer which may have coincided with the time of *azan* on some occasions.

(c) No.

(d) The Deputy Commissioner did not have any compromise effected between the parties. The General Assistant, however, arranged a compromise on two occasions. According to the first compromise the Muslims agreed to call the *azan* in a low voice while according to the second compromise they agreed to give up the *azan* altogether in return for the removal of the idol and Sadhus by the Hindus from the plot of land opposite the school. Both the compromises, however, failed.

(e) Security proceedings have been taken to prevent a breach of the peace. It is for the parties concerned to arrive at a reasonable understanding in the matter.

DAMAGE TO THE BUND IN NAKTI NADDI.

***3916. Khawaja Ghulam Samad** : Will the Honourable Minister of Revenue be pleased to state—

(a) whether he is aware that the sandy *bund* constructed in Nakti *naddi* on the north of Sadhaura could not withstand even the ordinary pressure of hill torrent this year ;

(b) the extent to which damage has been done to the *bund* and the amount of loss to the Government in this respect ;

(c) the measure which the Government intend to take in the matter ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) No. The bund which had not yet been pitched got damaged owing to an unusually heavy flood.

(b) A portion of the earthen *bund* was washed away and damage worth Rs. 500 was done.

(c) Government has already sanctioned funds for proper strengthening of the *bund* against floods.

Lala Duni Chand : Is the Government aware of the number of houses that have been washed away ?

Parliamentary Secretary : This does not arise out of the question.

Lala Duni Chand : What objection has the Parliamentary Secretary got to answer this question ?

Mr. Speaker : His objection is that it does not arise out of the question or its answer.

Lala Duni Chand : The question relates to the damage caused by a particular hill torrent. He has himself admitted in his answer that a certain damage has been done. I want to know how many houses have been destroyed.

Mr. Speaker : The question relates to the extent of the damage done to the *bund*, not to houses.

Lala Duni Chand : But damage has been caused to houses on account of the *bund*.

Mr. Speaker : I disallow the question.

REPRESENTATION OF VILLAGE BURUWALI REGARDING CONSTRUCTION OF AN OUTLET.

***3928. Khawaja Ghulam Samad :** Will the Honourable Minister for Public Works be pleased to state whether the residents of village Buruwali in Sirsa tahsil have sent representation regarding construction of an outlet between Mauza Baha-ud-din and Buruwali ; if so, the action taken or proposed to be taken on the same ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : The reply to the first part of the question is in the negative ; the second part does not arise. It may be noted that the question relates to a *barani* tract.

DOGARS OF AMBALA AND ROHTAK DISTRICTS.

***3934. Khawaja Ghulam Samad :** Will the Honourable Minister of Revenue be pleased to state whether the Government is prepared to ascertain the particulars which he mentioned in answer to my starred question No. 2018¹, in respect of the Dogars of the Ambala and Rohtak districts ; if not, why not ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : Enquiries made show that in Rohtak and Ambala the tribe as regards area and number is an unimportant one and that there is not sufficient evidence that they are losing land to an appreciable extent to make them deserving of protection under the Land Alienation Act.

MONEY SPENT ON CANAL ROADS UNDER GREY CANAL DEPARTMENT.

***4032. Captain Sodhi Harnam Singh :** Will the Honourable Minister of Revenue be pleased to state—

(a) how much money has been spent on canal roads under Grey Canal Department since 1934 ;

(b) how much money has been spent on maintaining these roads ;

(c) how many permits were issued to use these roads to non-officials ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a)
Rupees 8,304-8-9.

(b) Rupees 146-2-0.

(c) None.

TRAVELLING ALLOWANCE DRAWN BY MIAN HASHMAT ALI, SUPER-
INTENDENT, GREY CANALS, FEROZEPORE DURING THE YEARS 1930—38.

*4034. **Captain Sodhi Harnam Singh**: Will the Honourable Minister of Revenue be pleased to state—

(a) the amount of travelling allowance drawn by Mian Hashmat Ali, Superintendent, Grey Canals, Ferozepore, by train and by mileage during the years 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937 and 1938;

(b) how much travelling allowance has been drawn by him for going to Sidhwan (Ludhiana district) during the period mentioned in (a)?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a)—

YEAR.	AMOUNT OF TRAVELLING ALLOWANCE DRAWN.					
	By train.			By mileage.		
	Rs.	A.	P.	Rs.	A.	P.
1930	262	2	0	202	5	0
1931	216	2	0	71	10	0
1932	231	13	0	144	4	0
1933	166	0	0	126	14	0
1934	100	6	0	1,024	4	0
1935	136	12	0	1,443	5	5
1936	75	8	0	1,028	15	0
1937	51	13	0	1,301	1	0
1938	60	3	0	1,440	3	0

(b) The amount of travelling allowance drawn for going to Sidhwan and its surroundings:—

Year.	Amount.
	Rs. A. P.
1930	136 6 0
1931	92 14 0
1932	160 4 0
1933	141 4 0
1934	393 11 0
1935	728 11 0
1936	593 13 0
1937	750 9 0
1938	720 8 0

LAND OF VILLAGE JAMLAYRA COMMANDED BY CANAL WATER.

***4198. Mian Sultan Mahmood Hotiana :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the total area of land of village Jamlayra, tahsil Pakpattan ;
- (b) whether it is a fact that no portion of land of the said village is irrigated by canal water ;
- (c) whether it is a fact that some portion of the land of that village can be commanded by canal water ; if so, the action Government propose to take in the matter ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) One thousand nine hundred and sixty-two acres.

(b) No.

(c) In view of reply to (b), does not arise.

TENDERS FOR LEASE OF LAND.

***4199. Mian Sultan Mahmood Hotiana :** Will the Honourable Minister of Revenue be pleased to state whether the Government have issued any order to the Colonization Officer of the Nili Bar to the effect that in future tenders for lease of land should be constituted of small lots ; if so, how many squares of land will make a lot in a tender in future ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : Yes. Orders have been issued that fifty per cent. of the whole area, which has become available for lease from Kharif 1939 owing to the expiry of previous leases, shall be offered in lots not exceeding two rectangles and twenty-five per cent. in lots exceeding two but not exceeding five rectangles. In this way 60,880 acres are being offered in lots of two rectangles or less and 29,267 acres in lots exceeding two but not exceeding five rectangles. It has further been ordered that no single person shall be leased more than one of these lots.

AREA OF LAND IN NILI BAR THAT REMAINS STILL UNAWARDED.

***4200. Mian Sultan Mahmood Hotiana :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the total area of land in the Nili Bar that remains unawarded and still which is being given out on lease for which tenders are called ;
- (b) whether the Government now intends to dispose of the said area of land through auction or by way of grants ; if so, when this proposal will be given effect to ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) It is assumed that by the word "unawarded" the Honourable Member means not yet permanently allotted. The figures for the year ending the 30th September, 1938, are given below :—

Unallotted area —

	Acres.		
Perennial	814,725
Non-perennial	88,273
Total	402,998

[Raja Ghazanfar Ali Khan.]

Area on temporary cultivation—

Perennial	..	..	..	264,025
Non-perennial	..	..	..	55,176
Total				.. 319,201

(b) The programme of sales by auction given at pages 107—132 of the Sutlej Valley Project Completion Report, still stands, but it is being considered whether means can be devised for speeding up the sale of this land without prejudicing the financial aspects of the Project. Owing to the fall in the value of land since the Project was framed, this is a matter of great difficulty, and it is not possible to commit Government at this stage.

COMPLAINTS OF AGRICULTURISTS OF LAHORE DISTRICT ABOUT LAND REVENUE.

*4262. **Sardar Sohan Singh Josh** : Will the Honourable Minister of Revenue be pleased to state—

(a) whether he is aware of the complaints made by the agriculturists of the Lahore district that their land revenue has been increased after the last settlement ;

(b) the reasons for this increase in the land revenue ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : I welcome the opportunity to make a brief statement on the Lahore Settlement.

2. Lahore, in comparison, has been in the past a lightly assessed district. In spite of great geographical advantages it has paid a low demand and at last settlement it was the opinion of Government that it was relatively the most lightly assessed district in the province.

3. The new demand has been announced in two tahsils, Chunian and Lahore. In Chunian the new assessment amounts, on the average, to Rs. 1-7-7 per cultivated acre and in Lahore tahsil the figure is Rs. 1-12-5. These rates compare with the following averages in some other tahsils.

<i>Settled on the old system.</i>			<i>On sliding scale system.</i>		
Tahsil.	Incidence of land revenue per cultivated acre.			Tahsil.	Incidence of land revenue per cultivated acre.
	Rs.	A.	P.		Rs. A. P.
Sheikhupura	2	5	9	Okara	3 1 8
Shahdara	1	9	0	Montgomery	2 11 10
Nankana Sahib	2	2	6	Khanewal	2 11 1
Sargodha	2	12	4	Lyallpur	6 7 10
Bhalwal (Colony portion) ..	2	14	6	Jaranwala	6 7 10
				Samundri	5 15 2
				Toba Tek Singh	5 5 1
				(Excluding extension).	

4. The new demand is subject to the sliding scale and it is probable that the Lahore and Chunian tahsils, where it comes into force from this rahi, will receive a remission of about two annas per rupee for this harvest, out of the demand announced. If a two anna remission is sanctioned in each tahsil for the first two harvests of the new assessment the effect will be as follows :—

<i>Tahsil.</i>		<i>Old demand.</i>	<i>Demand announced.</i>	<i>Demand to be collected.</i>
		<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>
Chunian	.. ..	5,73,324	7,11,100	6,22,212
Lahore	.. ..	3,83,422	4,86,100	4,25,338

Thus the demand to be collected will only be about 9 per cent. in excess of the present demand.

5. A new assessment was badly needed in the Lahore district because the conditions of many villages had changed since last settlement. Some had gained the benefit of a great extension of irrigation while others had suffered from *Kallar* or deteriorated in many other ways. The effect of the new assessment has been to distribute the burden more fairly according to the capacity of the villages to pay. There are many villages, including 112 in one single assessment circle, of which the demand has been reduced. Such agitation as has been directed against the settlement comes mostly from villages, which previously were paying an unreasonably light assessment, for instance seven annas per acre of *nahri* land in one village, and are now asked to pay their fair share of the revenue of the district. That the demand from Lahore district has not been unduly enhanced is obvious from the figures which I have given above. To impose upon the tahsils of Lahore district demands lower than those sanctioned would be an act of injustice to the rest of the province.

Pandit Muni Lal Kalia : May I know as to whether complaints have been received about the increase in land revenue ?

Parliamentary Secretary : Whenever anybody is asked to pay a little more than he has paid hitherto he complains about it.

Pandit Muni Lal Kalia : Were any complaints received ?

Parliamentary Secretary : As the honourable member must be aware there were complaints.

Sardar Sampuran Singh : Has Government taken the boom prices of the war time into consideration when fixing the prices of the agricultural produce ?

Parliamentary Secretary : Twenty years' average.

Sardar Sampuran Singh : Have they taken the boom period of the war and after the war into consideration ?

Minister : Twenty years' average, as has been stated by the Parliamentary Secretary. I cannot give you the figures for those years that have been taken into consideration and of the years that have not been taken into consideration.

Sardar Sampuran Singh : Did Government take into account the prices during the boom period of war and during the time which followed, in fixing the prices ?

Minister : That is not the rule. The rule is that average prices are taken into account.

Sardar Sampuran Singh : Does not the Government consider it unfair to the peasants in not taking the boom period into consideration when fixing the prices ?

Minister : My friend ought to know that there are many factors for the increased demand. They ought to know that something like 34,000 acres *nautor* have been brought under cultivation and 54,000 acres additional are now under irrigation. Rupees 54,000 have been added to the demands for *nautor*. As regards irrigation areas where irrigation has increased, income from revenue has certainly increased. Under these circumstances the new demand is not excessive. It comes to about Rs. 2-10-0 per head. As in the case of other settlements the high prices are not taken into consideration. I have no doubt that the Settlement Officer would have taken into consideration this question also.

Sardar Partab Singh : What is the incidence of land revenue per acre in this settlement ?

Minister : The figures have been given in the reply given just now by the Parliamentary Secretary.

Sardar Partab Singh : Has not there been an increase of 25 per cent. per acre ?

Minister : In the reply it has already been stated that in Chunian it is Re. 1-7-7 and in Lahore it is Re. 1-12-5.

Sardar Partab Singh : How much increase ?

Minister : That has been given already. If my honourable friend has not followed the reply I cannot help him.

Sardar Kishen Singh : May I know whether the Government have been receiving land revenue at the rate of Re. 1-10-0, Re. 0-14-0, and Re. 0-8-0 per acre annually from the *ilaga* divided into three classes, situated in Lahore and Chunian tahsils respectively for the last several years. But now the Government is collecting land revenue not on the basis of classification of land but it is being collected at the rate of Re. 1-4-0 per crop on both *kharif* and *rabi* crops. In the first place, the land revenue amounted to Rs. 3 on 3 acres. According to the present method of settlement it comes to Rs. 7-8-0. Does it not indicate that increase is not 25 per cent. but it is more than 25 per cent.

Minister : My honourable friends perhaps do not know that under the law that has been amended, we cannot take more than 25 per cent. increase on the amount of incidence per acre and that has been strictly adhered to. In fact, in the Hissar circle it is 2 per cent. increase. The total increase is not more than 25 per cent.

Dr. Sir Gokul Chand Narang : What have been the sources of increase of irrigation in this district since the last settlement ?

Minister : As I have already said, something like 54,000 acres have been brought under irrigation and so the sources of irrigation in that part of the country have been increased.

Dr. Sir Gokul Chand Narang : My honourable friend would not answer that question or he has not followed it. The question is, to what sources of irrigation is this increased irrigation due? I mean to say, whether canal irrigation has been extended or well irrigation has been extended or tubewells have been sunk or whether there has been more rain.

Minister : It is the *nahri* irrigation which has increased.

Sardar Partab Singh : Is the increase of canal irrigation due to the increase in the canal water or do the zamindars use the same quantity of water in larger areas?

Minister : I am very sorry that my honourable friend tries to side-track me. He knows very well that where irrigation has increased it must be irrigation on canals.

Sardar Partab Singh : So the *pani* has not increased.

Minister : *Pani* has not increased because the *pani* is there already.

Dr. Sir Gokul Chand Narang : The question put by my honourable friend is very important and it does not seem to have been fully followed. What my honourable friend wanted to know and what I would like to know is this whether in the case of a particular irrigator, the quantity of water, that is, so many cusecs, allowed to him has been increased or whether he uses that very quantity of water allowed to him to irrigate larger areas of land? That is the question.

Minister : Does my honourable friend know that in the matter of irrigation a certain quantity of water is sent through the distributary and it does not serve an area which is there alone, but it has got the possibility of also serving another area which was not brought under cultivation?

Dr. Sir Gokul Chand Narang : Do you mean to say that before this some water was running waste?

Minister : It was probably being over-used.

Sardar Partab Singh : Can the people bear the increased *abiana*?

Minister : Is that a question?

Dr. Sir Gokul Chand Narang : Do I understand that during the period since the last settlement there has been no increase in the number of wells in the Lahore district?

Minister : If my honourable friend gives notice I will try to find it out.

Dr. Sir Gokul Chand Narang : The answer that was given by the Honourable Minister was that the increase was due only to *nahri* irrigation. Is he sure of that?

Parliamentary Secretary : A larger area has been under cultivation.

Dr. Sir Gokul Chand Narang : What I wanted to know was whether there has been an increase in the number of wells sunk in the Lahore district leading to an increase in the cultivated areas in that district?

Minister : If my honourable friend wants to know the increase in the number of wells, he should give me notice.

Dr. Gopi Chand Bhargava : Does this average per acre represent the canal area or the *barani* area as well?

Minister : The average represents the whole area which is under settlement.

Dr. Gopi Chand Bhargava : Does the average per acre, which you have given under the sliding scale for Okara, also relate to the canal area or to the *barani* area ?

Minister : The same thing.

Dr. Gopi Chand Bhargava : Is the proportion of the canal area and the *barani* area the same in both ?

Minister : Does that make any difference ?

Dr. Gopi Chand Bhargava : Has the water increased for that area of 54,000 acres ?

Parliamentary Secretary : I assure my honourable friend that only that much water is allowed which is permissible under the law.

Dr. Gopi Chand Bhargava : Is it increased now ?

Minister : May I remind my honourable friend that when new colonies come into being in the very beginning they are not all colonised immediately and every bit of land is not brought under cultivation. Therefore, in this area too, where irrigation has increased, every bit of land was not brought under cultivation. Now, the area of 54,000 acres may be possibly included in that area.

Khan Sahib Chaudhri Sahib Dad Khan : Is it a fact that in the Kasur tahsil the crops for two years were bad and not taken into calculation for purposes of assessment ?

Mr. Speaker : Disallowed.

Lala Duni Chand : In order to get the Honourable Minister for Revenue out of the difficulty, may I know if the increase has been due to the fact that there has been heavier snow fall on the Himalayas ?

Mr. Speaker : Disallowed.

Sardar Hari Singh : May I ask my honourable friend if the Government intends to take any steps, if so, what, in order to ease the situation arising out of the present *kisan* movement ?

Mr. Speaker : Disallowed as it does not arise from the answer given.

Sardar Kapoor Singh : Will the Honourable Minister be pleased to state how much water is allowed per acre ?

Minister : Probably my honourable friend does not know that sometimes it is 280 acres, some-times 200 acres and some-times less per cusec. But I am afraid I cannot give any information about Ludhiana.

Sardar Kapoor Singh : I do not want any information about Ludhiana. It is a general question. May I know if the Government has fixed any quantity of water for each acre and if a zamindar utilises it for a larger area, does the Government charge more revenue ?

Mr. Speaker : That question does not arise.

Sardar Kartar Singh : Why does the Government propose to enhance land revenue when the same quantity of canal water which used to be supplied before is now used by the zamindars for a larger area ?

Pandit Muni Lal Kalia : If the Honourable Minister is not prepared to give information about Ludhiana, may I ask him if he will be pleased to give information about the central districts and south-eastern districts ?

Parliamentary Secretary : That does not arise.

Dr. Sir Gokul Chand Narang : I want to make one submission about this refusal. The Parliamentary Secretary has said that this question does not arise out of the answer given by him. You will remember that he gave averages of various districts in order to establish what he considers to be a very important fact that the incidence of land revenue in Lahore was very light. What the honourable member means is this that if he had also included in his statement the average incidence of places like Hissar, Rohtak and Gurgaon, the House would have found that the incidence of taxation in Lahore or land revenue in Lahore is much heavier than in those districts. Therefore, it is a relevant question.

Parliamentary Secretary : I am giving averages of places where settlement has been taking place and where sliding scale has been introduced. I do not understand where Rohtak and Gurgaon come in.

Sardar Partab Singh : Do you mean to say that there has taken place only an increase of 9 per cent.? In fact there is an increase of 34 per cent.

Parliamentary Secretary : It is a question of opinion.

Dr. Gopi Chand Bhargava : Has the Settlement Officer done any land classification ?

Minister : Naturally, he must have done it.

Dr. Gopi Chand Bhargava : Is it a fact that land in Chunian tahsil is of inferior quality and the land in the other tahsils quoted by the Parliamentary Secretary is of superior quality ?

Dr. Sir Gokul Chand Narang : This is not a question of opinion. It is a question of fact whether land in a certain district is more productive or less productive than land in other districts. Beauty is a question of opinion, but productivity is a question of fact.

Parliamentary Secretary : There are many factors which are taken into account when a settlement officer is assessing a district. He takes into account the land, he takes into account the prevailing lands that are available to him from those who give out land on cultivation. He takes into account the produce of the land by estimating and by actually seeing how much per acre of crop is produced. All these actions are taken by the settlement officer before he is able to make his produce estimate. Then the settlement officer gives out of the total produce certain expenditures which are connected with the cultivation of the soil. After taking out that amount he works out his net assets and on those net assets he has to take not more than 25 per cent. That has been observed strictly in Lahore and in these two tahsils.

Dr. Gopi Chand Bhargava : May I ask whether at the time of the classification of land, it was found that the quality of land in Chunian was superior to that in other districts ?

Parliamentary Secretary : The incidence of land revenue in the two tahsils is lower than the incidence in other districts.

Dr. Gopi Chand Bhargava : So the land is poorer.

Parliamentary Secretary : The land revenue is less.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : What will be the percentage of increase according to the sliding scale under the existing rates over and above the rates of the last settlement ?

Parliamentary Secretary : It is most unfortunate that simple zamindars cannot understand the sliding scale system thoroughly, but I am grateful to my honourable friend for putting the question. The increase in the payment, as I have already stated in the answer, is only 9 per cent.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : May I know one thing more ? The Honourable Revenue Minister has stated that the area under cultivation in Lahore district has increased since the last settlement. May I know if the produce has also increased since the last settlement ?

Parliamentary Secretary : Certainly.

Sardar Sampuran Singh : The commutation price of wheat at the last settlement was Rs. 2-6-0 and the price of wheat today in villages is Re. 1-14-0 and on the present rate the enhancement has been of 9 per cent. Will not the Honourable Minister admit that in view of the fall in prices from the last settlement the rate has been really very much enhanced, not 9 per cent. but much more than that ?

Parliamentary Secretary : I have not understood the question.

Sardar Partab Singh : Will the Parliamentary Secretary be pleased to state the reason for the difference in the rates of assessment prescribed for tahsil Chunian and the two remaining tahsils ?

Parliamentary Secretary : That is a matter of opinion.

Dr. Gopi Chand Bhargava : Have the Government finished the classification of lands ?

Parliamentary Secretary : I have not been able to follow.

Dr. Gopi Chand Bhargava : I want to enquire if the settlement officer while making an assessment has classified the lands in Chunian tahsil ?

Parliamentary Secretary : That does not arise.

Sardar Partab Singh : You say that there has been an increase of 9 per cent. and not 34 per cent. --

Parliamentary Secretary : The question of the honourable member seems to have created some misunderstanding. The question about the increase of 9 per cent. is a simple one. The land consists of *nautor* land and

also land which was *barani* land in the previous settlement and has now been converted into *chahi* land. Since the last settlement there has taken place sufficient improvement. Several thousands of acres have been reclaimed. About 42,500 acres of land have been reclaimed.

Dr. Gopi Chand Bhargava : May I ask, if *nautor* land and the land which has become canal irrigated now were excluded and the land revenue for that were also excluded, what would be the difference between the assessment rates in vogue in the last settlement and those assessed in the present settlement ?

Parliamentary Secretary : I cannot give the exact figures. I have already stated that the rates in the previous settlement were less than they are now.

Sardar Partab Singh : Usually *Nehri parta* is levied on newly irrigated lands after every four-year *jamabandi*. After the previous settlement in the Lahore district we have had only one *jamabandi*. May I then enquire from the Parliamentary Secretary as to how an increase in the canal irrigated area has been effected when 34 or 50 thousand of canal-irrigated area has already been taken into account during the previous *jamabandi* ?

Parliamentary Secretary : I have answered every important point relating to the question put by my honourable friend opposite and if he likes to go into details he is requested to see the settlement officer concerned and personally discuss the matter with him.

Dr. Sir Gokul Chand Narang : It has been said that Lahore had been very lightly assessed at the time of the last settlement and that therefore the Government was perfectly justified in making an increase in the incidence of land revenue in that district. Will the Honourable Minister please state the circumstances in which the Lahore district was so lightly assessed at the time of the last settlement ?

Minister : If the honourable member is so anxious to know the reasons I would suggest to him to read the Settlement Report.

Sardar Partab Singh : Is the Punjab Government prepared to appoint a committee to enquire into the matter as to whether the imposition of land revenue at the rate of 25 per cent. of the net assets would be beneficial to zamindars ?

Mr. Speaker : That is a request for action.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : Is it a fact that the canal-irrigated area of Lahore has been more lightly assessed than the non-irrigated areas in other districts ?

Parliamentary Secretary : That is generally true.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : Is it a fact that Government could not increase the land revenue under the Land Revenue Act to more than 25 per cent. ?

Minister : That is quite correct.

Dr. Gopi Chand Bhargava : With reference to the supplementary question put by the Parliamentary Private Secretary and the answer thereto, may I know whether the land quality for quality is the same as the land in the other districts referred to ?

Mr. Speaker : I think I must stop further supplementary questions.

Dr. Sir Gokul Chand Narang : I should like to ask one question. With reference to the question of the Parliamentary Private Secretary, will the Honourable Minister please state whether the difference in the incidence, say in the irrigated land of Lahore district and unirrigated area of Muzaffargarh, is due to the fact that the land in Muzaffargarh contains date palm trees ?

Parliamentary Secretary : No.

**DEMONSTRATIONS HELD BY AGRICULTURISTS FOR REDUCTION OF
LAND REVENUE.**

***4263. Sardar Sohan Singh Josh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the number of demonstrations held by the agriculturists of the province during the year 1938 for the reduction of land revenue ;
- (b) the approximate number of persons who took part in those demonstrations ;
- (c) the decision taken by the Government in the matter ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : The honourable member's question is not clear to me ; so under the circumstances it is not possible to give a reply.

Dr. Sir Gokul Chand Narang : May I know what is it that baffles the Parliamentary Secretary's understanding ?

Parliamentary Secretary : It is not possible to understand the exact meaning of the word ' demonstration.'

RELIEF FOR PEOPLE OF NAKODAR AND PHILLAUR TAHSILS.

***4273. Mian Abdul Rab :** Will the Honourable Minister of Revenue be pleased to state whether answer to my starred question No. 3465¹ put in the last November session of the Assembly, is now ready ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : Yes.

(a) Forty-one villages in Nakodar tahsil and 15 villages in Phillaur tahsil.

(b) and (c) A list is laid on the table.

(d) The cases have not yet been checked. They would be ready for action this month and until the relative report is received, definite information is not available.

Nakodar tahsil.

List of villages affected by the action of river Sutlej during the last rainy season.

Serial No.	Name of village.	Area swept away in acres.	Area damaged under kharif crop in acres.
1	Bahgian	28	8
2	Hayatwala	2	..
3	Khairullapur	30	28
4	Singhpura	1	..
5	Lohgarh	87	..
6	Khurshedpur	13	..
7	Gujra	8	..
8	Gag Kalan	9	..
9	Akkuwala	1	..
10	Behar	64	..
11	Baghela	96	..
12	Umrewala	13	..
13	Qaimwala	103	22
14	Raipur Rayan	106	..
15	Chhauia	27	..
16	Bethalan	8	..
17	Gaunsowal	20	..
18	Bangiwal	144	..
19	Jhungian	55	..
20	Chak Hathiana	1	..
21	Burewal	89	22
22	Danewal	128	..
23	Baopur	20	..
24	Sand	3	..
25	Rame Taharpur	12	..
26	Rampur	38	..
27	Bahmanian	215	11
28	Ramra	45	..

Serial No.	Name of village.	Area swept away in acres.	Area damaged under kharif crop in acres.
29	Kang Khurd	8	..
30	Janian Chahal	28	..
31	Nasirpur	12	..
32	Gatta Mundi Ka ^u	2	..
33	Bara Suleman	20	..
34	Chak Khanna	10	..
35	Yusafpur Darewal	1	..
36	Tibbi Taib	9	..
37	Lahnwala	5	..
38	Mahlewala	73	..
39	Mundhala	3	..
40	Mundi Chohlian	3	..
41	Parana	4	..
Total ..		1,544	91

Phillaur Tahsil.

1	Saikhiana	2	..
2	Raipur Arayan	22	..
3	Kariana	9	..
4	Fateh Garh Lakha	17	..
5	Jhungian	120	..
6	Bajar	62	..
7	Chaula	70	..
8	Mianwal	65	..
9	Sangowal	59	..
10	Akkuwala	7	..
11	Sadhana	16	..
12	Burj Hasan	1	..
13	Gag alias Dhagara	73	..
14	Bhoda	61	..
15	Gadra	80	..
Total ..		664	..

DEARTH OF FODDER IN JULLUNDUR DISTRICT.

***4274. Mian Abdul Rab :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that on account of the failure of rain there is at present a dearth of fodder in the Jullundur district ;
- (b) if the answer to (a) above be in the affirmative, the action taken by the Government to provide relief to the poor peasantry of the affected area ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) Yes.

(b) Concession rates for the carriage of fodder by rail into the Jullundur district have already been sanctioned by Government.

SCARCITY OF RAIN IN NAKODAR AND PHILLAUR TAHSILS.

***4275. Mian Abdul Rab :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the total area of land in *bighas* which remained unsown on account of scarcity of rain in the Nakodar and Phillaur tahsils of the Jullundur district, during the kharif season 1938 ;
- (b) the estimate of the loss suffered by the zamindars in these two tahsils, in consequence of scarcity of rains during this period ;
- (c) the relief that the Government offered to those who suffered the loss ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) The area sown in kharif 1938, fell short of that sown in kharif 1937, by :

13,634 acres in the Nakodar tahsil,

2,895 acres in the Phillaur tahsil.

It is not possible to indicate how much of this shortage was due to the scarcity of rain.

(b) It is not possible to frame an estimate of the loss suffered by zamindars in consequence of the scarcity of rain. Taking into consideration the prevailing prices, the fluctuation in the kharif harvest did not appear to exceed the ordinary fluctuations allowed for at the time of settlement.

(c) A general examination was made, and it was found that no special relief was necessary.

SINKING OF WELLS IN AMRITSAR DISTRICT.

***4316. Sardar Sohan Singh Josh :** Will the Honourable Minister for Revenue be pleased to state the number of wells sunk in the Amritsar district in 1938 and the period for which *chahi* rate was remitted on the land irrigated by those wells ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : The number of wells sunk and brought into use after repair in the Amritsar district during the year ending 15th June, 1938, is 280. Separate figures for each class of well are not available.

[Raja Ghazanfar Ali Khan.]

Protective leases will be granted when the period of protection for new wells sunk during settlement operations is decided after the close of settlement operations. At the last settlement the period fixed was 20 years.

COMPLAINTS AGAINST THE CANAL PATWARI AT SAMAR GOPALPUR.

***4321. Pandit Shri Ram Sharma :** Will the Honourable Minister of Revenue be pleased to state—

(a) whether, some time ago, any complaints by the zamindars of village Bhagwati Pur were received against the canal patwari at Samar Gopalpur by the Irrigation Department; if so, the nature of the complaints and the result of inquiry, if any, made into the complaints;

(b) whether a further representation was again made by the zamindars against the said Patwari alleging that he threatened the complainants to make incorrect entries in the girdawri register with regard to next *rabi* crops; if so, the action taken thereon?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) Yes, complaints were received that the canal patwari had demanded a bribe of Rs. 30 in return for submitting *warabandi* papers to higher authorities and threatening to bring charges of unauthorized irrigation, if it was refused. On enquiry being made the petitioners withdrew their complaints and charges as no evidence was forthcoming to substantiate them. It appears that unauthorized irrigation was done; so it was the duty of the patwari to report which he did.

(b) Yes, there was another complaint but *parchas* having been distributed any wrong entry in the *parcha* could be brought to the notice of the canal authorities and it will be carefully looked into.

Pandit Shri Ram Sharma : Is the Parliamentary Secretary aware of the fact that it was not the only complaint made against that patwari?

Parliamentary Secretary : No.

Lala Duni Chand : Did the authorities concerned take the trouble of ascertaining whether the withdrawal was genuine or was only collusive as is so often the case?

Minister : I have no reason to believe that it was not genuine.

Pandit Shri Ram Sharma : Now, that the question hour is over, may I continue further supplementaries to-morrow?

Mr. Speaker : I cannot allow this question to be taken to the next day.

Pandit Shri Ram Sharma : Sir, the time is up and I have yet to ask several supplementary questions. For instance, could the Parliamentary Secretary tell us whether it is a fact that many representations have been received in which complaints other than the complaint in point were made?

1 P.M.

Parliamentary Secretary : May be it is a fact. But what is the specific complaint to which my honourable friend is referring? Does he refer to the complaint about the acceptance of Rs. 30 as bribe or to one relating to *parehas*?

Pandit Shri Ram Sharma : I am referring to the representation a copy of which is at present in my hand. Several complaints have been made in this against the patwari. What action has been taken with respect to these complaints?

Parliamentary Secretary : I will request the honourable member to hand over the representation to us. It will be placed before the Honourable Minister for Revenue and suitable action will be taken by him.

Pandit Shri Ram Sharma : Could you tell us who it was who withdrew the complaint against the patwari and when did he do it?

Parliamentary Secretary : The complaint that was withdrawn related to the bribe of Rs. 30. Honourable member, however, may give notice of the question and an attempt will be made to answer it more completely.

Pandit Shri Ram Sharma : I mean to say that the answer is incorrect. I have, therefore, a right to demand from my honourable friend an answer to this question. Who made the representation and who withdrew it?

Mr. Speaker : Disallowed.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : On a point of order. The honourable member has said *jawab gallat hai*. He should be asked to withdraw that expression.

Dr. Sir Gokul Chand Narang : Does he think that Ministers or Parliamentary secretaries are infallible?

Mr. Speaker : The honourable member's information may be right or wrong. In the same way the answer may contain right or wrong information. The honourable member's remarks do not appear to be unparliamentary.

LEGISLATIVE ASSEMBLY (OFFICES) BILL.

Mr. Speaker : The Assembly will now resume discussion on the amendment of Chaudhri Krishna Gopal Dutt suggesting recommitment of the Bill to the same select committee.

Mir Maqbool Mahmood : With regard to the motion or amendment tabled by my honourable friend, Chaudhri Krishna Gopal Dutt, I raise the point of order that his amendment is a double-barrelled one. It suggests that the Bill be recommitted to the same select committee and it tags on certain instructions to the select committee. I submit that that instruction is *ultra vires*.

Mr. Speaker : That question does not arise at this stage. The objection is premature.

The first part of this motion as well as the other motion moved by Sardar Hari Singh should have been discussed together and voted upon separately. But by an oversight this was not done and Sardar Hari Singh's motion was put. To-day only the first part of this motion, which I will read

[Mr. Speaker,]

may be moved by the honourable member and he may, if he likes, speak on it. But I will not allow any debate on that point again. The first part of his motion will be put if he so desires and if it is carried, I will decide as to the regularity or irregularity of the second part. If the first part is not carried, the other question does not arise. The motion may be divided into two parts. The first part—

That the Punjab Legislative Assembly (Offices) Bill as reported by the select committee be recommitted to the same select committee.

Chaudhri Krishna Gopal Dutt : Why narrow it down at this stage?

Mr. Speaker : Unless the first part of the honourable member's motion is carried, its second part cannot arise.

Chaudhri Krishna Gopal Dutt : May I draw your attention to the fact that every member has got the right to move a recommittal motion with special instructions which form part of the amendment and are not taken as a separate amendment?

Mr. Speaker : Honourable members can certainly move motions regarding instructions. But those motions can be moved as soon as the Bill is committed or subsequently.

Chaudhri Krishna Gopal Dutt : I have to point out in the course of my arguments as to why I want that the matter should be recommitted to the select committee. I have to make it clear. The second part, therefore, forms an integral part of the main amendment.

Mr. Speaker : If my ruling has not convinced the honourable member, he may refer to page 402 of Sir Erskine May's Parliamentary Practice. He says—

"In the case of Bills referred to standing or select committees, an instruction can be moved as soon as the Bill has been committed, or subsequently."

So if the Bill is recommitted, the honourable member will be in order to move the second part of his motion.

Chaudhri Krishna Gopal Dutt : May I draw your attention to rule 96 —

(b) that the Bill as reported by the select committee be recommitted to the same select committee either—

(i) with respect to particular clauses or amendments only, or
(ii) with instructions to the select committee to make some particular or additional provision in the Bill : or

(c) that the Bill as reported by the select committee be circulated for the purpose of obtaining opinion thereon.

This does not mean that the recommittal motion should be divided into two parts.

Mr. Speaker : The rule quoted by the honourable member applies only to the Member in charge of the Bill and not to any other member of the House. The case of a member, other than the member in charge of a Bill, is governed by sub-rule (2) of Rule 96 and not by sub-rule (1). Sub-rule (2) runs as follows :—

"If the member-in-charge moves that the Bill be taken into consideration any member may move as an amendment that the Bill be recommitted or be circulated for the purpose of obtaining opinion thereon."

I admit that the rule is defective. For fuller information the honourable member may refer to page 419 of May's work from where our rule has been copied not completely but partially.

So, for the present I allow the honourable member to move only the first part of his motion.

Diwan Chaman Lall : May I ask a question in regard to this matter? You have been good enough to inform the House as to the origin of this particular rule. Your wide experience of the rules naturally allows you to point out without difficulty to the House the place where the rule originated. In the House of Commons a Bill is often recommitted, once, twice, three times and even seven times. But, may I take it that as far as recommitment is concerned the amendment of my honourable friend for recommitment would not be in order unless that recommitment is with this proviso which he has attached to it? The proviso is—I am grateful to the Secretary for handing me the amendment which I did not have with me—

That the Punjab Legislative Assembly (Offices) Bill be recommitted to the same select committee with instructions that the select committee should re-examine the matter after holding consultations with the Speaker and the Deputy Speaker of the Punjab Legislative Assembly, as well as the Speakers and Deputy Speakers of legislatures in other provinces in India and report before August, 1939.

Suppose this particular matter is placed before the House. My honourable friend wants recommitment only. How can any honourable member of the House, without the proviso attached to it, give his considered opinion regarding recommitment because what my honourable friend wants is recommitment with the proviso that it shall be considered in such and such a manner and if honourable members give their opinion on recommitment, it means that they give no opinion on the amendment.

Pandit Muni Lal Kalra : I want to know whether the House should follow its own rules howsoever incorrectly, incompletely, and badly drafted or the practice in the House of Commons.

Mr. Speaker : The House should follow its own rules.

Chaudhri Krishna Gopal Dutt : I accept your ruling and I will take up the first part of my amendment only and speak on it.

Mr. Speaker : In discussing the first part of his motion the honourable member may discuss why he wants the Bill to be recommitted. He will not be out of order in doing that.

Chaudhri Krishna Gopal Dutt : That is what I suggest. It will make no difference whatever. The Bill as reported by the select committee has been rendered in my opinion more mischievous and I think it is calculated to coerce and throttle the Opposition not only with an iron rod but with vandalism. I am using this word 'vandalism' in its recent sense. Mr. Speaker, before this, it was merely the Government which was a party to this vandalism, but now they are not only going to drag you into this, but also incidentally the Governor in perpetrating this vandalism on the Opposition. Yesterday, as I was listening to the speeches made by my honourable friends on this side, I felt and I hope that most of the members felt and some of them even talked to me outside, that the debate which was carried on yesterday was rather an artificial and unreal one. Why unreal? Because we were discussing this Bill not in a free atmosphere; we were

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discussing that Bill with the knowledge that we were face to face with certain handicaps, handicaps which arise out of constitutional procedure, handicaps which arise out of so-called parliamentary conventions. The members were face to face with a Damocles sword so that if they go out of their way to speak the truth with respect to this Bill, then there might be a Damocles sword hanging over their head and perhaps exercised in a ruthless manner. But this Bill cannot be divested of certain things which have to be discussed in this House in a free and candid manner which may be very unpleasant to the Government as well as to the Speaker or to the Deputy Speaker. Mr. Speaker, we are told here that we should respect parliamentary procedure, that we should respect constitutional conventions which are the growth of slow evolution and which have got some back ground of historical evolution and which have been the result of years' experience in other countries and in other legislatures. I have honestly felt that these shibboleths of "dignity of the Chair," "prestige of the Chair" and all that sort of catch-words have been exploited by the Government benches in order to silence us and in order to shut our mouths. I yield to none in my respect to the Chair and, so far as I am personally concerned, I have never had so far any serious quarrel either with the Speaker or with the Deputy Speaker. I do admit that on one particular occasion I drew the attention of the Speaker to the tone that was used by him which I thought was unpleasant. I merely objected to the tone which was employed by the Speaker which I think was uncivil and which I thought was impolite. Beyond that I had never a quarrel with Mr. Speaker. Perhaps there might be certain personal considerations in that. Perhaps I have got great regard for his knowledge and experience and perhaps also for his age and perhaps also for the fact that he belongs to my district and perhaps also for the mentality which I possess and which I call a constitutional mentality. (*Hear, hear.*) I have got a constitutional mentality and it was that constitutional mentality which has generally persuaded me to behave, as they say, like a good boy, but it should not mean that I did not have certain apprehensions or certain objections and suspicions and to-day I feel that if I am also going to put up with those handicaps from which most of the members of this side suffered, I think I would not be doing justice to the proposition before the House. I quite realise that it is a very serious matter for an honourable member of the House to get up and break those healthy conventions which have been established in other legislatures and which we try to establish here in this House. But I have struggled with myself during the last few moments as to whether it is not my duty to speak out the truth. Truth sometimes is very bitter. It is too bitter to be swallowed. But after struggling within myself, I have decided to adopt the middle course and to speak out the truth with some respect for the so-called parliamentary procedure and healthy conventions. Why am I going to do that? Because I believe that it is a Fascist argument when it comes from the other side that we should respect these healthy conventions. While I quite appreciate that those arguments have got a colour of democracy, have got a colour of parliamentarianism, the real purpose behind them is Fascism and not democracy and not rule of the people for the people by the people. It is, therefore, that I have decided to-day, with due respect to you, and with due deference to Mr. Deputy Speaker, to speak out the truth.

so that we should understand each other. It is a very important measure that is before this House. This measure has been taken out of the old libraries of the House of Commons because there the Sergeant-at-Arms rules are a dead letter and that dead letter is being attempted to be revived here in this House. I have, therefore, thought it my duty to lay aside those handicaps. In spite of the eloquent persuasion of my friend Sardar Hari Singh yesterday, in spite of the very telling speech of Dr. Sir Gokul Chand Narang, in spite of the cold reasoning of the Honourable the Leader of the Opposition, in spite of the trenchant, caustic and humorous speech of my friend Dr. Shaikh Muhammad Alam, I really felt that the debate was unreal. I really felt that there was something at the background, there was something left in mind behind those things which were being given expression to, which ought to be given expression to and therefore, I have decided to-day that, in the interest of the dignity of the Chair, in the interest of respect of the Chair, in the interest of those healthy conventions, I should break some of those conventions to-day and say certain things which perhaps ought not to have been said.

Mr. Speaker : Please try to be impersonal.

Chaudhri Krishna Gopal Dutt : That is what I was going to say. I shall not impute motives either to the person of the Speaker or to the person of the Deputy Speaker.

You know, Sir, that it is respect which begets respect. You know that it is dignity which begets dignity. You know that it is impartiality which begets impartiality. But where is that respect? Where is that dignity? Where is that impartiality? We have seen that impartiality from day to day being trampled down in this House not only by the Government benches but also by the Chair. I do not want to mention names. Whoever may be the occupant of this Chair, I shall have before me not any Speaker, not any Deputy Speaker, not any Chairman, but I shall have before me the Chair.

Mr. Speaker : The honourable member is not in order, inasmuch as he is attacking the impartiality of the Chair. This he can do only by a substantive motion.

Chaudhri Krishna Gopal Dutt : I requested you at the very outset that we cannot discuss this Bill honestly, we cannot discuss this Bill on its merits until something which is germane to this question is permitted to be said. When Mr. Deputy Speaker occupied this Chair when this Bill was first moved, he gave a long rope to the members of the Opposition, who said certain things which perhaps would not have been said in a House which was really a democratic House, a House where not only...

Mr. Speaker : The honourable member is again saying something against the Deputy Speaker. I request him not to attack the Deputy Speaker, or the Speaker directly or indirectly.

Chaudhri Krishna Gopal Dutt : I quite agree with your ruling but I would like to get one point elucidated. A member cannot attack the impartiality of the Speaker or the occupant of the Chair but does it mean that, when such a Bill comes before the House, when a situation arose in this House which was very serious and which led to this Bill, we cannot go into the merits of that subject, as to why a particular situation arose? We have

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to study not only the outward manifestations of a disease but its ætiology, its pathology, its nature, its diagnosis and its prognosis so that we might be able to arrive at a correct treatment. What I wanted to show was that this treatment which was being prescribed by the Government was a surgical treatment and that it would prove a hopeless failure. This surgical treatment that the Government wants to apply will take off the superficial flesh but the deep-seated factor under the outward manifestation will not be healed. That is my point and when I put that point I think I have got the right to attack the Chair, but not the occupant of the Chair at a particular time. When you give your ruling I have no right to question it, but when I am discussing a Bill which relates to the dignity of the Chair, and I have already told you that I yield to none in my respect for the dignity of the Chair, I think I have got the right to draw the attention of honourable members and your attention and the attention of the Government to the fact as to why certain persons in this House behave in a manner which has been characterised as undignified or ugly. You have got to go to the root of the trouble and unless you go to the root of the trouble—

Mr. Speaker : I am afraid I cannot allow the honourable member to criticise or attack the Chair. If he wants to do so he should move a resolution, under section 65 (2) of the Government of India Act.

Chaudhri Krishna Gopal Dutt : Against whom? The motion is to be moved against a particular person, against either the Speaker, Deputy Speaker or a Chairman, but here I am addressing the Chair, the Chair which is considered to be a symbol of presidentship, I am attacking the Chair, I am not naming any particular person, I am not naming you or any particular ruling of yours or any particular ruling of the Deputy Speaker.

Mr. Speaker : Unless the Chair is occupied, it is nothing. It is a lifeless thing and therefore an attack on it is meaningless.

Dr. Gopi Chand Bhargava : On a point of order. May I know whether it will be relevant if we were to say, "supposing the Chair, the Speaker, the Deputy Speaker gives such and such ruling what is the remedy for the members of the House?"

Mr. Speaker : I decline to express any opinion on a hypothetical question.

Diwan Chaman Lall : Mr. Speaker, you will remember that yesterday during the course of the debate a large number of incidents that occurred on the floor of the House and which apparently gave rise to this particular Bill, were brought into the debate, expatiated and discussed at length. If my honourable friend were to give justification in reference to those incidents, would he be in order or not in order? I submit that if he gives justification for those incidents that happened he would be in order and he would not be casting any reflection on the Chair as such. He is merely trying to give various explanations or reasons why such incidents did occur on the floor of the House.

Mr. Speaker : The revival of such incidents is bound to generate heat and result in unpleasantness and grave disorder.

Diwan Chaman Lall : With regard to that, the matter is a public property. An intelligent debator like my honourable friend behind me will naturally assert the principle and he will not refer to any personality and thus create friction.

Mr. Speaker : Well, if he talks about some one, even without naming him, every honourable member will understand him.

Diwan Chaman Lall : The debate will be absolutely unreal and there would be no point in the debate on this particular matter. Otherwise it will mean that because Government wants this particular measure, the Opposition should shut their mouth and should not give any reasons why this measure should not be proceeded with. I do submit that you will exercise your natural right.

Mr. Speaker : I shall be the last to shut mouths of the honourable members, if they do not violate the parliamentary practice and rules and maintain the dignity of the House.

Lala Duni Chand : On a point of order. The Government has thought it fit to introduce legislation which necessarily involves the question of the conduct or the behaviour of the Chair on certain occasions.

Mr. Speaker : Order, order. The honourable member has repeated the expression to which I took exception.

Pandit Muni Lal Kalia : On a point of order. With reference to clauses 4 and 7 of this Bill, you will find that clause 4 deals with the power of the Speaker to order removal or exclusion of persons and clause 7 deals with the sanction of the Speaker to institute certain proceedings. May I know whether the discussion is not relevant on the point whether these powers should or should not be given to the Speaker?

Mr. Speaker : The honourable member shall be at liberty to discuss this question when clauses are taken up.

Chaudhri Krishna Gopal Dutt : Mr. Speaker, I told you at the outset that after a hard struggle within myself I made up my mind to speak out the truth and I give you an assurance that I will not be personal. I give you an assurance that I would not violate the decorum of the House or the dignity of the Chair. All these things were expatiated upon yesterday by my honourable friend; but I give you another instance or another analogy. When we are outside the House we either on the platform or in the Press discuss generally the partiality or otherwise of the courts. That does not mean that we are attacking any particular court: that does not mean that we are casting any personal aspersions against any particular presiding officer of the court when we say that the courts have been found playing in the hands of the executive, that the courts are not free from their influence and that they are tools in the hands of the executive. All these things are said and written on a suitable occasion. Here is a suitable occasion before us. You have to realise what was the cause of the disease and why there were certain members on this side who behaved in a manner which had been characterised as undignified and ugly. You have to go to the root of the trouble as I said. Going to the root, I want to make it clear that unless the disease is treated rationally, you cannot stop or silence what you have called disorderly behaviour. There was a particular suspicion behind this disorderly behaviour. There was that suspicion well founded. And what

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is that suspicion? The suspicion is this that Government taking undue advantage of their comfortable majority in the House have themselves trampled underfoot many a time this constitutional procedure. } This suspicion has been given birth to because we feel that we are not given fair treatment either by the Government or by the Chair, and I assure you, and I also appeal to Government....

Mr. Speaker : The expression 'that we have not been given a fair treatment by the Chair' is unparliamentary.

Chaudhri Krishna Gopal Dutt : I am not leaving this point because it is very important. With due respect I would submit that the only remedy you have suggested is to move a vote of no-confidence. I have already pointed out that a vote of no-confidence is moved against a particular person and not against the Chair. When I attack the Chair I attack something which has nothing to do with a particular person.

Mr. Speaker : I think every occupant of the Chair shall come in.

Chaudhri Krishna Gopal Dutt : No, Sir. There may be one occupant of the Chair who may be impartial and there may be another who is not impartial. (*Interruption.*)

Sardar Sampuran Singh : If I am not mistaken, the honourable member used the word 'if.'

Mr. Speaker : No.

Chaudhri Krishna Gopal Dutt : I am not the man to mince matters. I am honest enough to say what I feel and I would say what I feel. I did not say 'if.' If you do not allow me then it is a different thing. I have already pointed out that a great amount of latitude was given by the Deputy Speaker to members of the Opposition and I do not know why at this stage you want to na row down the discussion.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : On a point of order. Please ask the honourable member to withdraw his remarks about the Deputy Speaker.

Mr. Speaker : I think he will withdraw them.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : First ask him to withdraw those remarks and then allow him to proceed.

Mr. Speaker : I hope the honourable member will try to steer his way clear of all rocks and shoals and withdraw the objectionable words.

Chaudhri Krishna Gopal Dutt : I withdraw those words so far as your person, Mr. Speaker, is concerned.

Malik Barkat Ali : Can any distinction be drawn between the occupant of the Chair now and the occupant of the Chair at another time? The respect of the Chair means the respect of the occupant of the Chair for the time being, whoever he may be.

Chaudhri Krishna Gopal Dutt : I am not attacking you, Mr. Speaker.

Mr. Speaker : The honourable member should not attack any other occupant of the Chair as well.

Chaudhri Krishna Gopal Dutt : I am not referring to Chaudhri Sir Shahab-ud-din as Speaker.

Mr. Speaker : The honourable member may be referring to any Chairman or the Deputy Speaker, but he should not do so.

Chaudhri Krishna Gopal Dutt : I want to tell you one thing. The whole debate would be unfair if you do not allow us to say what is going on in the minds of those people who have sponsored this Bill. If you persist that we should not repeat those things, then the only course open to us is that we should move a no-confidence motion. As I have already pointed out, my difficulty about it is that I cannot move a no-confidence motion against the Chair. I can move it against a particular person and not without naming anybody.

Mr. Speaker : The honourable member should not use objectionable language.

Chaudhri Krishna Gopal Dutt : I told you beforehand that I have decided to adopt a middle course meaning thereby that I shall say certain things with propriety, I shall say certain things keeping in view the so-called dignity and prestige of the House.

Mr. Speaker : The honourable member knows, I am sure, that it is unparliamentary to attack the Chair. So I request him to withdraw his words.

Chaudhri Krishna Gopal Dutt : I have already withdrawn those words so far as they may be constituted to apply to your person.

Mr. Speaker : That is not the point. I cannot allow my Deputy to be attacked irregularly so long as I am in the Chair. There are ways and ways for attacking him.

Chaudhri Krishna Gopal Dutt : Yes, there are ways and ways and you say that you cannot allow a Deputy to be attacked so long as you occupy the Chair.

Mr. Speaker : He can attack me or my Deputy in proper way. I have no objection.

Chaudhri Krishna Gopal Dutt : You cannot allow us to attack the Chair so long as you occupy the Chair. How can you realise at the very outset that no Chairman would allow us to do so ?

Mr. Speaker : No Chairman would allow or would have allowed the honourable member to attack the Chair.

Chaudhri Krishna Gopal Dutt : I beg to differ. How can you anticipate that such and such Chairman would not have done that. I can quote chapter and verse to show that the Deputies have disagreed with the rulings of the Speakers.

Mr. Speaker : There is hardly any point on which there cannot be two or more opinions.

Chaudhri Krishna Gopal Dutt : Mr. Speaker, all that I am saying to-day is for your benefit. (*An honourable member : No.*) Do not ridicule this idea. I am very serious when I say that if Mr. Speaker gives us an opportunity to give expression to our susceptibilities on this matter, not only it will do good to the Government but it will do also a lot of good to the present occupant and other future occupants of the Chair.

Pir Akbar Ali : On a point of order. I want to know whether there are any private relations between you as the Speaker of the House and the honourable member who is in possession of the House ?

Mr. Speaker : That is not a point of order. That statement by itself is an attack upon the impartiality of the Chair, so, I request the honourable member to withdraw it.

Pir Akbar Ali : I have not followed you as to what I should withdraw.

Mr. Speaker : What the honourable member has said about there being private relations between the honourable member from Sialkot and the occupant of the Chair. He must realise that it is an insinuation against the Chair.

Pir Akbar Ali : I have not said that there was any relation. I was enquiring whether there were any private relations, and that was what the trend of the debate showed.

Mr. Speaker : I am sorry that the honourable member has not withdrawn his remarks. I request him once more to withdraw them.

Pir Akbar Ali : I withdraw, if my withdrawal will please you and will lead to another withdrawal.

Diwan Chaman Lall : On a point of order. In reference to the statement just made by my honourable friend over there, there can be no question of any 'if.' There can be no question of laying an insinuation, unwarranted and unworthy of any member, at the door of the Opposition. May I ask whether the honourable member is unconditionally withdrawing what he stated or not ? There can be no question of an insinuation against the Opposition. We are absolutely not concerned with this matter. It is up to the honourable member to cast an aspersion against you or not. It is his job. But he must not cast aspersions against the Opposition in this way. I would request you to ask him to withdraw that statement regarding the Opposition.

Mr. Speaker : Please withdraw unconditionally.

Pir Akbar Ali : Are these conditions to be dictated by the Opposition or by you ?

Mr. Speaker : Every member of the Opposition is as much entitled to invite my attention to certain matters in this House as the members on the Treasury benches are. Please withdraw.

Pir Akbar Ali : I have already withdrawn.

Diwan Chaman Lall : The honourable member has withdrawn the expression if that would please the Chair. Now the point raised is that this is the condition of his withdrawal, that is, he withdraws if that would please the Chair and would lead to another withdrawal.

Pir Akbar Ali : I did not say that.

Diwan Chaman Lall : The honourable member's memory is exceptionally short. He did say two things. He said that he withdraws if it would please the Chair and if it would make the Opposition also withdraw. These are the two conditions. If my honourable friend is not withdrawing let us have it on record that he is not withdrawing that expression.

Mr. Speaker : If the honourable member does not withdraw, I shall have to act under Rule 77.

Diwan Chaman Lall : He is shaking his head and he is not going to withdraw.

Mr. Speaker : Please withdraw.

Pir Akbar Ali : Sir, I have already done so.

Mr. Speaker : Please say, 'I withdraw.'

Pir Akbar Ali : I have already complied with your orders.

Diwan Chaman Lall : No.

Pir Akbar Ali : It is not for you to say 'No.' I understand my position better than you do. I have already complied with the orders of the Chair.

Mr. Speaker : May I ask the honourable members if he has withdrawn his words unconditionally ?

Honourable Members : No, he has withdrawn conditionally.

Pir Akbar Ali : I withdraw unconditionally in the way you suggest.

Mr. Speaker : The honourable Chaudhri Krishna Gopal Dutt is now requested to withdraw his words and proceed with his speech.

Chaudhri Krishna Gopal Dutt : It is a question of life and death for the Opposition—

Honourable Members : He also must withdraw.

Chaudhri Krishna Gopal Dutt : Mr. Speaker, I withdrew those words so far as they pertain to your person.

Mr. Speaker : I request the honourable member to withdraw all his words unconditionally.

Chaudhri Krishna Gopal Dutt : Which words should I withdraw ?

Mr. Speaker : The honourable member said something about the Chair being unfair. I cannot repeat the words but I wish him to withdraw the words to which I took exception when they were said.

Chaudhri Krishna Gopal Dutt : If you take exception to those words I withdraw them.

Mr. Speaker : Why "if" ?

Chaudhri Krishna Gopal Dutt : There is no condition in it. You have taken exception to those words and I have withdrawn them.

Mr. Speaker : Please proceed.

Chaudhri Krishna Gopal Dutt : Mr. Speaker, yesterday very brilliant speeches were made, but I beg to submit that they did not give expression to even one-tenth of the resentment which has been evoked by this Bill as even reported by the select committee. Government is attempting to stifle the Opposition by various ways and means. The Opposition have also decided to use the same methods with the Government. We are prepared to meet arguments with arguments, reason with reason, and threats with

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threats. Government should not be under the impression that it could with impunity impose on us this Sergeant-at-Arms Bill. We have decided to resist it with all the force that we have at our command. (*Cheers.*) If there had been a genuine precedent, if there had been a working precedent in other houses of legislature, particularly in the Mother of Parliaments, then we might have considered and tried to improve upon this Bill, but I again repeat that there is no such Act in the House of Commons. There is a rule of procedure but that is a dead letter. And you try to raise the dead. Perhaps you have taken to rejuvenation. This pastime of rejuvenation and raising the dead may suit Dr. Voronoff, but Government will find it very costly. My honourable friend, Mr. Barkat Ali, asked : where is the harm in having this Act ? If a member is disorderly, then the Speaker is helpless. Sir, many instances have been given of disorderly conduct in other houses of legislature and situations arose which were very serious, much more serious than what the basis of this Bill is here in this House and yet the matters were settled amicably. Even in this House at that time the Leader of the Opposition asserted himself and asked his members to withdraw those remarks and also to withdraw from the House and then the situation was saved not only by your tact but also by the tact of the Leader of the Opposition. It was by a combined act of the Leader of the Opposition and of Mr. Speaker, that a grave situation was prevented from assuming still graver proportions.

Mr. Speaker : Is the honourable member referring to the Deputy Speaker or to me ?

Chaudhri Krishna Gopal Dutt : I am referring to Mr. Deputy Speaker when that question arose.

Mr. Speaker : Was that the only occasion on which such situation arose ?

Chaudhri Krishna Gopal Dutt : I am paying, Mr. Speaker, a tribute to you. You have not understood what I have said. That is always the trouble here, that you do not understand us, you do not try to understand us. Let the Premier understand that he is dealing here with certain people who have got the capacity of switching on from constitutionalism to other channels of direct action. He should know of what stuff we are made. We are made of sterner stuff than he imagines (*Hear, hear*). Constitutional propriety should not be only one-sided. On the one hand, we find we are being throttled, we are silenced and we are debarred from saying things which we have the right to say. When we see that Government have taken undue advantage of the partiality or impartiality of the Chair, then it is our duty to assert ourselves. Through you, Mr. Speaker, I warn this House and through the House the whole province, that we have made up our mind to resist this Bill with all the force and determination and with all decent methods, that we can. (*An honourable member :* Indecent methods.) What may be indecent for my friend may be decent for us and what may be decent for my friend may be indecent for us. Had this Sergeant-at-Arms Bill been actually working in the House of Commons, I would have asked our members to co-operate with the Government in bringing such a Bill. We have been

told again and again that we are copying the Mother of Parliaments. In this we are not copying the Mother of Parliaments at all. Sometimes the Premier has stated that his ideal is England. May I ask him if his ideal is really England? Does he believe in his heart of hearts in the dignity of the Chair? I could quote several instances to prove that the Government have sometimes tried to pull up the Chair, they have tried to behave in a manner which was against the dignity of the Chair, they have sometimes attempted to utilise the Chair for their own purposes. Whether they have succeeded or not I do not want to say at present.

We are face to face with a situation which we found in 1921, 1922, 1928 and 1930 and again in 1933 not only in this province but in the whole country. What was the situation then? The situation was that the country had lost faith in the honesty of Government; the country had lost faith in the honesty and integrity of courts. What was the advice given by the leaders of the country at that time? The leaders in those days were Mahatma Gandhi than whom you cannot have a greater person having respect for courts, you had Pandit Moti Lal Nehru who cannot be said to have had no respect for courts or the Chair. He was an eminent lawyer and he respected all the courts and was therefore respected by all the courts. Can you accuse the late Mr. C. R. Das of irresponsibility? Yet, all these great men advised the people to flout the authority of courts so that once again the integrity of the courts could be re-established in this country (*Cherra*). Similarly, if we oppose this Bill it is to establish the authority of the Chair in this House. You will understand when you consider this question calmly in your chamber that this opposition to the Bill will be ultimately to your good, that we the members of the Opposition have been more friendly to you than the Government benches. May I point out that Mahatma Gandhi himself wanted us to flout the authority of courts and we did so and went to jail for that reason? Why? Because we wanted the Government to be impartial, we wanted the courts to be impartial. Similarly we want to co-operate with the Government and with the Chair as long as they are impartial. I say, give us a government which is impartial, give us a government which is dignified, give us a government which is honest. Similarly give us a Chair which is impartial and we will show all obedience to it.

Mr. Speaker : The honourable member is going too far. That is not fair.

Chaudhri Krishna Gopal Dutt : What I mean to say is this that if this idea of the dignity of the Chair is to be developed there should be certain favourable circumstances for the growth and development of that idea. If you know, Sir, a little bit of Biology you will realise that for the growth and development of life certain favourable conditions are absolutely essential. Similarly, for the evolution of respect for the chair, certain conditions are essential. In this connection, I want to ask you one question. I would like to know why you have been keeping mum all this time over this matter. You are the custodian of the rights and privileges of this House and you are also the protector of the rights of the Opposition and it is therefore for you to let us know what you have got in your mind. Why then, are you keeping mum? We are asked to rush through this Bill, but you have not yet let out your mind.

Mr. Speaker : The honourable member should not drag me in the debate. Have I authority to interfere ? Can the honourable member quote his authority for my doing so ? The Bill is being sponsored by Government and not by me. I was not consulted about it.

Diwan Chaman Lall : In reference to what you stated just now asking my honourable friend to show you the authority by which you can interfere in a matter of this description, may I draw your attention to an instance in the Central Legislature ? At the time the Public Safety Bill was before the House—at that time the late Mr. V. J. Patel was in the Chair—he refused to proceed with the Bill on the ground that no proper debate could be had on that measure in view of the then circumstances of the case. I submit that no proper debate of this measure can be had under the present circumstances. The matter should first have been discussed in a committee which should have consulted your views. You will, therefore, be within your rights, having the precedent of the Central Assembly before you if you say that this measure should not be proceeded with on the ground that a proper debate cannot be had on the measure.

Chaudhri Krishna Gopal Dutt : I do not think you will try to stifle this important point on some technical grounds, because the question is a very vital one. The question relates to you and the Sergeant-at Arms is being proposed in order to assist you. It is, therefore, that I appeal to you, Mr. Speaker. The entreaties from this side addressed to the Government have fallen on deaf ears. Government is impervious to our appeals. All our arguments and reasonings have fallen flat on the Government. Therefore in all seriousness and earnestness and force at my command I appeal to you to save the situation which is likely to become very grave. If you say that you can conduct the business of the House without a Sergeant-at-Arms you will do a real service to this province and also to the legislatures in other provinces (*Hear, hear*). Your name will go down in history as one of the greatest custodians of the liberties of the Opposition, liberties of the House and as one who maintained the constitutional procedure and conventions (*Cheers*). I am not appealing to your sentiment ; I am appealing to your head and I hope you have got a clear and reasonable head. We cannot look to anybody else for help in the present situation. You are the only person to whom we can look forward for help.

Mr. Speaker : If the honourable member will point out the law under which I can help, I shall gladly do so. I am not aware of any law under which I can intervene.

Chaudhri Krishna Gopal Dutt : I am not talking of any law. If you would declare in the most unmistakable terms that you can conduct the business of this House without any extraneous force, without any barbarism, without any vandalism, then I am sure Government will hesitate to proceed with the Bill. I know that it will be at the most till the conclusion of the next assembly that you will preside. (*Honourable members :* No, no.) I am saying that you will retire when the next Assembly is concluded. (*Interruption.*) I am a realist and I am facing facts as they are. I am not emotional or sentimental.

I have already wished that our contact with you may be very long. But taking facts as they are, as a realist, I may say that you are going to be with us during the next five years and after that perhaps you will take rest. (*Interruption.*) The Honourable Speaker says 'perhaps earlier.' If it is earlier

even then I say to-day you will do service to this province, you will do service to the Opposition, you will do service to all those conventions which you wish to be established in this House, if you put your foot sternly on this Bill. You are not merely here to say 'yes' or 'no' to particular points of order. You are creating precedents here and evolving a constitution. I know that the Government have attempted its utmost to utilise you. I know that you have sometimes refused to play into their hands. But those are on small matters. On fundamental matters we want your co-operation. May I draw your attention to one very important fact and that is if you look to the conduct of the Speakers in other provinces, you will find—some of us have got friendly relations with some of them, we have had discussions with them, we have enquired from them as to how they give rulings in their provincial legislatures,—you will be surprised as to what they told us. They said that most of their rulings went in favour of the Opposition rather than in favour of the Government in spite of the fact that it was with the help of the votes of the Government that the Speakers were installed in the Chair. I am not comparing you with them. Far be it from me to compare you with them. But one very important point which they told me was this, that whenever there is a doubt in the mind of the Speaker as to the validity or otherwise of a particular point of order, the benefit of doubt was always given to the Opposition rather than to the Government. Mr. Speaker, there are Speakers who stand for the liberties of the Opposition. I want to appeal to you in the name of that constitutionalism, in the name of that democracy, in the name of those healthy institutions and conventions which you want to establish in this province, to take courage in both hands, to speak out your mind and get this Bill thrown out even at the last stage. We are sometimes accused of not observing the dignity of the Chair. But have you, Mr. Speaker, studied this Bill? Have you studied the report of the select committee? Have you, Mr. Speaker, studied the amendments of which notice has been given by the Government? If you have studied them, Mr. Speaker, you will realise that they are trying not only to silence us, they are trying not only to throttle us, but they are trying to impose limitations and handicaps upon you. (*Hear, hear.*) They are going to throttle you; they are going to curtail your powers. If you have studied this Bill you will find that while we stand for your integrity, while we, on the one hand, stand for even greater privileges for you, the Government is going to trample underfoot those privileges which we are trying to give to the Chair. And to prove this I refer you, in the first instance, to the amendment notice of which has been given by a member of the Government, which suggests that clause 6 (2) be deleted. This clause was added by the select committee. (*Interruption.*) I am making out a case as to why this Bill should be re-committed to the select committee. Here is what the Government wants to get through this House without referring this matter to the select committee. Why is it that a thing which has been brought before us by the select committee, the Government wants to get rid of? Is it because the Government is not genuinely and honestly zealous of the privileges of the Chair? The sub-clause to which I refer is this—

The conditions of service of any person so appointed shall, subject to the sanction of the Punjab Government in respect of any financial liability, be such as may be prescribed by the Speaker, who shall have power to suspend or remove any such person.

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Mr. Speaker, on the one hand, they feel that the Chair has proved impotent and incompetent to establish order in this House and therefore they have to requisition the services of an extraneous and barbarous source of power, on the other hand, they are curtailing your powers. On the one hand, they feel that there should be a Sergeant-at-Arms waiting upon you and, on the other, they try to take away those powers which the select committee gave you and those powers relate to the conditions of service of the person so appointed. Mr. Speaker, you may have very happy relations with the Government, but can you have really very sincere, honest or happy relations with this Government which tries to divest you of all the powers which the select committee gave you? I ask you...

Mr. Speaker : As the question is addressed to me, I may say that had Government not given notice of the amendment in question, I should have ruled the sub-clause out of order, inasmuch as it is in conflict with section 241 of the Government of India Act.

Chaudhri Krishna Gopal Dutt : Now, Mr. Speaker, taking another very important point, the point which affects the liberties of this House, the liberties of the people outside, notice of another amendment has been given by a member of the Government and that is this, "that in sub-clause (1), line 1, for the words 'Punjab Government' the words 'Governor or such person as he may direct' be substituted." This is also with regard to clause 6. Mr. Speaker, I am really cut to the quick. This is a gross violation of the liberties of this House. This is a gross violation of the thing which the Congress has fought for to achieve and what is that—that the Governor should merely be made the constitutional head like the King of England.

Khan Bahadur Nawab Muzaffar Khan : On a point of order. "Governor," as far as I am aware, under the Government of India Act, means "Local Government."

Malik Barkat Ali : On a point of order. Under the Government of India Act all appointments in connection with the affairs of a province can be made by the Governor or such person as he may direct and nobody else.

Chaudhri Krishna Gopal Dutt : It is not the Governor who is doing this, it is the Government of the Punjab so that we may be deprived of the right of discussing this particular item.

Mr. Speaker : He is referring to section 241 of the Government of India Act.

Chaudhri Krishna Gopal Dutt : There would have been no objection if these powers had been vested in you.

Mr. Speaker : But the amendment referred to by the honourable member is not under discussion now.

Chaudhri Krishna Gopal Dutt : It is under discussion that without referring to the select committee they have taken up the matter in this House.

Mr. Speaker : Will the honourable member quote the rule or law under which this cannot be done?

Diwan Chaman Lal : May I draw your attention to section 71 of the Government of India Act which contemplates not only the appointment by the Governor but also the appointment of an officer of the legislature by the legislature and under the authority of the legislature without any reference to the Government.

Premier : That is a reference to the Speaker or Deputy Speaker.

Malik Barkat Ali : For which the Government of India Act makes a specific provision.

Chaudhri Krishna Gopal Dutt : My point is that the Government had the power, the Government would have been well within their power to have vested this power in you and not drag in His Excellency the Governor, because the difference would be this that if the Governor is given these powers then so far as I can see we will not be able to vote upon this matter at all. There lies the difference.

Premier : May I assure my honourable friend that here the word Governor means, as a matter of fact, Government and not His Excellency the Governor?

Chaudhri Krishna Gopal Dutt : Will it be a votable item?

Premier : Yes.

Chaudhri Krishna Gopal Dutt : Then it is a different matter and we shall have a right to throw it out. Thank you for this assurance.

Premier : It is not a matter of assurance, it is down in the Bill itself.

Chaudhri Krishna Gopal Dutt : May I request another thing? This assurance has been given by the Premier on behalf of the Government and I do not expect any member of the House nor even the Advocate-General to get up and say that this matter cannot be discussed.

Premier : My honourable friend need not worry over this matter. The Governor here means the Punjab Government and he can take it from me that we have taken legal advice on this matter.

Chaudhri Krishna Gopal Dutt : The point is not whether there is any difference between the Governor or the Government, the point is why does the Government want to assume these powers to themselves, why do they not confer these powers on the Speaker himself? I have so far not received any reply to this.

Mr. Speaker : This matter need not be discussed at all.

Chaudhri Krishna Gopal Dutt : Why? Is it some erroneous conception of modesty which persuades you, Mr. Speaker, to ask me not to discuss this point? It is a question relating to the Chair and therefore I have the right to ask this question. Why does the Punjab Government want to appoint him? Is it because the Punjab Government wants to give this post to a favourite of theirs? Is it because the Punjab Government wants you to have nothing to do with it?

Shaikh Muhammad Sadiq : May I know who appoints the Secretary and the Deputy Secretary? Is it not the Governor?

Chaudhri Krishna Gopal Dutt : The question of appointment of Sergeant-at-Arms stands on a different footing. Another important change made by the select committee as far as I can see is this. There is an amendment from the Government and that is—

“That in line 2, between the words ‘the’ and ‘Punjab’ the words ‘Speaker of the’ be inserted.”

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That means that the Sergeant-at-Arms instead of waiting upon the Punjab Assembly will wait upon the Speaker. Here again there is a very important departure. In fact, I do not know whether your person is in danger, I do not know whether any one here has on your behalf suggested this thing to the Government that you require a Sergeant-at-Arms and that he should wait upon you and not on the Punjab Legislative Assembly. Granting that it is for the purpose of the Punjab Assembly that you want a Sergeant-at-Arms, this means that during the days when the Assembly is not in session, you will not be requiring the services of the Sergeant-at-Arms. Why should the Government pay for the services or the lack of services of a person who may be an idler, who will be a parasite during the days when the session will not be held ?

Mr. Speaker : The honourable member is assuming that the Sergeant-at-Arms is going to be a permanent public servant. I do not know what the Government will do, but probably they will take all aspects of the question into consideration.

Chaudhri Krishna Gopal Dutt : It is therefore that the matter should be considered by the select committee, so that the select committee should be made conversant with the intentions of the Government. Mr. Speaker, it is the question of the revenues of the province, which according to the Honourable Finance Minister are already very inelastic and very rigid. It is a question of the finances of the province, it is a question of the revenues of the province. We have a right to know whether he would be a permanent man or not.

Mr. Speaker : The honourable member may take exception to his salary when the Budget containing his salary is considered by the House.

Chaudhri Krishna Gopal Dutt : Even on this ground I submit that the Bill should not be enacted into law. The Government is keeping reticent on these matters and we have a right to know these things. If they do not want these things to be stated in the House at least they should refer the matter to the select committee and acquaint the committee of these things. We must know whether a temporary man is required or whether a permanent man would be required, whether a part time man would do or a whole time man would be necessary and whether it is absolutely necessary to have a new man or a superintendent of police would do. These points have not been thrashed out in the select committee and I appeal to the House to refer this matter to the select committee. There is another point and that is why it should not be referred to a select committee for the purpose of consultation with the Speakers of other legislatures. Now, if you allow me to say that, I would submit the reason why I want that you should be consulted and Mr. Deputy Speaker should be consulted. You are vitally affected by this Bill, Mr. Deputy Speaker is vitally affected by this Bill. I know that by your mature experience you would perhaps either kill this Bill or remove its nasty and obnoxious features. In the second instance, why I want to consult Speakers of other legislatures is this that I think that we are not merely Punjabis, we are more Indians than Punjabis. We are more interested in the parliamentary procedure of the Central Assembly and of other provincial assemblies and therefore there should be a uniformity of legislation. I am not very enamoured of the idea of federalism. In my opinion

and my study of constitution confirms me in my opinion that federalism has failed everywhere. I can quote to you so many instances from the constitutional history of other countries and particularly from the United States of America where all these states have felt that there should be a uniformity of legislation. So far as this uniformity of legislation is concerned, it was for this purpose that there was a conference of the Speakers of all the Provincial Legislatures. I am aware of only one. Perhaps there were more than one. The Speakers assembled in an All-India conference to discuss certain matters, and thrash out certain problems which were facing the provincial Governments and the Speakers. I submit to you, Mr. Speaker, that this is the one point which should be placed before an independent and impartial tribunal of the Speakers and the Deputy Speakers of all the provincial legislatures in India so that we might be told whether really the difficulty which is experienced by the Government cannot be met by some other method. There are very intellectual and fertile brains who have passed through these difficulties, who have met these difficulties without a Serjeant-at-Arms. It may be that you yourself or our Deputy Speaker or the Speaker of the United Provinces Assembly, or the Madras Assembly or Bombay Assembly or any other Assembly may be able to suggest us a solution of the difficulty which has arisen. It is, therefore, that I have suggested that a Speaker is to be considered custodian of the members of the House and of the Opposition. They are the competent people to express opinion on this and unless they have given their opinion, we should not pass this legislation. With these words I move my amendment. (*Loud cheers.*)

Mr. Speaker : The question is—

That the Punjab Legislative Assembly (Offices) Bill, as reported by the select committee, be recommitted to the same select committee.

The Assembly divided. Ayes : 40, Noes : 85.

AYES.

Abdul Rab, Mian.
Ajit Singh, Sardar.
Balbir Singh, Rao Bahadur Captain
Rao.
Bhagat Ram Choda, Lala.
Bhagat Ram Sharma, Pandit.
Bhim Sen Sachar, Lala.
Chaman Lall, Diwan.
Chanan Singh, Sardar.
Duni Chand, Lala.
Duni Chand, Mrs.
Faqir Chand, Chaudhri.
Girdhari Das, Mahant.
Gopal Das, Rai Bahadur Lala.
Gopi Chand Bhargava, Dr.
Hari Lal, Munshi.
Hari Singh, Sardar.
Harjab Singh, Sardar.
Harnam Das, Lala.
Jalal-ud-Din Amber, Chaudhri.
Jugal Kishore, Chaudhri.

Kabul Singh, Master.
Kapoor Singh, Sardar.
Kartar Singh, Chaudhri.
Kartar Singh, Sardar.
Kishen Singh, Sardar.
Krishna Gopal Dutt, Chaudhri.
Mazhar Ali Azhar, Maulvi.
Muhammad Hassan, Chaudhri.
Mula Singh, Sardar.
Muni Lal Kalia, Pandit.
Partab Singh, Sardar.
Prem Singh, Mahant.
Raghbir Kaur, Shrimati.
Rur Singh, Sardar.
Sahib Ram, Chaudhri.
Sampuran Singh, Sardar.
Santokh Singh, Sardar Sahib Sar-
dar.
Sant Ram Seth, Dr.
Shri Ram Sharma, Pandit.
Sudarshan, Seth.

NOES.

Abdul Hamid Khan, Sufi.
 Abdul Haye, The Honourable Mian.
 Abdul Bahim, Chaudhri (Gurdas-
 pur).
 Ahmad Yar Khan Daulatana, Khan
 Bahadur Mian.
 Ahmad Yar Khan, Chaudhri.
 Akbar Ali, Pir.
 Allah Bakhsh Khan, Khan Bahadur
 Nawab Malik.
 Amjad Ali Shah, Sayad.
 Anant Ram, Chaudhri.
 Ashiq Hussain, Captain.
 Badar Mohy-ud-Din Qadri, Mian.
 Barkat Ali, Malik.
 Bhagwant Singh, Rai.
 Chhotu Ram, The Honourable
 Chaudhri Sir.
 Dasaundha Singh, Sardar.
 Faiz Muhammad Khan, Rai.
 Faiz Muhammad, Shaikh.
 Farman Ali Khan, Subedar-Major
 Raja.
 Fateh Khan, Khan Sahib Raja.
 Fateh Muhammad, 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, Khan Ba-
 hadur Maulvi.
 Ghulam Rasul, Chaudhri.
 Ghulam Samad, Khawaja.
 Gopal Singh (American), Sardar.
 Gurbachan Singh, Sardar Sahib
 Sardar.
 Habib Ullah Khan, Malik.
 Haibat Khan Daha, Khan.
 Hans Raj, Bhagat.
 Hari Chand, Rai Sahib Rai.
 Harnam Singh, Captain Sodhi.
 Indar Singh, Sardar.
 Jafar Ali Khan, M.
 Jagjit Singh Man, Sardar.
 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 Amin, Khan Sahib
 Shaikh.
 Muhammad Ashraf, Chaudhri.
 Muhammad Azam Khan, Sardar.
 Muhammad Faiyaz Ali Khan, Na-
 wabzada.
 Muhammad Hassan Khan Gurchani,
 Khan Bahadur Sardar.
 Muhammad Hayat Khan Noon,
 Nawab Malik Sir.
 Muhammad Hussain, Chaudhri.
 Muhammad Qasim, Chaudhri.
 Muhammad Saadat Ali Khan, Khan
 Bahadur Khan.
 Muhammad Sadiq, Shaikh.
 Muhammad Sarfraz Khan, Chaudhri.
 Muhammad Sarfraz Khan, Raja.
 Muhammad Yusuf Khan, Khan.
 Mushtaq Ahmad Gurmani, Khan
 Bahadur Mian.
 Muzaffar Ali Khan Qizilbash, Sar-
 dar.
 Muzaffar Khan, Khan Bahadur
 Captain Malik.
 Muzaffar Khan, Khan Bahadur
 Nawab.
 Nasir-ud-Din, Chaudhri.
 Nasrullah Khan, Rana.
 Naunihal Singh, Mann, Lieutenant
 Sardar.
 Nawazish Ali Shah, Sayed.
 Pir Muhammad, Khan Sahib Chau-
 dhri.
 Pohop Singh, Rao.
 Prem Singh, Chaudhri.
 Ranpat Singh, Chaudhri.
 Riasat Ali, Khan Bahadur Chau-
 dhri.
 Ripudaman Singh, Thakur.
 Sahib Dad Khan, Khan Sahib Chau-
 dhri.
 Shahadat Khan, Khan Sahib Rai.
 Shah Nawaz, Mrs. J. A.
 Shah Nawaz Khan, Nawab Sir.

Sikandar Hyat-Khan, The Honourable Major Sir.
 Sohan Lal, Rai Sahib Lala.
 Sultan Mahmood Hotiana, Mian.
 Sumer Singh, Chaudhri.
 Sundar Singh Majithia, The Honourable Dr. Sir.

Suraj Mal, Chaudhri.
 Talib Hussain Khan, Khan.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sardar.

Mr. Speaker : The question is—

That the Punjab Legislative Assembly (Offices) Bill, as reported by the select committee be taken into consideration.

The motion was carried.

POINT OF PRIVILEGE.

Khan Sahib Chaudhri Sahib Dad Khan (Urdu) : On a point of privilege, Sir. I wish to bring to your notice that an incorrect statement has been published about myself and several of her honourable members of this Assembly in the "National Congress", dated the 5th April, 1939. The relevant portion of the article is as follows :—

آج معلوم ہوا ہے کہ آلے والے کل کو سات اور محبر بھی یونیونسٹ پارٹی سے عاید کی اختیار کریں گے۔ ان سات محبروں میں باجی رشیدہ لدیف اور چوہدری صاحب داد خان آف حصار بھی شامل ہیں باقی پانچ محبروں کے نام فی الحال مصلحتاً پردہ راز میں رکھے گئے ہیں۔

I may submit that it is a wholly incorrect statement and I therefore request you to take suitable action. There are several papers in the province which publish wrong news, but, in this case the chief editor and proprietor of this paper is an honourable member of this House.

Mr. Speaker : *Prima facie* the point mentioned by the honourable member is not a point of privilege. But if it is, I will let him know.

Premier : His point is this. He is not worrying because false and malicious news has been published, but because this particular paper happens to be owned by a member of the House. And his point is that a member of the House has published a malicious and false lie against another member of the House.

Mr. Speaker : Is his name given there ?

Premier : Yes.

Dr. Gopi Chand Bhargava : On a point of order. The Honourable Premier was pleased to remark that an honourable member of this House has published a lie in the paper. I would submit that he is the editor and proprietor of the paper not in the capacity of an honourable member of this House. No honourable member has done any act that he should say that

[Dr. Gopi Chand Bhargava.]

an honourable member of this House has published a lie. He is not a publisher as a member of the House : he is a publisher in a private capacity. Therefore I think this insinuation should be withdrawn.

Premier : I submit that it is for you to decide whether it is a point of privilege : I am only trying to explain his point.

Diwan Chaman Lall : On a point of order. It is not admissible according to parliamentary procedure that any newspaper should be read on the floor of the House or any reference made to it. I do submit that is out of order.

Premier : I was merely referring to it.

Diwan Chaman Lall : I take it that you have already ruled as far as that point is concerned and the honourable member is out of order in reading a newspaper on the floor of the House.

Premier : On a point of order. May I draw your attention to May's Parliamentary Practice on page 98, heading 'Privilege of Parliament.' It says—

When a complaint is made of a newspaper, the newspaper itself must be produced, in order that the paragraphs complained of may be read. A member complaining of the report of his speech in a newspaper, has been stopped by the Speaker when it appeared that he had no copy of the newspaper on which to found his complaint.....

Mr. Speaker : That is a different point.

Pandit Shri Ram Sharma (Urdu) : On a point of order. May I know whether any member of this House can say that another member is lying ? If the answer is in the negative then I would request you to ask the honourable Premier to withdraw his expression.

Mr. Speaker : If any member is editing, printing or publishing a newspaper he is not doing all that as an M. L. A. He is acting in his private and personal capacity.

Pandit Shri Ram Sharma : The Honourable Premier stated that an honourable member of this House has published a lie about another member.

Mr. Speaker : I don't think so.

Pandit Shri Ram Sharma : It is correct. The Honourable Premier has stated that an honourable member has published a lie about another member.

Mr. Speaker : The member who published it acted not as a member of the House.

Diwan Chaman Lall : The point raised is this. My honourable friend used the words 'a member of this House has written a lie.' If it had been said that something which is a lie has been published then there would have been no dispute. (Interruptions). That would have been a matter between the honourable member and my honourable friend, whether my honourable

friend's version is correct or the editor is correct. But my honourable friend did go beyond that and charged an honourable member. My honourable friend referred to the 'National Congress' and if he referred to Dr. Satya Pal and charged him with uttering a lie I say my honourable friend is out of order and he may be made to withdraw that expression. It is an unparliamentary expression and a serious reflection against an honourable member of the House. I do submit that my honourable friend should withdraw that expression. After all, it is obvious that many wrong statements and false statements are made by my honourable friend's newspapers but that is no reason for my honourable friend to charge an honourable member of the House who as a member of the House has nothing to do with a statement which is characterised by my friend as a lie which is unparliamentary. I do submit that the first thing, before anything else, should be that my honourable friend should withdraw that expression.

Premier : My honourable friend is attributing to me something which I never said. What I said was that a malicious lie has been published in a paper. The point of privilege only arose because the chief editor of the paper is an honourable member of this House. That is what he said. Had it not been that he was a member of the House there would have been no point of privilege. What I say is that the news published is false.

Diwan Chaman Lall : He did say it. I ask you to call the Reporter. The very words used by my honourable friend were that an honourable member who is the owner of this paper has published a lie. These are the words used by my honourable friend. How can my honourable friend say that he did not use this expression? I submit that he should withdraw those words.

Premier : I deny that. I never said that. What I said was and I repeat it again that a malicious lie has been published in the paper.

Diwan Chaman Lall : No. Please call the Reporter. He is just going out.

Mr. Speaker : If the Honourable Premier has used that words, he will please withdraw it.

Premier : If I had used that word I would have withdrawn it.

Mr. Speaker : Did you not use that word ?

Premier : I did not use that word for a member of this House as such. I used that word for the editor of that paper.

Diwan Chaman Lall : It is wrong to assert that he did not use that word.

Mr. Speaker : I will just call the Reporter.

Diwan Chaman Lall : Before we proceed we must call the Reporter here.

Dr. Gopi Chand Bhargava : Immediately after he used that word, I invited your attention to what he said.

Premier : May I submit another point of privilege and it is this that in this paper called the 'National Congress' a deliberate lie has been published about me. It says :—

'Sir Sikander Pandit Jawahar Lal Nehru ki charnon main.'

Dr. Gopi Chand Bhargava : On a point of order. You have already been pleased to say that you will consider over that matter and then give your ruling. Are you starting a fresh discussion on it ?

Mr. Speaker : Is the Honourable Premier referring to the same thing ?

Premier : No, Sir. I am referring to something else published about me. It is said that I am going straightaway to Allahabad with a view to fall at the feet of Pandit Jawahar Lal Nehru.

Diwan Chaman Lall : He is certainly worthy of that.

Premier : Why do you not fall at my feet ?

Diwan Chaman Lall : I am prepared to do so if you will behave like Pandit Jawahar Lal Nehru.

Premier : My point is this. As I have said, we ordinarily ignore such publications with the contempt which they deserve, but this paper is edited by an honourable member of this House, and, therefore, I submit that to publish these lies in a paper which is an organ of an honourable member of this House, I think, is a gross insult to the House itself and to the Honourable members as well.

Mr. Speaker : I will consider the point and give my ruling later, if necessary.

Lieutenant Sardar Naunihal Singh Mann : I have just to make one mention about some news published on behalf of the Sikh members of the Khalsa Nationalist Party that they signed a certain letter demanding certain things from the Government and had asked the Leader of the Khalsa Nationalist Party either to get those things or to resign.

Mr. Speaker : I have not been able to follow the honourable member.

Lieutenant Sardar Naunihal Singh Mann : I will read that article. It is as follows :—

پنجاب اسمبلی کی اخالصہ نیشنلسٹ پارٹی جو سر سندر سنگھ مجیٹھہ کی قیادت میں کام کر رہی ہے اس میں عرصہ سے بے چینی شروع ہے اور ممبران سر سندر سنگھ مجیٹھہ پر زور دے رہے تھے کہ وہ یا تو حکومت سے مطالبات پورے کروائیں یا مستفی ہو جائیں۔ چنانچہ آج خالصہ نیشنلسٹ پارٹی کی ایک میٹنگ ہوئی جس میں کافی دیر تک تکرار ہوتی رہی اور سکھ ممبران نے اچھے لیڈر سے مطالبہ کیا کہ یا تو وہ مستعفی ہو جائیں اور یونینسٹ پارٹی سے لا تعلقی کا اعلان کر دیں یا ہمارے مطالبات منظور

کریں۔

Mr. Speaker : *Prima facie* there is no question of privilege.

Lieutenant Sardar Naunihal Singh Mann : As a matter of fact, I have signed no such letter and it is incorrect and so far as I know none other has done so.

Mr. Speaker : Please let me have that paper.

Lieutenant Sardar Naunihal Singh Mann : It is a false news.

Mr. Speaker : The Reporter has come. (Referring to the Reporter) Will you please read out your report about the question of privilege ?

(At this stage the Reporter read out the following remarks) :—

They did not worry about false and malicious news published, but this particular paper happens to be owned by a member of the House and a member of the House has made a malicious and false lie against another member of the House.

(Hear, hear, from the Opposition Benches.).

Mr. Speaker : The Honourable Premier may withdraw the word "lie."

Premier : I withdraw if I said anything about my honourable friend.

Diwan Chaman Lall : There is no question of 'if'.

Premier : If it is absolutely a correct report.

Mr. Speaker : The word 'lie' is withdrawn.

Diwan Chaman Lall : May I take it that my honourable friend has unconditionally withdrawn that expression.

Mr. Speaker : Of course there is no condition.

Diwan Chaman Lall : Will you kindly ask the Honourable Premier to say whether he has unconditionally withdrawn it ?

Mr. Speaker : When I said that it was withdrawn, it was withdrawn unconditionally.

Diwan Chaman Lall : You asked my honourable friend Chaudhri Krishna Gopal Dutt to withdraw his expression and persisted till he did so. He did obey you and withdraw his expression unconditionally.

Mr. Speaker : I decide that the word 'lie' is there. Will you kindly withdraw it unconditionally ?

Premier : As a matter of fact, if you decide that I used the word 'lie' then I withdraw it unconditionally.

Diwan Chaman Lall : My honourable friend denied, first of all, that he did not say so, we challenged his denial and we proved that it was correct and what he said was incorrect.

Mr. Speaker : He has withdrawn.

Premier : What I said I withdraw.

Diwan Chaman Lall : In future there will be a conditional withdrawal every time.

Mr. Speaker : Every point will be decided on its merits.

LEGISLATIVE ASSEMBLY (OFFICES) BILL.

Mr. Speaker : The House will now proceed to consider the Punjab Legislative Assembly (Offices) Bill clause by clause.
3 P. M.

Clause 1.

Diwan Chaman Lall (East Punjab Non-Union Labour) : The amendment that stands in my name is—

That in line 3, for the word 'offices' the words "Sergeant-at-Arms" be substituted
Clause 1 reads as follows :—

This Act may be called the Punjab Legislative Assembly (Offices) Act, 1939.

My amendment seeks to clarify the object of the main title of this Act, namely confining it to the Sergeant-at-Arms. When we are appointing the Sergeant-at-Arms, and in reference to amendments to come later for the appointment of any other offices, I submit that this amendment would correctly signify what the name of this Bill should be, and not what is meant here in this report which we have received from the Select Committee that this Bill is to be called the Punjab Legislative Assembly (Offices) Bill. No. There can be no question of the Punjab Legislative Assembly (Offices) Bill, because if we look at the Government of India Act, there are only two officers. According to the Government of India Act there are only two officers that are recognised as such and they are the Speaker and the Deputy Speaker. We are now concerned with a measure which is solely confined to the purpose of creating a post known as the post of sergeant-at-arms. I am quite deliberately excluding by virtue of this amendment the creation of any other posts which may be sought to be imposed upon this House by the appointment of deputies and subordinates. By this amendment I am restricting the scope of this measure to the appointment of a sergeant-at-arms. With these words I commend this amendment to the House.

Mr. Speaker : Question is—

That in line 3, for the word 'offices' the words "Sergeant-at-Arms" be substituted

The Assembly divided : Ayes 40, Noes 89.

AYES.

Ajit Singh, Sardar.
Balbir Singh, Rao Bahadur Captain
Rao.
Bhagat Ram Choda, Lala.
Bhagat Ram Sharma, Pandit.
Bhim Sen Sachar, Lala.
Chaman Lall, Diwan.
Chanan Singh, Sardar.
Dev Raj Sethi, Mr.

Duni Chand, Lala.
Duni Chand, Mrs.
Faqir Chand, Chaudhri.
Girdhari Das, Mahant.
Gopi Chand Bhargava, Dr.
Hari Lal, Munshi.
Harjab Singh, Sardar.
Harnam Das, Lala.
Jalal-ud-Din Amber, Chaudhri.

Jugal Kishore, Chaudhri.
 Kabul Singh, Master.
 Kapoor Singh, Sardar.
 Kartar Singh, Chaudhri.
 Kartar Singh, Sardar.
 Kishan Singh, Sardar.
 Krishna Gopal Dutt, Chaudhri.
 Mazhar Ali Azhar, Maulvi.
 Muhammad Hassan, Chaudhri.
 Mula Singh, Sardar.
 Muni Lal Kalia, Pandit.
 Partab Singh, Sardar.

Prem Singh, Mahant.
 Raghbir Kaur, Shrimati.
 Rur Singh, Sardar.
 Sahib Ram, Chaudhri.
 Sampuran Singh, Sardar.
 Santokh Singh, Sardar Sahib Sar-
 dar.
 Sant Ram Seth, Dr.
 Shri Ram Sharma, Pandit.
 Sita Ram, Lala.
 Sohan Singh Josh, Sardar.
 Sudarshan, Seth.

NOES.

Abdul Haye, The Honourable Mian.
 Abdul Rahim, Chaudhri (Gurdas-
 pur).
 Ahmad Yar Khan Daulatana, Khan
 Bahadur Mian.
 Ahmad Yar Khan, Chaudhri.
 Akbar Ali, Pir.
 Allah Bakhsh Khan, Khan Bahadur
 Nawab Malik.
 Amjad Ali Shah, Sayed.
 Anant Ram, Chaudhri.
 Ashiq Hussain, Captain.
 Badar Mohy-ud-Din Qadri, Mian.
 Barkat Ali, Malik.
 Bhagwant Singh, Rai.
 Chhotu Ram, The Honourable
 Chaudhri Sir.
 Dasaundha Singh, Sardar.
 Faiz Muhammad Khan, Rai.
 Faiz Muhammad, Shaikh.
 Faqir Hussain Khan, Chaudhri.
 Farman Ali Khan, Subedar-Major
 Raja.
 Fateh Jang Singh, 2nd-Lieut. Bhai.
 Fateh Khan, Khan Sahib Raja.
 Fateh Muhammad, 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, Khan Baha-
 dur Maulvi.
 Ghulam Rasul, Chaudhri.

Gopal Singh (American), Sardar.
 Gurbachan Singh, Sardar Sahib Sar-
 dar.
 Habib Ullah Khan, Malik.
 Haibat Khan Dahi, Khan.
 Hans Raj, Bhagat.
 Hari Chand, Rai Sahib Rai.
 Harnam Singh, Captain Sodhi.
 Indar Singh, Sardar.
 Jafar Ali Khan, M.
 Jagjit Singh Man, Sardar.
 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 Amin, Khan Sahib
 Shaikh.
 Muhammad Ashraf, Chaudhri.
 Muhammad Azam Khan, Sardar.
 Muhammad Faiyaz Ali Khan, Na-
 wabzada.
 Muhammad Hassan Khan Gurchani,
 Khan Bahadur Sardar.
 Muhammad Hayat Khan Noon,
 Nawab Malik Sir.
 Muhammad Hussain, Chaudhri.
 Muhammad Jamal Khan Leghari,
 Nawab Sir.
 Muhammad Qasim, Chaudhri.
 Muhammad Raza Shah Jeelani,
 Makhdumzada Haji Sayed.
 Muhammad Saadat Ali Khan, Khan
 Bahadur Khan.

Muhammad Sadiq, Shaikh.
 Muhammad Sarfraz Khan, Chaudhri.
 Muhammad Sarfraz Khan, Raja.
 Muhammad Yasin Khan, Chaudhri.
 Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
 Muzaffar Ali Khan Qizilbash, Sardar.
 Muzaffar Khan, Khan Bahadur Captain Malik.
 Muzaffar Khan, Khan Bahadur Nawab.
 Nasir-ud-Din, Chaudhri.
 Nasrullah Khan, Rana.
 Naunihal Singh Mann, Lieutenant Sardar.
 Nawazish Ali Shah, Sayed.
 Nur Ahmad Khan, Khan Sahib Mian.
 Pir Muhammad, Khan Sahib Chaudhri.
 Pohop Singh, Rao.
 Prem Singh, Chaudhri.

Pritam Singh Siddhu, Sardar.
 Ranpat Singh, Chaudhri.
 Riasat Ali, Khan Bahadur Chaudhri.
 Ripudaman Singh, Thakur.
 Sahib Dad Khan, Khan Sahib Chaudhri.
 Shahadat Khan, Khan Sahib Rai.
 Shah Nawaz, Mrs. J. A.
 Shah Nawaz Khan, Nawab Sir.
 Sikandar Hyat-Khan, The Honourable Major Sir.
 Sohan Lal, Rai Sahib Lala.
 Sultan Mahmood Hotiana, Mian.
 Sumer Singh, Chaudhri.
 Sundar Singh Majithia, The Honourable Dr. Sir.
 Suraj Mal, Chaudhri.
 Talib Hussain Khan, Khan.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sardar.
 Wali Muhammad Sayyal Hiraj, Sardar.

Munshi Hari Lal (South-Western Towns, General, Urban) : I rise to move—

That at the end the following be added as sub-clause (ii) :—

(ii) This Act shall come into force on such date as the Assembly by a resolution directs.

The amendment that I am moving is to the effect that the date of the operation of this Act should be left to the Assembly. It should be determined by the Assembly and the Assembly should direct that the Bill would come into force on a certain date fixed by a resolution. Why do I want this ? In almost every Bill that comes up there is a time provided therein. In this Bill it is not provided as to when this Bill will come into operation. All I want is that the date on which it would come into operation should be determined by the Assembly. Speaking with perfect restraint and with my profound respect for this honourable House, I beg to say that the present Bill is the ugliest Bill that has ever been put upon the anvil of the legislature. This measure is intended to create a machinery, I would rather say that it is intended to create a Frankenstein monster which may in due course of time recoil upon the sponsors as well as the supporters of this Bill. An attempt was made yesterday by an honourable member of this House to show that this Bill is only meant to appoint a sergeant-at-arms in order to attend upon the Speaker. As a matter of fact this is a Bill meant to terrorise the House.

Mr. Speaker : The honourable member is discussing the whole Bill. Will he please discuss the amendment ?

Munshi Hari Lal : I am not discussing the whole Bill. I am giving reasons why I want that the Assembly should be the final authority to determine the time of its operation. I do not propose to discuss the whole Bill nor even comment upon the provisions of the Bill. I shall simply confine myself to the point. The Bill creates a machinery which is coercive in nature and that is why this House should determine when it should come into force. Incidentally I referred to the attempt made by one honourable member to soften the rigour of the Bill by saying that it was only intended to create the appointment of a sergeant-at-arms in order to attend on the Speaker, and to keep the doors. This is not the correct exposition. The Bill provides how a member who disobeys the direction of the Chair is to be dealt with. This is the main object of the Bill. The Bill concerns the Assembly; it concerns the dignity and decorum of the House. Therefore it should be the business of the Assembly to determine when the penal provisions of this measure should come into force. It should not be enforced the moment it receives the assent of the authority concerned. Nor should it be enforced at the discretion of any outside authority but only at the discretion of this House.

Supposing no such provision is made, it comes into force under the General Clauses Act after it is assented to by the Governor.

It was remarked yesterday that the Bill is a domestic concern. I do not agree with this view. As the circulation motion has been defeated, the chance of the Bill being tested in the crucible of public opinion is gone. The Bill is now to be tested by the Assembly. Granting that it concerns the Assembly; it relates to the internal management of the Assembly and it is a domestic measure for the Assembly, it should be the Assembly that should decide the date of its enforcement and not the Governor who has got no vote here. The decision should be left to the vote of the Assembly and it should be arrived at by means of a resolution as to when this Bill should come into force. The Assembly is the best judge as to the time of its operation. With these remarks, I move my amendment.

Mr. Speaker : Clause under consideration, amendment moved—

That at the end the following be added as sub-clause (ii):—

(ii) This Act shall come into force on such date as the Assembly by a resolution directs.

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, General, Urban) : Mr. Speaker, I have got an identical amendment in my name and I confess that I had absolutely a different view than the one expressed by my honourable friend, Munshi Hari Lal, when I gave notice of this amendment. I had a very definite view when I gave notice of this amendment which is something vital to the Bill before us. Mr. Speaker, you will realise and you will agree with me that democracies have very rashly behaved sometimes and it was from this point of view that a school of thought arose in political science which wanted bicameral system of legislature. Fortunately or unfortunately we have in this province only a unicameral system of legislature. I was and I am myself of the view that unicameral system of legislature is the best for the liberties of the people and there should be no check on the growth of democracy. But as we have witnessed from day to day the

[Ch. Krishna Gopal Dutt.]

indecent haste, the hurry, the rashness with which the Government have rushed through the Bills, there are quite a number of students of political science in this province who were formerly of the view that unicameral system of legislature was the best but who have now come to feel that there should have been a second chamber in this province, so that there might have been a check upon the rashness of the majority party. But since there is no such provision in the constitution, the only thing we can do now is to give another opportunity to the members of the Punjab Legislative Assembly in case it forms a view which at a later stage, when the rashness cools down, it may feel sorry for. I want to make a provision so that the members themselves in a calmer moment, when the rashness is over, may begin to feel that after all there was no need, no necessity, no occasion for getting this legislation enacted. I would draw your attention to the fact that when this Bill was first moved the Honourable Premier said :—

I on my part admit that there is a distinct improvement in the tone of the House since that undignified and regrettable exhibition of rowdiness and the present attitude of my honourable friends opposite gives one hope that it may not be necessary for the chair to have recourse to the provisions of this measure when it is enacted.

If after that so-called undignified incident happened in this Assembly there was a definite improvement in the so-called tone of the Opposition and the Premier also entertained the hope that there might not arise any occasion for the Speaker to exercise his extraordinary powers by getting the help of an outsider, then it is possible that at some later stage this House may form the view that this Bill was unnecessary when it witnesses a definite improvement in the tone not only of the Opposition but also of the Government members. Let us live in this hope. Let us even hope against hope if this is hoping against hope. But we should have some provision to meet that contingency, to meet that occasion, when the Punjab Assembly should sit in judgment on itself. The Punjab Assembly should act as a second chamber upon itself. It is for that purpose that I have given notice of this amendment. With these words I support the amendment moved by my honourable friend Munshi Hari Lal.

Dr. Sant Ram Seth (Amritsar City, General, Urban) (*Urdu*) : Sir, in spite of the shortcomings of the Government of India Act, 1935, we were under the impression that after the inauguration of the provincial autonomy in the Punjab the popular Government would see to it that all the repressive laws of the land are repealed.

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

Dr. Sant Ram Seth : I am coming to the motion, Sir. It is a pity that those who are at the helm of affairs of the province to-day are bringing in several new repressive laws.

Mr. Speaker : Just now we are dealing only with one law, which is before the House.

Dr. Sant Ram Seth : I do not propose to say much on this Bill. My only submission is that so long as three-fourths of members present in the Assembly do not vote for it, the present Bill should not be enacted into law.

Mr. Speaker : Question is—

That at the end the following be added as sub-clause (ii) :—

(ii) This Act shall come into force on such date as the Assembly by a resolution directs.

(*On division being claimed.*)

I invite the attention of the honourable members to the proviso of rule 69 (3) which deals with unnecessary divisions.

Diwan Chaman Lall : True, but may I draw your attention to the fact that this is a very important measure which affects the members of this House? We have suggested improvements. This particular amendment which is before you is a definite improvement from the point of view of actually safeguarding the members and we want to register those members who are in favour of this enlargement of our liberty and those who are against it and this division is being called for purposes of record.

Mr. Speaker : I do not think the amendment is of exceptional importance, but if the honourable members will not challenge my decisions and claim divisions on other amendments, I will allow division in the present case.

Diwan Chaman Lall : There is no question of challenging your decision on other amendments. But on important amendments of which we have given notice, the party has decided to have the votes recorded.

The Assembly then divided : Ayes 40, Noes 87.

AYES.

Ajit Singh, Sardar.	Kapoor Singh, Sardar.
Balbir Singh, Rao Bahadur Captain Rao.	Kartar Singh, Sardar.
Bhagat Ram Choda, Lala.	Kishan Singh, Sardar.
Bhagat Ram Sharma, Pandit.	Krishna Gopal Dutt, Chaudhri.
Bhim Sen Sachar, Lala.	Mazhar Ali Azhar, Maulvi.
Chaman Lall, Diwan.	Muhammad Abdul Rahman Khan, Chaudhri.
Chanan Singh, Sardar.	Muhammad Hassan, Chaudhri.
Dev Raj Sethi, Mr.	Mula Singh, Sardar.
Duni Chand, Lala.	Muni Lal Kalia, Pandit.
Duni Chand, Mrs.	Partab Singh, Sardar.
Faqir Chand, Chaudhri.	Prem Singh, Mahant.
Girdhari Das, Mahant.	Raghubir Kaur, Shrimati.
Gopi Chand Bhargava, Dr.	Rur Singh, Sardar.
Hari Lal, Munshi.	Sahib Ram, Chaudhri.
Hari Singh, Sardar.	Santokh Singh, Sardar Sahib Sardar.
Harjab Singh, Sardar.	Sant Ram Seth, Dr.
Harnam Das, Lala.	Shri Ram Sharma, Pandit.
Jalal-ud-Din Amber, Chaudhri.	Sita Ram Lala.
Jugal Kishore, Chaudhri.	Sohan Singh Josh, Sardar.
Kabul Singh, Master.	Sudarshan, Seth.

NOES.

Abdul Haye, The Honourable Mian.	Afzaalali Hasnie, Sayed.
Abdul Rahim, Chaudhri (Gurdaspur).	Ahmad Yar Khan Daulatana, Khan Bahadur Mian.
Abdul Rahim, Chaudhri (Gurgaon).	Ahmad Yar Khan, Chaudhri.

Akbar Ali, Pir.
 Allah Bakhsh Khan, Khan Bahadur
 Nawab Malik.
 Amjad Ali Shah, Sayed.
 Anant Ram, Chaudhri.
 Ashiq Hussain, Captain.
 Badar Mohy-ud-Din Qadri, Mian.
 Balwant Singh, Sardar.
 Barkat Ali, Malik.
 Bhagwant Singh, Rai.
 Chhotu Ram, The Honourable Chau-
 dhri Sir.
 Dasaundha Singh, Sardar.
 Faiz Muhammad Khan, Rai.
 Faiz Muhammad, Shaikh.
 Faqir Hussain Khan, Chaudhri.
 Farman Ali Khan, Subedar-Major
 Raja.
 Fateh Jang Singh, 2nd-Lieut. Bhai.
 Fateh Khan, Khan Sahib Raja.
 Fateh Muhammad, Mian.
 Fateh Sher Khan, Malik.
 Fazl Ali, Khan Bahadur Nawab
 Chaudhri.
 Fazal Karim Bakhsh, Mian.
 Ghazanfar Ali Khan, Raja.
 Ghulam Mohy-ud-Din, Khan Baha-
 dur Maulvi.
 Ghulam Rasul, Chaudhri.
 Gopal Singh (American), Sardar.
 Gurbachan Singh, Sardar Sahib Sar-
 dar.
 Habib Ullah Khan, Malik.
 Haibat Khan Dahi, Khan.
 Hans Raj, Bhagat.
 Harnam Singh, Captain Sodhi.
 Het Ram, Rai Sahib Chaudhri.
 Indar Singh, Sardar.
 Jafar Ali Khan, M.
 Jagjit Singh Man, Sardar.
 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 Amin, Khan Sahib
 Shaikh.
 Muhammad Ashraf, Chaudhri.
 Muhammad Azam Khan, Sardar.

Muhammad Faiyaz Ali Khan,
 Nawabzada.
 Muhammad Hassan Khan Gurchani,
 Khan Bahadur Sardar.
 Muhammad Hayat Khan Noon,
 Nawab Malik Sir.
 Muhammad Hussain, Chaudhri.
 Muhammad Jamal Khan Leghari,
 Nawab Sir.
 Muhammad Qasim, Chaudhri.
 Muhammad Raza Shah Jeelani,
 Makhdumzada Haji Sayed.
 Muhammad Saadat Ali Khan, Khan
 Bahadur Khan.
 Muhammad Sarfraz Khan, Chau-
 dhri.
 Muhammad Sarfraz Khan, Raja.
 Muhammad Shafi Ali Khan, Khan
 Sahib Chaudhri.
 Muhammad Yasin Khan, Chaudhri.
 Mushtaq Ahmad Gurmani, Khan
 Bahadur Mian.
 Muzaffar Khan, Khan Bahadur
 Nawab.
 Nasir-ud-Din, Chaudhri.
 Nasrullah Khan, Rana.
 Nawazish Ali Shah, Sayed.
 Nur Ahmed Khan, Khan Sahib
 Mian.
 Pir Muhammad, Khan Sahib Chau-
 dhri.
 Pohop Singh, Rao.
 Prem Singh, Chaudhri.
 Pritam Singh Siddhu, Sardar.
 Ram Sarup, Chaudhri.
 Ranpat Singh, Chaudhri.
 Riasat Ali, Khan Bahadur Chaudhri.
 Ripudaman Singh, Thakur.
 Sahib Dad Khan, Khan Sahib
 Chaudhri.
 Shahadat Khan, Khan Sahib Rai.
 Shah Nawaz Khan, Nawab Sir.
 Sikander Hyat-Khan, The Honour-
 able Major Sir.
 Singha, Diwan Bahadur S. P.
 Sultan Mahmood Hotiana, Mian.
 Sundar Singh Majithia, The Honour-
 able Dr. Sir.
 Suraj Mal, Chaudhri.
 Talib Hussain Khan, Khan.
 Tara Singh, Sardar.

Tikka Ram, Chaudhri.

Ujjal Singh, Sardar Bahadur Sardar.

Wali Muhammad Sayyal Hiraj,
Sardar.

Mr. Speaker : The question is—

That clause 1 stand part of the Bill.

The motion was carried.

Clause 2.

Mr. Speaker : The question is—

That sub-clause (i) stand part of the clause.

The motion was carried.

Munshi Hari Lal (South-Western Towns. General, Urban) : I request that amendments Nos. 1 to 4 may be taken together. They are so connected that one cannot be separated from the other.

Mr. Speaker : Amendments Nos. 1, 2, 3 and 4 will be discussed together and put to the vote of the House, if necessary, separately.

Munshi Hari Lal : I beg to move—

That in sub-clause (ii), line 2, between the words "Chamber" and "the" the word "and" be inserted.

That in sub-clause (ii), lines 3—5, the words "and.....precincts," be omitted.

Diwan Chaman Lall's amendment No. 2 is also the same. If we look at the definition that is given in the Bill which has emerged out of the Select Committee, I find that—

"(ii) 'Assembly building' means the Assembly Chamber, the lobbies and all other portions of the Assembly building, and includes its precincts....."

My submission is that I find vindictiveness in the definition. When a member is named and he is asked to withdraw, he is asked to withdraw from the Assembly building. It is not only the chamber in which he may have committed a breach of the rules and may have wilfully disobeyed the orders of the Chair. It is not only the lobby. It is every part of the building. Not only every part of the building, but outside also. A member who is named and asked to withdraw cannot remain in the Assembly building. He cannot go to the room occupied by the Leader of the Opposition. He cannot go to the room occupied by the Deputy Secretary or by the Secretary. He cannot even see the Speaker in his room. He cannot take advantage of the dining room or the bath room. He cannot even stand upon the grassy lawn which is outside the walls. (*Laughter.*) Parks are included within the definition. I believe that the sponsors of this Bill or the Treasury benches do not mean such a hard and fast definition. If they do, then I could say, "Wonderful, dark and mysterious and inscrutable are thy ways, Bureaucracy!"

What is the punishment that is going to be given? If he wants to ease himself in the Assembly building, he cannot do so. He cannot take advantage of a drop of water in the building and its precincts. If he is unfortunate enough to go out of the walls, there also he is not allowed to stand. He is to be excluded.

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

[Munshi Hari Lal.]

Could anything more rigorous be inserted than what has been laid down in the definition of 'Assembly building'? I say that vindictiveness has gone beyond the limits of propriety. It is true that vindictiveness does not know the limits of propriety. The definition as it stood in the Bill, before it emerged from the Select Committee, was much better than the one which has been adopted in the Select Committee. The definition there was—

"(ii) 'Assembly Chamber' includes the lobbies and such other portion of the Assembly building as may be specified by the Speaker by rules made in this behalf...."

(*Interruption*). I, therefore, move that the word 'Assembly building' should be so defined as to provide simply the exclusion of the member from the chamber and not from any other part of the building. This Bill was brought forward with an indecent haste. After all the dignity of the House is being maintained as it is acknowledged by the Premier that the tone of the House had improved. Unfortunately this Bill was brought forward in hot haste and no attention appears to have been paid to the definition which is hardly open to reason and which can hardly stand the test of argument. The House should realise that it will be very hard for them if they are ever ordered by the Speaker advertently or inadvertently, intentionally or unintentionally to go out of the Assembly building. It would mean that they cannot remain in any part of the building, not only any part of the building but outside also as the jurisdiction of the Speaker will extend up to the limits of the public roads which surround this Assembly hall. I do not know what are its 'precincts.' Let the word 'precincts' be defined. If they are particular about the retention of the word 'precincts' let them define what they mean. In order to escape any liability let us know exactly the precise limits of the 'precincts' so that I may not commit an offence. With these words I move the amendment.

Mr. Deputy Speaker : Clause under consideration. Amendments moved are :—

That in sub-clause (ii), line 2, between the words 'Chamber' and 'the' the word 'and' be inserted.

That in sub-clause (ii), lines 3—5, the words 'and.....precincts' be omitted.

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, General, Urban) : Mr. Deputy Speaker, I have got a separate amendment in my name somewhat identical in nature. I bring in this amendment because I do not want even the lobbies to be included in the Assembly hall for the purposes of this Bill. The amendment is—

That for sub-clause (ii) the following be substituted—

"Assembly Chamber" means the Chamber only in which the Assembly meets and carries on its deliberations as empowered under the Government of India Act and shall not include lobbies or any other part of the building.

What was the cause which led this Government to bring this Bill before the Assembly? It was this that certain members of the House behaved in a manner prejudicial to the successful conduct of the business of the House. It was alleged that there were certain members who created disorder in the House. It was alleged that certain members flouted the authority of the Chair and made it impossible for the House to conduct its business. That was the central idea which goaded the Government to bring forward this Bill. If that is a fact, then the question of disorder arose within the precincts of this Assembly hall and not outside. No

such incidents occurred either in the lobbies or any other part of the building which could be considered even in the remotest sense to be disorderly, undignified or ugly. Members have differences with the Speaker, members have differences with the Government and those differences were carried rather too far in order to teach a lesson either to the Government or some other authority, but that lesson was taught to the Government within the precincts of this Chamber. Why should other parts of the building be included in this? I hope the Premier will consider this amendment and accept it. There is another section, section 4, which empowers the Speaker to direct the Sergeant-at-arms or any of his deputies to remove or exclude from the Assembly any person. If you compare this with the clause we are discussing you will agree with me that they are anomalous. The Deputy Speaker is authorised to chuck a member out from any part of the building. That means that he has got the right to chuck him either from the Assembly Chamber or any other part. I think this is rather anomalous. The question of creating disorders arose only inside the Chamber. Therefore we should not extend the already nefarious character of the Bill to the other parts of the building. With these words I press my own amendment.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural): My amendment relates to the exclusion of the precincts of the Assembly from the definition of the Assembly building. It does not mean that I am in favour of the inclusion of the lobbies and other parts of the Assembly building in the definition of Assembly building. What I want is that Government at least should realise that if they are going to reject the first two amendments they would be reasonable enough at least to exclude all these precincts because the word "precincts" is not defined. We do not know what it would mean. Possibly it may mean the grassy plots around the Assembly Chamber. It may go still further. We do not know what that word means. For these reasons at least, if Government is not going to accept the first amendment, Government should accept this amendment. At the same time you will find in clause 5, one of the duties of the Sergeant-at-Arms would be to keep the doors of the Assembly building. That would mean that the Sergeant-at-Arms would be standing there and the Sergeant-at-Arms or his deputy, or servant or messenger would be standing there. I would like to know from the Government whether the Sergeant-at-Arms or his deputy or a servant would be keeping the door. Where there are no doors then all those roads leading to the Assembly Chamber might be taken as doors and certain persons put there. In any case you will find that the including of precincts is quite unreasonable and unnecessary.

Premier (The Honourable Major Sir Sikander Hyat-Khan): Sir, I am afraid my honourable friends opposite are labouring under some misunderstanding. This clause, as you will notice, relates to the definition. Now, we have tried to define 'Assembly' as meaning the Legislative Assembly, and the 'Assembly Chamber' as meaning the building and also the compound of the Assembly Chamber. Here we have merely followed the definition with regard to the precincts adopted by the House of Commons. There the precincts are defined as the area within the walls of the Westminster. The

4 P.M.

[Premier.]

honourable members are unnecessarily excited over this definition, because as they have themselves said, clause 4 is an operative clause and there we have given the fullest possible discretion to the Speaker to remove or exclude a member or a person from the Assembly Chamber, from the lobbies, from the building and from the precincts altogether. There is one other point which my honourable friends seem to have overlooked and it is this that this Bill does not merely relate to the members of this House. It also governs equally the strangers and other persons who may be allowed to the House and a contingency may occur when an individual visitor or a group of visitors comes and creates rowdyism or trouble within the precincts of the House, and, therefore, the Speaker should have the fullest possible liberty to remove or exclude those people from the precincts of the House itself. How would my honourable friends feel if some strangers come in the building and they refuse to quit the building. Then it would be for the Speaker to ask the Sergeant-at-Arms to ask those persons to remove themselves from the building and if they refuse to do so, then such action as may be necessary will be taken to remove them from the building as well as from the precincts, so that they may not create disturbance or rowdyism in the House. The honourable members must remember that this Bill will not only govern the persons within this chamber, but it will also govern the strangers and visitors who may come within the precincts of the Assembly Chamber. I hope after that explanation my honourable friends will not press their amendments.

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

Dr. Sant Ram Seth (Amritsar City, General, Urban) (Urdu): Sir I have given notice of an amendment which reads as follows—

That for sub-clause (ii) the following be substituted—

(ii) 'Assembly Chamber' means the chamber only used by the Assembly to carry on its business under the Government of India Act of 1935 and shall not include lobbies or any other part of the building.

I may submit that if any honourable member infringes the rules of procedure of the Assembly or otherwise behaves in a disorderly manner, you can direct him to withdraw immediately from the Assembly. In this connection I wish to point out that when you ask any member to withdraw from the Assembly, you should at least permit him to go to the lobbies and sit there. If my honourable friends over there wish that such member or members should even go out of the lobbies that would amount to great injustice. Honourable members are after all honourable members. Any honourable member who is so asked to withdraw will not bear to go to the visitors' gallery and watch the proceedings of the Assembly from that place. On the other hand, he should be allowed to go to the lobbies and sit there. I therefore submit that for the purposes of this Act the Assembly should mean the Chamber only where the business of the Assembly is carried on under the Government of India Act, 1935, and it shall not include lobbies or any other part of the building. A member whose conduct in the opinion of the Speaker is grossly disorderly should be asked to withdraw from the Assembly Chamber only and he should be permitted to sit in the lobbies. With these words I resume my seat.

Sardar Sohan Singh Josh (Amritsar North, Sikh, Rural) (*Punjabi*): Sir, the definition with regard to the Assembly buildings, as provided in the clause now before the House, is vague and of a very wide character. If it is not amended as has been suggested by my honourable friend Chaudhri Krishna Gopal Dutt in his amendment and allowed to remain as it stands, it will, in my opinion, prove a source of utter disgrace and indignity to the honourable members of the House. We earnestly feel to-day that the Government will be doing a flagrant injustice to the honourable members if they retain this definition. I realise that we are in a minority and Government will not, therefore, pay any heed to our amendment as they have a comfortable majority at their back. But I should like to make it clear that politics is not a sure ground. If to-day we are in a minority, to-morrow there is every likelihood of our being returned in a majority. A time may come when your majority will be converted into a minority. In that case when we would bring forward measures relating to tenancy laws, they would certainly feel a pinch and try to move heaven and earth. If at that time they adopt an obstructionist attitude and kick up a row, they would be removed from the buildings of the Assembly under the very provisions of the law which they are going to enact to-day. It is possible that an honourable member holding at present a portfolio, may somehow or other by his disorderly behaviour fall a victim to this law. His exclusion from the Assembly buildings amongst the derisive cheers of the watching crowd at that time would certainly bring him to disrepute and infamy. Mr Speaker, the Honourable Premier has laid great stress on the words "Assembly buildings or any part thereof" occurring in clause 4 of the Bill. In other words it means that you will be empowered to remove or exclude any member from the precincts of the Assembly buildings even. This is really unfair. Government should not overlook the fact that they are not installed in their high offices for good. Some one is bound to take their place. They will, then, have to bear the same humiliations as they are going to perpetrate on the Opposition to-day. Again there is every likelihood of the fact that an honourable member finding disfavour with the Speaker sitting in the Chair at the time may be removed from the Assembly Chamber out of sheer vindictiveness. Every Speaker, after all, is a human being and may like or dislike certain persons and in my opinion, therefore, such wide powers should not be given to him. Hence I am of the opinion that the definition put forward by my honourable friend Chaudhri Krishna Gopal Dutt is very appropriate and I appeal to Government that they would be well advised to accept his amendment. With these words I support the amendment under discussion.

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi Division, General, Rural): Sir, the Honourable the Premier has very rightly pointed out that this Bill relates to preservation of order, if I may so call it, not only amongst the members of this House while sitting in the Assembly Chamber but also amongst those persons who do not happen to be the members of this House and who might choose to create disturbance in the Assembly building or within the precincts of the Assembly building. But, Sir, what is resented on this side of the House is that it also confers a right upon the Speaker or the Deputy Speaker to exclude a member, not only from the Assembly Chamber from where his exclusion may be desirable to secure the observance of the rules of procedure framed by this House, but that it also confers

[R. B. Mukand Lal Puri.]

a power upon the Speaker or the Deputy Speaker to exclude him from the lobbies, from the tea hall, from small committee rooms, from the library or from other places, to whose use he is entitled as a member of this House where he cannot possibly be guilty of any breach of the rules of procedure which might in some extreme cases necessitate his exclusion from the Assembly Chamber. I take it, Sir, if I understood the Premier correctly, that the intention of the Government is that power should be given to the Speaker to exclude a member from the Chamber and other persons from the precincts of the Assembly building also. Therefore after hearing the speech of the Honourable the Premier I am moving an amendment to clause 4 so as to secure this object. If this amendment of mine is accepted it will take away the sting which at present exists in the definition of the expression "Assembly building." Government certainly should not intend, and I at any rate am not prepared unless I hear to the contrary to attribute this intent to the Government, that it not only wants the exclusion of a member from this Chamber, but also wants to add insult to him by excluding him from any part of this building. I take it that the Honourable Premier does not mean anything of that kind. The only object of this Bill is to see that the work of this House is carried on smoothly and without any undue disturbance. This can certainly be secured by the exclusion from the Chamber of any member who causes disturbance. But with respect to outsiders, I do not at all mind if powers are given to the Sergeant-at-Arms to exclude them from the lobbies, the office of the Legislative Assembly, the galleries and the precincts if and when so ordered by the Speaker. I appeal to the Honourable Leader of the House to do everything he likes for maintaining discipline and order in the House and to take all the powers that he wants to exclude undesirable outsiders from the precincts of the House, but let him not under this Bill do anything which might leave room open for inflicting indignity on any present or future members of the House.

Mian Abdul Aziz (Outer Lahore, Muhammadan, Urban) (*Urdu*) : Sir, the Bill under consideration is open to various objections. In the first place, the very introduction of this Bill in the House constitutes a disgrace for the House and brings shame to the members because it implies that the honourable members are incapable of carrying on their business peacefully. Even if we admit that there was need for such a measure, I will hold that the proposed Bill goes much further than its true aim. After all what is the object of the Bill? The real aim is this that the business of the House may be carried on smoothly without any disorderly scenes. But the scope of the Bill that has been presented is much wider than that. It may be all right for dealing with outsiders but in regard to the members, it is too wide and stringent. Mr. Speaker, by this provision you are being given a power, a very vast power to turn out a member who may be guilty of disorderly conduct not only from this Chamber but also from the whole building and the adjoining grounds and lawns. I presume the real object underlying this Bill is to attain a peaceful atmosphere in this House by turning the disturbing elements out of it. If that is the object of this Bill, I for one cannot understand why a member, an elected member, should be turned out of the whole building and the adjoining grounds and lawns and be thus put to disgrace. I take it for certain that the framers of the Bill do not

intend to disgrace or dishonour individual members and their main object is to ensure a peaceful and smooth sailing. My learned friend Dr. Sahib quoted from Snowden's book to show that this measure under the present circumstances is absolutely uncalled for. I wanted to say that unnecessary restrictions should not be put on the members of this House. (A voice: Shoes are thrown at one another in the British Parliament.) If need be that will be done here as well. (Laughter.) In this House there are some of my friends who play the role of the Speaker by shouting "Order, order" so very often. Anyhow I would like to invite your attention to clause (2) of this Bill which reads as follows:—

"Assembly building" means the Assembly Chamber, the lobbies and all other portions of the Assembly building and includes its precincts.

Then again in clause (4) the following words occur—

The Speaker shall have the power to remove or exclude from the Assembly building or any part thereof.....

I strongly object to this. I have seen both the Houses of Parliament. There is no such provision there, as far as I remember to drag a member out of the precincts of the Houses of Parliament.

If the House were to accept the definition of "Assembly building" as it stands in the Bill it would lead to grave and serious consequences. Supposing an honourable member is directed by you, Sir, to withdraw from the House but he refuses to withdraw, you would naturally order the Sergeant-at-Arms to remove him from the Assembly building. Now after having been removed from the building the poor fellow would neither be able to make use of the bath room nor of the dining room. And if the "Assembly building" includes the surrounding parks the condition of that unfortunate member would take an extremely pitiable turn. In this case he would have no quarter between the Queen's Statue on the one side and the Montgomery Road on the other. It would indeed be a great hardship to the honourable member so removed from the Assembly building. I would, therefore, request the Honourable Ministers to think over this point again and not to rush through this Bill with a complete disregard of the consequences. They should desist from establishing such an odious convention of turning down every proposal emanating from this side of the House, howsoever reasonable it might be. They should not judge every such matter in terms of prestige. In the end, I would submit, Sir, that I share the opinion of the honourable movers of these amendments and definitely hold that the term "Assembly building" should only mean the "Assembly Chamber," so that the honourable member so removed may sit in the lobbies. I would again request the Government to reconsider this point of far-reaching consequences. They should abstain from taking any hasty step in the matter. With these words, Sir, I whole-heartedly support the amendment under discussion.

Malik Barkat Ali (Eastern Towns, Muhammadan, Urban): It is provided in this Bill that the powers of the Sergeant-at-Arms shall be, to quote the language of the corresponding English Act, those "of a house-keeper" of the Assembly building. In other words, it shall be the duty of the Sergeant-at-Arms, to use the language of this Bill, 'to keep the doors of the Assembly building.' If that is rightly interpreted, it means that the Sergeant-at-Arms is not only a keeper of the Assembly Chamber, but he has got

[Malik Barkat Ali.]

to see to the lobbies and the other portions of the Assembly building. Therefore I may draw the attention of the honourable members who argued that there was some sinister purpose behind this definition to the fact that if the Sergeant-at-Arms must look to all the portions of the Assembly building, then, to that extent there cannot be any sinister or illegitimate purpose behind this definition. Therefore, so far as the definition of Assembly building is concerned, it must mean not only the Chamber but it must mean also the lobbies and other parts of the building.

Objection has been taken that power is being given to the Speaker to order the Sergeant-at-Arms to remove or exclude from any part of the Assembly building any person who in the opinion of the Speaker infringes the rules of procedure of the Assembly or otherwise behaves in a disorderly manner. Now, I have absolutely no intention of saying anything which might give offence. I only desire here to refer to the Standing Order 19.(2) of the House of Commons at page 310 of the Manual of Procedure of the House of Commons in the Public Business, 1934 Edition. It reads as follows.

Provided always, that members who are ordered to withdraw under this standing order or who are suspended from the service of the House under the standing order 'Order in debate' shall *forthwith withdraw from the precincts of the House*, subject, however, in the case of such suspended members, to the proviso in that standing order regarding their service on private bill committees.

We have thus only followed in our Bill the provisions of the House of Commons and I therefore do not see any vindictiveness in it. Besides I may draw the attention of the House to the proviso to clause 4. The Speaker is given discretion to exercise his power according to the circumstances of each case. Therefore my respectful submission is that we should not read in these provisions any intentions or motives which do not exist. We should not read in these provisions meanings which do not exist. I would like the honourable members to note that this provision is after the model of the House of Commons.

POINTS OF PRIVILEGE.

Mr. Speaker : It is now 4.30. We shall therefore take up the further discussion of this clause at the next meeting.

The other day Sardar Sohan Singh Josh used the expression 'Unionist Party muradabad.' A point of order was raised in that connection and I promised to give my ruling after carefully considering the matter.

Sardar Hari Singh : He said 'down with the Unionist Party.'

Mr. Speaker : I have given my consideration to the matter. I have not found any parallel in the Reports of the House of Commons because such slogans are not used there. However, I consider that the expression is not so offensive as it appears to be, but it does not appear to be safe if it is held to be a proper and parliamentary expression. I therefore suggest that it may be withdrawn.

Sardar Sohan Singh Josh : You have ruled that it is not an offensive expression.

Mr. Speaker : Yes. I did say that it was not so offensive as it appeared to be. But if it is held to be parliamentary, similar slogans might be used by the other side and this may lead to unpleasantness. However, as the hour of sitting is over, I will not proceed further in this matter.

As to the question of privilege, I will go through the newspapers and if I find that there is some substance in any of the complaints, I will bring the matter before the House ; but not otherwise.

The Assembly then adjourned till 2 p.m., on Thursday, 6th April, 1939.

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PUNJAB LEGISLATIVE ASSEMBLY.

FIFTH SESSION OF THE 1st PUNJAB LEGISLATIVE ASSEMBLY.

Thursday, 6th April, 1939.

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

STARRED QUESTIONS AND ANSWERS.

BHOOSA TAQAVI DISTRIBUTION IN ROHTAK DISTRICT.

***4322. Pandit Shri Ram Sharma :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it has come to the notice of the Government that there is general complaint and resentment in Rohtak district against the arrangements for the *bhoosa taqavi* distribution ;
- (b) whether this specific complaint has also come to his notice that when the zamindars go to the contractor with a *taqavi* slip they are either offered bad *bhoosa* or are forced to accept Rs. 2 less cash payment, i.e., Rs. 8 for *bhoosa* worth Rs. 10 ;
- (c) if answer to the above be in the affirmative, whether any inquiry has been made into these complaints and, if so, what action has been taken in the matter on the result of the inquiry made ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) No.

(b) A complaint was received by the deputy commissioner, but on enquiry it was found to be incorrect.

(c) A general warning has been issued to all fodder contractors in the district.

Pandit Shri Ram Sharma : Has the Government enquired from the deputy commissioner, Rohtak, as to whether he received any such complaint ?

Parliamentary Secretary : I have already stated that a complaint was received but on enquiry it was found baseless.

Pandit Shri Ram Sharma : Has he received any complaints other than this particular one ?

Parliamentary Secretary : Only this complaint was received and it was found to be baseless.

Pandit Shri Ram Sharma : Is the Government aware of the fact that besides these representations great indignation has been expressed in the public meetings and local papers against these defective and dishonest arrangements for the *bhoosa tagavi* distribution ?

Parliamentary Secretary : Whether the Government receives one complaint or twenty, the enquiry is always very careful and sifting in every case. But if the complaints are baseless what can the Government do ?

Pandit Shri Ram Sharma : Is it the only complaint made against these arrangements ?

Parliamentary Secretary : I have already stated that we enquired into the matter and the complaint was found baseless. However the Government issued instructions that such a thing should never happen.

Munshi Hari Lal : The question relates to the number and not to the nature of complaints. What we want to enquire is whether the Government received only one or more complaints.

Mr. Speaker : This question has been asked twice and answered twice.

Pandit Shri Ram Sharma : Has this fact been brought to the notice of the Government that when the president, municipal committee, Jhajjar, and a large number of other zamindars of that tahsil approached the deputy commissioner, the revenue assistant and the tahsildar at Thall, in order to place before them their complaints and show the malpractices of the contractor, they neither gave them any patient hearing nor instituted any enquiry into the matter.

Parliamentary Secretary : This is no question at all. The honourable member has supplied both the question and the answer himself.

Pandit Shri Ram Sharma : What I want to enquire is whether this fact has been brought to the notice of the Government ?

Parliamentary Secretary : Which fact ?

Pandit Shri Ram Sharma : Whether those people went to see the deputy commissioner and the revenue assistant and their attitude.

Parliamentary Secretary : That is no complaint.

Pandit Shri Ram Sharma : Is it a fact that at a public meeting held at Khudan on the 13th February it was unanimously urged upon the Government to take prompt action for stopping the malpractices of the contractor ?

Parliamentary Secretary : I have already stated that we received a complaint but it was found to be baseless on enquiry; however, we issued instructions to the officers concerned for making better arrangements in the matter.

Pandit Shri Ram Sharma : Which complaint was found to be baseless on enquiry ?

Parliamentary Secretary : The complaint which my honourable friend has referred to.

**CORRUPTION AND MISMANAGEMENT IN THE DISTRIBUTION OF
TAQAVI.**

***4364. Pandit Shri Ram Sharma :** Will the Honourable Minister for Revenue be pleased to state—

- (a) whether he is aware of the fact that Shaikh Abdul Ghani, Secretary, Majlis-i-Ahrar, Rohtak, represented a serious grievance to the deputy commissioner, Rohtak, on the 24th January, 1939, regarding corruption and the mismanagement in the distribution of *taqavi* in the form of *bhoosa* to the poor zamindars of the Rohtak district, if so, the action taken thereon;
- (b) the name of the contractor and the officer against whom the allegations contained in the representation were made?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) Yes; but the allegations were found to be incorrect.

(b) No useful purpose will be served by giving the names of persons against whom the complaint was made.

Pandit Shri Ram Sharma : What was the nature of the complaint that was found incorrect on enquiry?

Parliamentary Secretary : The allegations made by the complainant were as follows :—

- (1) That the contractors paid cash to the *taqavi parchi* holders instead of giving them *bhoosa* by making short deductions.
- (2) They passed on permits to sub-contractors by agreeing to accept *bhoosa* from them at lower rates than that at which they have agreed to give for *taqavi*.
- (3) He also stated that it was rumoured that the Revenue Assistant was a shareholder with the contractors.

Pandit Shri Ram Sharma : May I enquire the name of the person who made those allegations?

Parliamentary Secretary : The honourable member has himself stated that Shaikh Abdul Ghani, Secretary, Majlis-i-Ahrar, Rohtak, and a member of the local Congress Committee made those allegations. My submission is that these allegations were found baseless on enquiry.

Pandit Shri Ram Sharma : The copy of the complaint which I have in my possession at present states that a certain person who had a serious grievance against the malpractices of the contractors represented to the deputy commissioner, Rohtak, but no action was taken by him in the matter. On the other hand, a few days later, the poor complainant was beaten at the instance of somebody.

Mr. Speaker : Disallowed.

Pandit Shri Ram Sharma : My submission is that the representation which the honourable Parliamentary Secretary has read out is quite different from the one which I have got in my possession at present and on the basis of which the question is being asked.

Parliamentary Secretary : Our information is only this that Shaikh Abdul Ghani had a fight with the men of the fodder contractors and was beaten by them. He also wanted permits to import fodder for trading purposes but was refused.

Pandit Shri Ram Sharma : What I want to ask is whether it is a fact that he made a complaint to the deputy commissioner on the 24th January, 1939 ; if so, whether he was beaten at the instance of the contractor or not. If the answer to both these questions is in the affirmative whether any enquiry was made into this act of *goondaism*.

Parliamentary Secretary : His question only relates to the allegations which were found incorrect on enquiry. If he wants to know as to why he was beaten he should better give a fresh notice.

Pandit Shri Ram Sharma : What I want to ask is whether the representation, dated the 24th January 1939, a copy of which I have got in my possession at present, is the one concerned.

Parliamentary Secretary : His question related only to the mismanagement in the distribution of *tagavi* in the form of *bhoosa*, and in reply to that I have already stated that this allegation has been found baseless on enquiry.

Pandit Shri Ram Sharma : What I like to enquire from the honourable parliamentary secretary is whether such a treatment is meted out to all those who bring their grievances to the notice of the higher authorities ?

Mr. Speaker : The honourable member's question was " whether Shaikh Abdul Ghani, Secretary Majlis-i-Ahrar, Rohtak, represented a serious grievance to the deputy commissioner, Rohtak, on the 24th January, 1939, regarding corruption and mismanagement in the distribution of *tagavi* in the form of *bhoosa* to the poor zamindars of the Rohtak district. If so, the action taken thereon." If the complaint contained other matters the honourable member did not include them in his question.

Pandit Shri Ram Sharma : My submission is that all those who manage to place their grievances before the officers concerned are beaten and maltreated at the instance of somebody.

Mr. Speaker : That was not the honourable member's original question.

Pandit Muni Lal Kalia : It does arise as a supplementary question.

Mr. Speaker : It does not arise out of the answer.

Sardar Sahib Sardar Santokh Singh : By whom was this complaint investigated ? Were any witnesses examined ?

Parliamentary Secretary : It was investigated by the deputy commissioner.

Sardar Sahib Sardar Santokh Singh : What about the second part of my question ?

Parliamentary Secretary : I am not in a position to answer that.

Lala Duni Chand : May I know if the Government is prepared to give any weight to the earnestness and sincerity of a responsible member,

namely, Pandit Shri Ram Sharma regarding the correctness of this complaint and is the Government prepared to give any consideration to this fact?

Mr. Speaker : That question also is irrelevant.

SALE OF PUBLIC PARK AT KHANEWAL.

***4447. Makhdumzada Haji Sayed Muhammad Wilayat Husain Jeelani :** Will the Honourable Minister for Revenue be pleased to state—

- (a) when a part of the public park at Khanewal was sold to Seth Bhoja Ram and why it was sold for a nominal sum as against the offer of 45 thousands rupees of Seth Mangat Rai;
- (b) its length and breadth;
- (c) whether any representations were made by the public to the Government against this sale;
- (d) whether the Khanewal municipality was consulted before the above-named sale was sanctioned;
- (e) whether it is a fact that the Khanewal municipality protested against the sale and passed a resolution requesting the Government to acquire back the said part;
- (f) the rules under which the Government sold the above-mentioned plot;
- (g) whether the Government has done anything in the matter; if not the reasons therefor?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) *First part.*—In February, 1938.

Second part.—The land was sold at Rs. 1,500 per *kanal* which was reported to be the market value of the land for the purpose for which it was sold.

Third part.—Government never received an offer from Seth Mangat Rai of Rs. 45,000 for the land. It may be mentioned that the park was so badly kept that there was nothing to indicate at site that it was supposed to be such.

$$(b) 280' \times 52 \frac{5}{8}.$$

(c) Yes.

(d) The municipal committee as such was not consulted because the land belonged to Government. The President was consulted in his capacity as sub-divisional officer.

(e) Yes.

(f) These are given in paragraph 231 of the Colony Manual (1933 edition).

(g) Yes. Government have sanctioned the exchange of this land with another plot measuring four *kanals* at the corner of the site at present reserved for a *gadda khana*.

Government have also sanctioned the transfer of the land, on relinquishment by Seth Bhoja Ram, to the municipal committee, for the purposes of a public park.

**REPRESENTATION AGAINST CHAUDHRI KHAIR-UD-DIN, DAROGHA,
AT GHAGGAR.**

***4454. Lala Duni Chand :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is true that a written representation signed by Basant Singh, Jat, Nathu Ram Khatri, Puran Singh Saini, and 197 other persons of Mani Majra of Ambala district against Chaudhri Khair-ud-Din, darogha at Ghaggar, was made to the deputy commissioner, Ambala ;
- (b) whether the representation contained allegations of unfair and unequal distribution of water, acceptance of illegal gratifications, levying of black mails and promoting of strife and feud among villagers, etc. ;
- (c) whether on the said complaint being made over to the sub-divisional officer, Rupar, for inquiry, ninety witnesses were produced in support of the allegations made ;
- (d) the substance of the report made by the sub-divisional officer and the action taken thereon ;
- (e) whether he will be pleased to place a copy of the report made and of the order thereon ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a), (b) and (c) Yes.

(d) and (e) The case is still under enquiry. I regret, therefore, I am unable to give the information required by my honourable friend.

Lala Duni Chand : May I know if, in view of the admitted fact that two hundred persons made the complaint in writing and as many as ninety persons came forward to give evidence in support of the complaint, any difficulties have been experienced by the Government or the local authorities in deciding this matter which has been pending for more than a year ?

Parliamentary Secretary : I have mentioned no difficulties.

Lala Duni Chand : May I know if the Parliamentary Secretary is aware of the fact that two hundred signatories of the complaint belonged to all communities ?

Parliamentary Secretary : I have no reason to doubt my honourable friend's statement.

Lala Duni Chand : May I know if the complaint is also to the effect that that regime of corruption on the part of this gentleman has been going on for the last fourteen years ?

Parliamentary Secretary : The enquiry is being made, as I have already stated, and I am unable to give any information at present.

Lala Duni Chand : May I know if in view of the overwhelming evidence in support of the allegations admitted by the Parliamentary Secretary, he will draw the attention of the local authorities to the seriousness of the matter involved ?

Parliamentary Secretary : The local authorities are already taking a serious view of the question and that is why they are making an enquiry.

Lala Duni Chand : How long has the matter been pending ?

Parliamentary Secretary : Since the time this complaint was received.

Lala Duni Chand : May I know if the complaint was made more than a year ago ?

Parliamentary Secretary : I cannot give you the exact date.

Lala Duni Chand : May I know if the Government have realized the seriousness of the scandalous state of things ?

Parliamentary Secretary : I am only concerned with this particular matter of the question.

Khawaja Ghulam Samad : May I know whether these representations were based on some conspiracy and intrigue against the officer ?

Lala Duni Chand : May I know if the Parliamentary Secretary is prepared to give any weight to the allegation made by the honourable member from Ambala ?

Parliamentary Secretary : I have already said that the matter is under enquiry ; I therefore cannot help my honourable friend on this side or on that.

Pandit Shri Ram Sharma : May I know if the recording of evidence is still continuing or has it finished ?

Parliamentary Secretary : In view of what I have already said, the Government do not consider it necessary to go into these details.

Pandit Shri Ram Sharma : I want to know whether the evidence is still being recorded ?

Parliamentary Secretary : When an officer has reported that an enquiry is being held, Government does not consider it necessary to further probe into these details, till the report is received.

Lala Duni Chand : Will the Parliamentary Secretary be pleased to assure me and the honourable House that this enquiry, which is based on a complaint signed by 200 persons and in which ninety witnesses have come forward to support the complaint, will not be brushed aside because somebody says that it is a personal case.

Mr. Speaker : Disallowed.

FAMINE-STRICKEN PEOPLE OF HISSAR.

*4465. **Sardar Hari Singh :** Will the Honourable Minister for Education be pleased to state—

(a) whether on medical examination the people of the famine-stricken district of Hissar have been found to be deficient in vitamine D ;

(b) if answer to (a) above be in the affirmative, action taken or proposed to be taken by the Government in the matter ?

The Honourable Mian Abdul Haye : (a) A considerable number of the inhabitants of Hissar, especially nursing mothers and children, have, I am sorry to say, been found to be suffering from a deficiency of vitamine D in their diet.

(b) Cod Liver Oil is now available for those suffering from the deficiency at all relief camps and at all the sixty rural and district board dispensaries in the district. In addition carrots are being issued where necessary. I should perhaps inform the honourable member that this vitamine deficiency is less marked amongst individuals employed on the relief works since sunlight to some extent counteracts it.

Dr. Gopi Chand Bhargava : May I know the quantity of Cod Liver Oil supplied ?

Minister : I am unable to give the whole quantity.

Dr. Gopi Chand Bhargava : Has any enquiry been made as to the number of persons suffering from this deficiency of vitamine D ?

Minister : I have already stated that the number is not very large.

Dr. Gopi Chand Bhargava : May I know if the Government is aware that there is something else which can supply vitamine D at a much cheaper cost ?

Minister : If the honourable member is in a position to make a suggestion, I shall be very grateful to accept it.

Dr. Gopi Chand Bhargava : Has it been reported to the honourable minister that ordinary *sarson* oil exposed to the sun for two days contains vitamine D ?

Minister : It has not been reported to me, though I can take it from him.

Dr. Gopi Chand Bhargava : Is the honourable minister aware that many people have objection to taking animal diet like Cod Liver Oil ?

Minister : I suppose many people do not like its taste either.

Dr. Gopi Chand Bhargava : Is there any religious objection ?

Minister : Some people may have.

Dr. Gopi Chand Bhargava : What arrangements has Government made to supply vitamine D to such people who have religious objection ?

Minister : So far no such report has been submitted to the Government that any people have religious objections to taking Cod Liver Oil, but if a complaint is made, I shall enquire into the complaint and shall try to substitute some other article.

ERADICATION OF BEGAR FROM THE PROVINCE.

***4492. Lala Harnam Das :** Will the Honourable Minister of Revenue be pleased to state—

(a) whether it is a fact that the Punjab Government has been issuing *communiqués* over and over again for the prevention of taking forced labour (*begar*) ;

- (b) whether it is a fact that these *communiqués* and circulars have not succeeded very much in eradicating this evil; if so, whether Government now intends to pass any legislation for rooting out this evil from the province and, if not, why not?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) Yes.

(b) The Government does not admit that these *communiqués* and circulars have failed in their purpose. The question of passing legislation does not therefore arise.

Lala Harnam Das : Is the Parliamentary Secretary aware that these circulars were issued long ago? When no action was taken on them previously, how could we expect that now they will be acted upon?

Parliamentary Secretary : The problem of *begar* is as old as our circulars. Government have no reason to believe that no action was taken on them.

Pandit Shri Ram Sharma : May I know if these circulars, which have been in vogue for years, have proved effective?

Parliamentary Secretary : In this connection Government have made their policy quite clear to the public. They have urged upon the officials the desirability of making a vigorous anti-*begar* campaign. At the same time they have been told that any encouragement or taking of *begar* on their part would bring them in disfavour with the Government.

Pandit Shri Ram Sharma : Have Government endeavoured to find out whether the instructions issued by them are being carried out?

Parliamentary Secretary : Yes. So far as Government are aware the instructions are being carried out.

Pandit Shri Ram Sharma : May I know if as a result of these circulars the *begar* has been put to a stop?

Parliamentary Secretary : The honourable member has gone too far. What I meant was that these circulars did prove effective in eradicating *begar* Government do look down upon the system of *begar*.

Pandit Shri Ram Sharma : May I know as to what extent *begar* has been prevented?

Parliamentary Secretary : I have not calculated the percentage.

Pandit Shri Ram Sharma : If the evil of *begar* has not been eradicated cent. per cent., it must have been done away with to some extent.

Lala Duni Chand : If it is true that the process of circular orders and warnings has gone on for the last fifty years since the late Lieutenant Governor, Sir Fitzpatrick, issued orders, then may I ask whether in spite of this the system of *begar* has not appreciably stopped?

Parliamentary Secretary : The Government are convinced that anti-*begar* campaign was not carried on so vigorously as has been done by the present Government.

Lala Duni Chand : May I know if, in view of the experience gained by the Government, it has ever considered this question that the *begar* will not be stopped unless it is made a crime by means of legislation? Has the Government ever considered this question?

Parliamentary Secretary : I have already answered that the Government think that there is no need of having any legislation on the subject.

Munshi Hari Lal : Is it not a fact that *begar* is prevalent in the Revenue Department on a very large scale ?

Lala Harnam Das : May I know if Government have taken the trouble of making enquiries as to whether *begar* has been put to an end in the Punjab ?

Parliamentary Secretary : When the Honourable Ministers go on tours they stress during their conversations with the people and the talks with the officials the necessity of not taking forced labour from the *achhuts*.

Lala Harnam Das : Has Government ever punished a Government official for taking *begar* ?

Parliamentary Secretary : If the honourable member gives notice, I shall be glad to make inquiries in the matter.

Lala Harnam Das : Has it come to the notice of the Parliamentary Secretary that last year Chaudhri Faqir Chand, M.L.A., sent a representation to the Tahsildar of his district with the recommendation from the Honourable Premier endorsed on it, to the effect that he should take steps to prevent taking of forced labour ? The Tahsildar showed the honourable member the order of the Premier and said he would see how this order would prevent him from taking *begar*.

Mr. Speaker : That is not a question but a speech.

Munshi Hari Lal : Does the Government call for a periodical report on this point from the subordinate officers ?

Mr. Speaker : No part of the answer deals with a report.

Munshi Hari Lal : Sir, I am asking about the prevention of *begar*.

Mr. Speaker : There is no answer about enquiry or report. If there is, then the honourable member may ask his supplementary question, but not otherwise.

Pandit Shri Ram Sharma : May I know if the Parliamentary Secretary is aware of the fact that in Rohtak district the authorities have adopted the attitude that complaints regarding forced labour be presented personally in the court and on stamped paper ?

Parliamentary Secretary : None to my knowledge.

Lala Duni Chand : May I know why it is, in the light of the admission made by the Parliamentary Secretary to the effect that the Government has not been altogether successful in stopping *begar*, that the efforts of the members on this side to make legislation to stop *begar* have been thwarted so many times by the Government ?

Parliamentary Secretary : I regret that the members on that side have made no such attempt which was—

Lala Duni Chand : May I know if the Parliamentary Secretary is aware of the fact that three or four Bills with a view to make *begar* a penal offence have been sought to be introduced and the leave for introduction has been refused ? Is it not a fact ?

Parliamentary Secretary : Government are of opinion that no legislation for this purpose is necessary at the present moment.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : Will the Parliamentary Secretary please state whether Government are aware of the fact that the capitalists extort forced labour not only from poor *achhuts*, but also from the well-to-do members of that community?

Parliamentary Secretary : I regret that I cannot admit this.

Sardar Kartar Singh : May I know whether those capitalists who take forced labour from the *achhuts* are generally *lambardars*?

Sardar Rur Singh : May I know if Government consider *begar* as an evil? If so, what steps are being contemplated to put a stop to it?

Lala Harnam Das : May I know if it is a fact that—

Mr. Speaker : I cannot allow the honourable member to make a statement or a speech.

Lala Duni Chand : May I know if the only method left with the Government now to stop *begar* is to invoke the aid of God?

Parliamentary Secretary : We do believe in God.

Pandit Shri Ram Sharma : As legislation to eradicate this evil is out of question, may I know in what particular manner the Government intend to end it?

Parliamentary Secretary : In the manner already stated.

Pandit Shri Ram Sharma : Does the honourable Parliamentary Secretary think that *begar* can be prevented only by issuing circulars?

Parliamentary Secretary : My honourable friend is already labouring under misconceptions. Let this be another addition to them.

Pandit Shri Ram Sharma : Is the honourable member of the opinion that issuing of circulars is the only method to cope with this problem?

Parliamentary Secretary : I have stated various methods for eradicating this evil.

Chaudhri Jugal Kishore : Do Government consider that by issuing circulars *begar* can be exterminated?

Parliamentary Secretary : Certainly.

Chaudhri Jugal Kishore : Then why is it still there?

Parliamentary Secretary : It is being stopped.

Chaudhri Faqir Chand : May I know whether an officer guilty of taking *begar* will be brought to book?

Parliamentary Secretary : Certainly. He will be severely dealt with.

Sardar Kartar Singh : What is the number of such officers as have been chastised for taking *begar*?

Parliamentary Secretary : I require notice for that.

Lala Harnam Das : Will the Parliamentary Secretary please state whether he is aware of the fact that the inhabitants of Bara Pind in Julundur were involved in a Bomb case when they refused to give *begar*.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : May I know whether the Government is going to stop that particular *begar* which is being offered by *achhuts* themselves?

Mr. Speaker : It does not arise from the answer. Disallowed.

Mrs. Duni Chand : May I know whether the Government is aware of the fact that in Jagadhri some three or four months ago, a member of scheduled caste had been tied to a tree and beaten to such an extent that he became senseless and whether the Government intend to take action against that cruel officer?

Parliamentary Secretary : If the honourable lady member please send a few words regarding that incident, the Government will take severe action against the man concerned.

Mrs. Duni Chand : I assure the Government that instead of putting down a few words I will bring the aged mother before the Honourable Premier of that man who has been beaten so mercilessly.

Parliamentary Secretary : I assure the honourable lady member that a few words written by her would do.

Sardar Mula Singh : Will the honourable Parliamentary Secretary be pleased to state whether the Government is prepared to dismiss those *lambardars* and *zaildars* who would be found taking *begar* from *achhuts*?

Parliamentary Secretary : Yes, the Government will dismiss them straight off.

Lala Harnam Das : Will the honourable Parliamentary Secretary be pleased to state whether it has come to his notice that when Ministers are on tour, camp fixing, loading and unloading and other work of this nature is done by *achhuts*?

Parliamentary Secretary : If *achhuts* keeping in view the facilities which the present Government is going to provide for them, serve them for a while merely out of gratitude, I do not think there is any harm in it.

Lala Harnam Das : Will the honourable Parliamentary Secretary be pleased to state what is the total amount of remuneration (*mehntana*) given to *achhuts*?

REPRESENTATION FOR REMISSION OF LAND REVENUE IN JULLUNDUR DISTRICT.

***4511. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that due to the failure of rain this year *kharij* crop has been much below the average in the Jullundur district;
- (b) whether it is a fact that repeated requests for remission of land revenue have been made by the zamindars concerned by resolution passed in the various public meetings held on different occasions in the district;

(c) whether it is a fact that thousands of kisans of the district have recently and collectively made representations to the district authorities for the remission of land revenue ;

(d) whether it is a fact that thereupon Deputy Commissioner, Jullundur, has recommended the remission of land revenue of *kharif* crop to the Punjab Government ;

(e) if the answers to parts (a) to (d) above are in the affirmative, the reasons for not granting remission in land revenue so far ?

The Honourable Dr. Sir Sundar Singh Majithia : I regret that the answer to this question is not ready.

REPORT OF THE LAND REVENUE COMMITTEE.

***4527. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Revenue be pleased to state—

(a) the date on which the report of the Land Revenue Committee was signed and submitted to the Government ;

(b) the date on which it was sent to the press ;

(c) the date on which it was received by the Government ;

(d) the date by which Government is expected to finish its consideration of the report ;

(e) when it is going to be published ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) 16th May, 1938.

(b) 26th May, 1938.

(c) 12th December, 1938.

(d) It is difficult to fix any definite date, but Government will endeavour to take up this matter as soon as possible.

(e) As soon as it has been considered by Government.

Diwan Chaman Lall : May I ask why such a long time was taken between the sending of the report to the press and the receipt of it by Government ?

Parliamentary Secretary : I think it has taken only 10 days which is not a very long time.

Diwan Chaman Lall : May I inform the Parliamentary Secretary that it was signed in May and the Government did not get it until December.

Parliamentary Secretary : I have already stated in the reply that a copy was received on the 16th May and was sent to the press on the 26th May.

Diwan Chaman Lall : May I ask whether a copy was received by the Government in December ? May I ask whether it is not a fact that it was stated on the floor of the House by the Premier himself that it was sometime in December that a copy was received ?

Parliamentary Secretary : It was sent on the 26th May and was received back in December.

Diwan Chaman Lall : May I take it that nearly six months have been taken by the press to complete the printing of the report ?

Parliamentary Secretary : About that time.

Diwan Chaman Lall : May I ask whether he made any enquiry into this matter as to why it has taken such a long time in printing the report ?

Parliamentary Secretary : I have not made any regular enquiry but the delay was mainly due to proof reading and I can assure my honourable friend that proof reading is not a simple matter in the case of such a report.

Dr. Sir Gokul Chand Narang : What is the length and the size of the report ?

Parliamentary Secretary : As long as the report is confidential I cannot give its size.

Dr. Sir Gokul Chand Narang : Does not the Parliamentary Secretary think that the reply which he has given is ridiculous and frivolous ?

Minister : What is the good of asking this question, may I know ?

Dr. Sir Gokul Chand Narang : The good of this question the Honourable Minister does not understand. The size of the report would be some justification or absence of justification for the long time taken. If the report is of 5,000 pages then the delay is justified and if it is of 50 pages then the delay is not justified.

Minister : My honourable friend does not know how many statements have to be printed as its annexure.

Dr. Sir Gokul Chand Narang : What is the size of the report ?

Minister : I am afraid I cannot give the size of the report.

Dr. Sir Gokul Chand Narang : Has the Minister looked at the report ?

Minister : Yes.

Dr. Sir Gokul Chand Narang : Then is he not in a position to give the size of the report ?

Diwan Chaman Lall : May I ask whether the cause for this inordinate delay in printing this report is the desire on the part of the Government that it should not be printed in a hurry ?

Minister : No, Sir, that is not the reason. We have never thought that the report should be delayed. I have stated that this report is going to be considered by the Government in Simla and as soon as we have considered the report we shall publish it.

Diwan Chaman Lall : May I ask him to inform the House about the amount of time taken by the members of the committee to complete the report ? We know exactly the time consumed in printing. What was the time consumed in making the report ?

Minister : From the time of the appointment of the committee till the time of the signing of the report ?

Diwan Chaman Lall : Was it less than a year ? May I take it that it was less than a year to complete the report and nearly a year will be taken to print the report to be considered by the Government ? Is that the position ?

Sardar Partab Singh : May I know if it was the only copy that was sent to the press and was there no other copy ?

Minister : I am afraid I cannot tell him whether it was the only copy.

Diwan Chaman Lall : May I know whether it is not a fact that interim printing is done in the case of such reports while the reports are being considered—

Minister : No.

Diwan Chaman Lall : Is it not a fact that interim printing was done in the case of the Unemployment Report and is it not a fact that in every other case interim printing is done ?

Pandit Shri Ram Sharma : May I know who is responsible for proof reading ?

Minister : Do you want to know whether it is the duty of the Minister to do proof reading ?

DAMAGE DONE TO CROPS BY HAILSTORM.

***4528. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Revenue be pleased to state whether he is aware of the fact that crops in about 25 villages of Gurgaon district have been damaged by hailstorm ; if so, the area affected and the action Government propose to take to give relief to the sufferers therefrom ?

The Honourable Dr. Sir Sundar Singh Majithia : The attention of the honourable member is invited to the reply given to the first and second parts of assembly question No. 4897¹ (starred) read with the 3rd paragraph of the Press *communiqué* issued on the 16th March, 1939. A copy of the latter is placed on the table.

Press Communiqué.

Since the issue of the last *communiqué* on 4th March, 1939, further reports of hailstorm have been received from several districts.

Another storm attacked Amritsar district on the 28th February, 1939. On this occasion 24 villages were affected in three tahsils—Amritsar, Ajnala and Tarn Taran. In three villages of the Ajnala tahsil the damage was considerable, and the worst affected village was in Tarn Taran. In the other villages the damage was not so heavy. A special girdawari is being carried out in all these villages, and taqavi loans for fodder will be given where required.

Gurgaon suffered again from a hailstorm on 22nd February, 1939. In this district in all 92 villages were affected—75 canal irrigated and 17 barani. In 28 canal irrigated villages of Palwal tahsil crops were totally destroyed and the other villages were all partly affected. Fodder taqavi is being freely distributed and in Palwal tahsil test works have been opened for the benefit of those whose crop in kharif, 1938 was Rs. 0-4-0 or less.

In Lyalpur a hailstorm occurred on the 28th February, 1939. One hundred and thirty-five villages of Lyallpur, Jaranwala and Samundri tahsils were affected while information about Toba Tek Singh tahsil is not yet available. The storm was severe near Samundri, and on the edge of the district near Sheikhupura where wheat, gram and fodder were totally destroyed. In other villages partial damage was caused. A special girdawari is being carried out.

Sheikhupura was visited twice by hailstorms first on 16th February, 1939, and again on 28th February, 1939. On the first occasion only 7 chaks were affected, and the damage was not extensive. On the second occasion the storm was more severe and affected 13 chaks. In three there was serious damage. Local inspection is being carried out and, as elsewhere, remission of land revenue and abiana will be given where necessary.

(The Honourable Dr. Sir Sundar Singh Majithia.)

Montgomery also had a hailstorm on the 28th February, 1939, which reached 60 villages. Partial damage up to fifty per cent. of the crops occurred in ten of them and a special girdawari is going on.

Multan was attacked by a hailstorm on the 28th February which affected 99 villages in Khanewal tahsil. In ten of these villages crops were totally destroyed, and in 20 villages the damage is estimated at fifty per cent. or more, while in the remaining 69 villages the damage is less than one-fourth. An inspection is being carried out by the local revenue and canal officers. Immediate relief is unnecessary, but the true condition of the crops in many of the chaks will not be known for some days.

Reports of hailstorms have also been received from Karnal, Rohtak, Hissar and Sialkot, but further details are not yet known.

REPRESENTATION FROM THE DISTRICT KISAN COMMITTEE, LAHORE.

***4529. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Revenue be pleased to state whether he has recently received a copy of certain demands regarding land revenue reform from the District Kisan Committee, Lahore ; if so, what action does he propose to take in the matter ?

The Honourable Dr. Sir Sundar Singh Majithia : The honourable member's attention is invited to the answer to starred question No. 4376.¹

DESTRUCTION OF CROPS BY HAILSTORM.

***4533. Chaudhri Ghulam Rasul :** Will the Honourable Minister of Revenue be pleased to state whether he is aware that the crops and fodder in some of the villages in Sialkot district have been totally destroyed by hailstorm on the 28th February, 1939 ; if so, whether and what relief Government intends to give to the sufferers ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : Yes. The extent of the damage done by the hailstorm will only be known after the girdawari is over. As regards relief the attention of the honourable member is drawn to the last paragraph of the *communiqué* issued on 4th March.

FAMINE OPERATIONS SUPERVISED BY REVENUE ASSISTANT.

***4537. Chaudhri Sumer Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether during the last famine in the Gurgaon district, the Revenue Assistant supervised the famine operations in addition to his own duties ;
- (b) whether it is also a fact that a special officer has now been appointed to supervise the famine works ; if so, reasons for the same ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) No. An additional officer was posted to assist the Revenue Assistant in the scarcity relief operations.

- (b) Yes, because the normal district staff could not cope with the work.

¹ Vide the proceedings of 17th April, 1939.

DEPUTY COMMISSIONER'S ORDERS re INSPECTION OF FAMINE
TEST WORKS.

*4538. **Chaudhri Sumer Singh** : Will the Honourable Minister for Revenue be pleased to state whether it is a fact that the Deputy Commissioner, Gurgaon, has asked the Superintendent of his office to inspect the famine test works from time to time ; if so, reasons for the same ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : The Superintendent has been ordered to go to each test work to see that all registers and accounts are correctly maintained.

DISTRIBUTION OF *tagavi* LOANS FOR FODDER IN
GURGAON DISTRICT.

*4543. **Seth Kishan Dass** : Will the Honourable Minister of Revenue be pleased to state whether it is a fact that *tagavi* loan was given in the Gurgaon district for fodder ; if so, the manner and method in which the *tagavi* loans for fodder were distributed and whether any *tagavi* loans for fodder were given to the members of the depressed classes in the said area and, if not, the reasons therefor ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : Yes. *Tagavi* for fodder is being given in kind. The Fodder Adviser purchases and supplies fodder, which is stocked at dumps. The tahsildars issue *parchis* to the land-owners and tenants residing in the distressed areas, who take them to the fodder dump, where they receive fodder as *tagavi* for the amount given in the *parchis*.

Tagavi for fodder is being given without distinction of caste and creed. Members of depressed classes are also being given *tagavi* where necessary.

TAQAVI LOANS TO ZAMINDARS OF VILLAGE HASSANPUR,
THANA DAKHA.

*4551. **Sardar Lal Singh** : Will the Honourable Minister of Revenue be pleased to state—

(a) whether any applications were received by the Collector or by the Revenue Assistant at Ludhiana from the zamindars of village Hassanpur, Thana Dakha, for the grant of *tagavi* loan ; if so, how many and on what dates these applications were received ;

(b) whether any *tagavi* loan was granted to these applicants ; if so, on what date and if not, why not, and whether it is intended to grant such loans to them or not ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) Yes. Three applications for the grant of *tagavi* loans for purchase of bullocks under Act XII of 1884 were received—two on the 8th February, 1939 and one on the 23rd February, 1939.

(b) Orders on the applications will be passed as soon as the necessary financial provision is made. Rs. 70,200 have already been distributed as *tagavi* in this district and applications are sympathetically considered.

Sardar Lal Singh : How long will it take to consider the matter ?

Parliamentary Secretary : Not very long. May be only a few days.

RATES OF *ABIANA* CHARGED IN AREA IRRIGATED BY RANGPUR
CANAL, AT MUZAFFARGARH.

***4562. Munshi Hari Lal :** Will the Honourable Minister of Revenue be pleased to state the rates of *abiana* proposed to be charged in the area to be irrigated by the Rangpur Canal, Muzaffargarh of the Haveli Project ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : A statement is placed on the table showing water-rates to be charged on irrigation from the Rangpur Canal in the Muzaffargarh district.

Government is considering certain remissions in the increased *abiana* on the non-perennial area for 6 crops and on the perennial area for 4 crops starting from the *kharif* 1939.

Statement.

Class.	Crop.	RATE PER ACRE.		Per.
		Flow.	Lift.	
		RS. A. P.	RS. A. P.	
I	Sugarcane	6 0 0	3 0 0	Crop.
II	Rice, Indigo, Tobacco and Spices.	5 4 0	2 10 0	Do.
III	Gardens, Orchards and Vegetables (excluding Rabi crops).	5 4 0	2 10 0	Gardens and Orchards per half year, rest per crop.
IV	Cotton and Melons ..	5 0 0	2 8 0	Crop.
V	Other Kharif crops not specified.	4 8 0	2 4 0	Do.
VI	Maize	4 0 0	2 0 0	Do.
VII	Bajra and Pulses ..	2 4 0	1 2 0	Do.
VIII	All Rabi crops (excluding fodder crops).	2 4 0	1 2 0	Do.
IX	Fodder crops,—vide list below	2 0 0	1 0 0	Grass per half year, rest per crop.
X	(a) Watering for ploughing not followed by a crop in the same or succeeding harvest.	1 0 0	0 8 0	Acre.
	(b) Village and District Board Plantations.	1 0 0	0 8 0	Half-year.
	(c) Grass—a single watering in <i>Kharif</i> or <i>Rabi</i> .	1 0 0	0 8 0	Do.

NOTES :—1. Grass given two or more waterings falls under Class IX.

2. Hemp, Indigo, Guara and Jantar ploughed in as green manure before 15th September are not assessed to water rates.

List of fodder crops.

(1) Jowar (Great millet); (2) China; (3) Kangni (Italian millet); (4) Lucerne or Alfalfa; (5) Grass which has received two or more waterings; (6) Chari; (7) Moth; (8) Guara; (9) Sawank; (10) Rawan; (11) Madal; (12) Turnips; (13) Senji; (14) Maina; (15) Shaftal; (16) Methra; (17) Sarson and Tara Mira sown with any sanctioned fodder crops and cut green for fodder; (18) Fields containing an admixture of wheat and Kasni which does not appreciably enhance the value of the fodder crop; (19) Oats grown in declared paddock areas; (20) Maize grown for fodder sown in March and April; (21) Charal (a kind of pea); (22) Berseem.

REPRESENTATIONS MADE BY THE ZAMINDARS TO DEPUTY COMMISSIONER, MULTAN, AND SUPERINTENDING ENGINEER,
HAVELI PROJECT.

***4563. Munshi Hari Lal :** Will the Honourable Minister of Revenue be pleased to state whether any representations were recently made to the Deputy Commissioner, Multan, and the Superintending Engineer, Haveli Project, by the zamindars of Shujabad tahsil, Multan division, complaining against the intended supply of water on the introduction of Haveli Project on the ground of inadequacy and requesting that the present supply of water be maintained; if so, what action does the Government intend to take in the matter?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): The supply of water that will be given from the Haveli Canals during the sowing and maturing periods will be appreciably greater than under present conditions. No further action is necessary.

HAILSTORM IN FEROZEPUR DISTRICT.

***4564. Pir Akbar Ali :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether he is aware of the fact that *rabi* crop in the under-mentioned villages of the Ferozepore district has been severely damaged by hailstorm recently in Khiowali, Saiwala and Hauz in the Fazilka tahsil and Tukra-Sarian, Chak-Sarian, Mauza Sarian and Pabwali in the Muktsar tahsil;
- (b) If the answer to part (a) above be in the affirmative, whether it is intended to give relief to the residents of the above-mentioned villages, and, if so, in what form the relief is proposed to be given?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) It is correct that a hailstorm visited all these villages but no appreciable damage was done except in the villages of Kheowali and Saiwala *alias* Akhtarabad.

(b) The affected areas are being inspected by the local officers, and any claim to relief from land revenue and *abiana* or for *tagari* will be carefully considered on its merits.

Pir Akbar Ali : What is meant by 'appreciable damage.'

Parliamentary Secretary : The damage was not more than specified under the rules.

Pir Akbar Ali : What are the rules on that point?

Parliamentary Secretary : I would request my honourable friend to read the rules on the subject.

LANDS ACQUIRED FOR ERECTING BUILDINGS IN TOWN PATTI,
DISTRICT LAHORE.

***4565. Dr. Sant Ram Seth :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether certain non-agriculturists acquired lands within the Municipal limits of town Patti, district Lahore, for erecting buildings before the commencement of the present settlement in Kasur Tahsil ;
- (b) whether all of them had constructed houses and shops before the settlement on the lands acquired ;
- (c) if the answers to (a) and (b) above be in the affirmative, the total area of the lands so acquired ;
- (d) what was the total land revenue assessed on these lands ; and what was the total number of the owners of these lands ;
- (e) whether the lands referred to above had become a part of the town abadi before the beginning of the Settlement ;
- (f) if the answer to part (e) above be in the affirmative, the reasons for not showing them as a part of the abadi by the Settlement Officers and exempting them from the land revenue ;
- (g) whether the Settlement Officers have proposed to enhance the land revenue of these lands ; if so, the reasons therefor ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) Yes.

(b) In most cases houses and shops had been constructed before the settlement began.

(c) 27 acres.

(d) (i) The land revenue according to the old assessment is Rs. 41-15-8.

(ii) The number of owners is 516.

(e) The lands were within municipal limits and as already answered had in most cases been built upon, but were not parts of the old town site.

(f) Under the Land Revenue Act any land situated within the site of a town can be assessed to land revenue provided that it has previously been so assessed.

(g) No proposal has yet been received from the Settlement Officer.

LAND OWNED BY THE DEPRESSED CLASSES IN THE PUNJAB.

***4573. Chaudhri Jugal Kishore :** Will the Honourable Minister for Revenue be pleased to lay on the table of the House a statement showing district-wise, the total areas of cultivable land owned by the members of the depressed classes in the Punjab ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : The information is being collected and will be supplied to the honourable member when ready.

Lala Harnam Das : Sir, the Honourable Premier was pleased to say the other day that the Harijans may migrate to some other province. May I ask in that connection if we should migrate before reaping the harvest or should we reap it first and then go away ?

Parliamentary Secretary : I would like to inform the honourable member that the collection of that information which he has asked is by no means an easy job. It is only for the sake of the Harijans that the Government have agreed to collect it.

Lala Harman Das : Does the Government think that replying to this question would be an act of irresponsibility ?

Mr. Speaker : Disallowed.

Sardar Mula Singh : Sir, in view of the reply given by the honourable Parliamentary Secretary to the effect that it was difficult to collect the information asked by us, how is it possible for us to press our demand that the Government should declare us to be agriculturists ?

Parliamentary Secretary : Wherever any class wishes to be declared agriculturist, its members apply to the Collector of the district where it is not very easy to collect the necessary information. But it is extremely difficult for us here to collect the relevant information from all the districts, tahsils and villages of the whole province.

REPAIRS AND CONSTRUCTION OF PATWARKHANAS IN LUDHIANA DISTRICT.

***4575. Sardar Lal Singh :** Will the Honourable Minister of Revenue be pleased to state the total amount of expenditure incurred on the repairs of Patwarkhanas already existing and also on the construction of new Patwarkhanas in district Ludhiana in the year 1938-39 with the names of villages where such Patwarkhanas were repaired or constructed ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : No expenditure was incurred on the construction or repairs of Patwarkhanas in the Ludhiana district during 1938-39.

Sardar Lal Singh : Does the honourable Parliamentary Secretary mean to say that no Patwarkhana in the whole district stood in need of a single repair ?

Parliamentary Secretary : It is obvious from the reply which I have given.

Sardar Lal Singh : It is obvious that the patwaris get these things done by means of *begar* from villagers.

Parliamentary Secretary : I have said that no Patwarkhana was constructed. That is what the answer conveys at least.

DAMAGE DONE TO CROPS BY HAILSTORM IN TAHSIL MOGA.

***4577. Sardar Rur Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether the Government is aware of the fact that the hailstorm during the night between the 27th and 28th February has greatly damaged the crops, especially wheat, gram and sarson in the villages Samalsar, Boda, Rajeana, Langeana Khurd, Alamwala, etc., in tahsil Moga, thana Baghapura ;
- (b) whether it is a fact that on account of scarcity of rain, crop was irrigated only by canal water ;

[Sardar Rur Singh.]

(c) if the answer of the above parts be in the affirmative, the action the Government has taken or intends to take in the matter?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) Damage by hailstorm is reported from Samalsar and Roda, and certain other villages not mentioned by the honourable member, but the extent of damage is not yet known.

(b) No. *Rabi* crops benefited considerably by the recent rains in February last.

(c) Remissions under the rules will be given, if and where necessary.

Sardar Rur Singh: Is it a fact that there has been no *barani* cultivation in that area?

Parliamentary Secretary: Sir, the question relates to hailstorm and now the honourable member has begun to ask about *barani* area.

Sardar Rur Singh: My reason for asking this supplementary question is that as there have been no rains, will the Government consider special remission necessary?

Parliamentary Secretary: *Barani* cultivation is quite different from the question of hailstorm. The rules concerning the grant of remissions under these two heads are quite separate.

Sardar Rur Singh: When the only means of their irrigation has failed the zamindars, is it not the duty of the Government to devote special attention to them?

Parliamentary Secretary: All these points will be sympathetically considered.

Sayed Amjad Ali Shah: May I ask the honourable Parliamentary Secretary what would be the remission in the case of total destruction of crops by hailstorm?

Parliamentary Secretary: I have said that the Government will follow the rules on the subject.

DESTRUCTION OF CROPS BY HAILSTORM IN AMRITSAR DISTRICT.

*4587. **Sardar Kishan Singh**: Will the Honourable Minister of Revenue be pleased to state whether it is a fact that hailstorm on the 28th February, 1939, in the Amritsar district has totally destroyed the *rabi* crops of villages Mandiala, Bahora, Kot Sayyad Mahmair Khalsa, Fatehpur, Thana-deh, Chak, Mullan Bahram, Bhakna, Pindourihaman, Ban-Chari Laroun, Kaharaand, etc., if so, whether the Government have made or intend to make any arrangements in addition to mere remission of land revenue, for providing food and fodder for the people and cattle, respectively, of those villages; if not, why not?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): A statement showing the names by tahsils of the villages affected by hailstorm on the 16th and 28th February, 1939, in Amritsar district is placed on the table.

A special girdawari of the villages affected was immediately ordered, and is still in progress for the villages affected by the second hailstorm.

2. The finding of the special girdawari for the first hailstorm shows that taking the affected villages-together the damage from hail amounted to less than 10 per cent. In the centre of the path of the storm the proportion damaged was naturally much larger and varied between 20 and 50 per cent. of the sown area. Similar figures are not yet available for the storm on the 28th February, but in the worst villages there was considerable damage to early sown wheat and appreciable, though less serious, damage to late sown wheat and gram. Fodder also suffered, particularly Senji but the subsequent cuttings of crops like Shaftal and Berseem will be quite good.

3. Proposals will in due course be made for remission of *abiana* and land revenue which will be sympathetically considered. It is estimated that the total remission of land revenue required for the first hailstorm will be about Rs. 1,400.

4. As regards immediate relief apart from remission, reports indicate that the damage was not so great as to require the making of special arrangements for food and fodder. Cultivators in the worst affected villages have been encouraged to apply for *tagari* for fodder where it is needed. Further relief is not considered necessary.

A statement showing the names by tahsils of the villages affected by hailstorm on the 16th and 28th February, 1939, in Amritsar district.

16th February, 1939.

28th February, 1939.

Amritsar Tahsil.

1. Banchari.
2. Varpal.
3. Pandori.
4. Mehman.
5. Rakh Jhita.
6. Jhita Khurd.
7. Jhita Kalan.
8. Bhagupura.

Tarn Taran Tahsil.

1. Manochaha.
2. Lakhna.
3. Gulatipur.
4. Shahbazpur.
5. Begepur.
6. Tipa.
7. Bargari.
8. Dayal Rajputan.
9. Jeobala.
10. Jarmastpura.
11. Nurpur.
12. Jhamke.
13. Thatni.
14. Tharu.
15. Keronwal.
16. Nurdin.
17. Qazikot.
18. Khara.
19. Kotli.
20. Rataul.
21. Duburji.
22. Palasaur.
23. Pandori Takht Mal.
24. Kot Dasandhi Mal.
25. Jhabal Kalan.

Amritsar Tahsil.

1. Khasa.
2. Chak Mukand.
3. Ibban Khurd.
4. Thanda.
5. Fattahpur.
6. Kot Said Mahmud.
7. Wariach.
8. Balsarai.

Ajnala Tahsil.

1. Chhiddan.
2. Boparai Kalan.
3. Boparai Khurd.
4. Jassraour.
5. Ghoga.
6. Tenauna.
7. Awan Basao.
8. Shahiwal.
9. Sheikh Bhatti.
10. Mahji Meun.
11. Jhunj.

Tarn Taran Tahsil.

1. Nathupura.
2. Chicha.
3. Bhakna Kalan.
4. Bhaka Khurd.
5. Jaura.
6. Malowal.
7. Mahmud Nagar.
8. Kasel.
9. Rakh Sarai Amanant Khan.
10. Keron.
11. Gopala.
12. Loharka.
13. Manochahal.
14. Kot Dharam Chand Kalan.

DAMAGE DONE TO CROPS BY HAILSTORM AND RAINSTORM IN LYALLPUR DISTRICT.

***4595. Sardar Kishan Singh :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that recently hailstorm and rainstorm have affected crops in different parts of the Lyallpur district and specially in a number of villages of Toba Tek Singh tahsil ; if so, the nature and extent of help the Government is prepared to give to the sufferers in addition to remission of Government Revenue ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : Yes. A hail and rainstorm recently damaged crops in different parts of Lyallpur district and particularly in a number of villages in Samundri and Toba Tek Singh tahsils.

A special girdawari is being done and after the proposals of the local officers are received the matter of remission will be sympathetically considered. *Taqavi* is being given in the form of seed and cash where necessary.

MAKING OF WRONG ENTRIES BY THE PATWARI OF VILLAGE BAHUNA.

***4597. Khan Sahib Chaudhri Sahib Dad Khan :** Will the Honourable Minister for Revenue be pleased to state whether the Canal Patwari of village Bahuna, tahsil Fatehabad, Hissar district, made wrong entries in the revenue papers for *Urd* crops which was not sown in the said village ; if so, what action has been taken against the said Patwari and whether *abiana* for the above crops, not actually sown but charged on account of wrong revenue entries, has been remitted ; and, if not, why not ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : No. Complaints of wrong entry were received but on Executive Engineer's enquiry could not be proved. The Patwari has been punished for other defects found during the investigation. Question of remission does not arise.

Khan Sahib Chaudhri Sahib Dad Khan : May I enquire whether the Honourable Minister is prepared to go through the file, if he has not already done so ?

Parliamentary Secretary : I may assure my honourable friend that the Government will make further enquiries into the matter and will see to it that they are thoroughly satisfied before finally deciding the matter.

LAND REVENUE.

***4605. Captain Sodhi Harnam Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the total amount of land revenue for 1937-38 which was realizable from each district in the Punjab and the amount actually realised during the year from each of these districts ;

(b) how many warrants of attachment and arrest and how many 'dastaks' and notices were issued to the land revenue defaulters in the same year in the province ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) and (b) A statement is laid on the table.

Sardar Ajit Singh : May I know if there are any zamindars in the Punjab who have not paid their land revenue for the last two or more years ?

Parliamentary Secretary : I have not been able to follow the honourable member. Will he please repeat his question ?

Sardar Ajit Singh : Are there any zamindars in the Punjab who have committed a default in the payment of land revenue for the last two or more years.

Parliamentary Secretary : Yes, there may be many.

Sardar Kartar Singh : Is there any member, a Unionist member of the House, who may have defaulted in the payment of land revenue ?

Sardar Ajit Singh : What is the reason for default ?

Parliamentary Secretary : The reasons are different to different cases.

Sardar Ajit Singh : Is it one of the reasons that the defaulter is a parliamentary secretary or a minister ?

Parliamentary Secretary : There may be a parliamentary secretary or a public leader.

Sardar Ajit Singh : The various provincial governments are considering the question of remitting land revenue. Is this Government also considering that question ?

Parliamentary Secretary : Why refer to the whole of India ? The Government gives remission wherever it is possible to do so.

Statement No. 1.

District.	Amount of fixed Land Revenue which was realisable during 1937-38.	Amount of fluctuating Land Revenue which was realisable during 1937-38.	Amount of other Land Revenue which was realisable during 1937-38.	Total.
	Rs.	Rs.	Rs.	Rs.
Hissar	6,04,051	45,176	22,516	6,71,743
Rohtak	14,65,037	2,006	31,899	14,98,942
Gurgaon	7,15,016	8,183	22,631	7,45,830
Karnal	10,33,463	1,259	23,074	10,57,736
Ambala	8,73,091	1,802	36,743	9,11,636
Simla	19,020	2	1,203	20,224
Kangra	8,09,814	977	33,021	8,43,812
Hoshiarpur	17,09,218	29,025	36,515	17,74,758
Jullundur	18,35,201	1,968	35,359	18,72,528
Ludhiana	12,60,682	1,281	31,109	12,93,072
Ferozepore	14,97,436	1,45,719	41,480	16,84,635
Lahore	13,83,914	1,09,042	42,693	15,35,649
Amritsar	13,71,192	2,021	33,977	14,07,190
Gurdaspur	17,24,647	12,102	37,564	17,74,313
Sialkot	14,10,770	26,394	20,339	14,57,503
Gujranwala	3,19,799	10,91,495	19,325	14,30,619
Sheikhpura	1,06,755	19,98,502	54,673	21,59,930
Gujrat	5,60,382	10,82,143	45,748	16,88,273
Shahpur	4,28,716	20,40,398	3,27,526	27,96,640
Jhelum	6,40,495	530	22,800	6,63,825
Rawalpindi	6,30,852	424	15,592	6,46,868
Attock	6,67,025	124	27,023	6,94,172
Mianwali	75,234	2,38,842	89,136	3,03,212
Montgomery	34,642	42,43,016	10,42,666	53,22,861
Lyallpur	90,239	56,58,054	2,79,743	60,28,036
Jhang	28,304	14,02,277	74,145	15,04,726
Multan	1,08,270	42,04,756	14,78,412	57,86,440
Muzaffargarh	1,60,555	6,98,862	51,120	9,10,537
Dera Ghazi Khan	2,31,166	2,40,216	1,55,699	6,27,081

Statement No. 2

District.	Amount of fixed Land Revenue actually realised during 1937-38.	Amount of fluctuating Land Revenue actually realised during 1937-38.	Amount of other Land Revenue actually realised during 1937-38.	Total.
	Rs.	Rs.	Rs.	Rs.
Hissar	6,03,430	44,955	21,836	6,70,221
Rohtak	14,60,585	1,140	28,898	14,90,623
Gurgaon	7,12,746	3,976	21,281	7,38,003
Karnal	10,30,069	872	21,492	10,52,433
Ambala	8,71,874	1,702	36,430	9,10,006
Simla	16,620	2	1,179	17,801
Kangra	8,09,361	977	33,000	84,338
Hoshiarpur	17,08,375	27,961	36,070	17,72,406
Jullundur	18,35,201	1,952	35,255	18,72,466
Ludhiana	12,60,682	1,086	30,519	12,92,287
Ferozepore	14,96,813	1,42,541	39,930	16,79,284
Lahore	13,44,085	1,03,351	31,598	14,79,034
Amritsar	13,64,624	1,815	29,121	13,95,560
Gurdaspur	17,13,519	11,241	36,065	17,60,825
Sialkot	13,61,172	25,791	19,796	14,06,759
Gujranwala	3,15,925	10,83,698	18,085	14,22,708
Sheikhpura	1,06,030	19,94,790	46,415	21,47,235
Gujrat	5,55,306	10,80,867	44,719	16,80,892
Shahpur	4,24,261	20,38,292	2,89,415	27,51,968
Jhelum	6,39,819	474	22,157	6,62,450
Rawalpindi	6,29,570	424	15,037	6,45,031
Attock	6,56,317	107	23,972	6,80,396
Mianwali	74,076	2,31,710	77,938	3,83,724
Montgomery	34,642	42,14,144	10,01,490	52,50,276
Lyallpur	90,239	56,48,977	2,45,655	59,84,871
Jhang	26,420	13,42,492	45,820	14,14,732
Multan	91,556	41,24,811	14,53,415	56,74,782
Muzaffargarh	1,39,459	6,71,719	40,274	8,57,452
Dera Ghaat Khan	2,24,106	2,33,213	1,52,491	6,09,810

Statement No. 3.

District.	Number of warrants of attachment issued to Land Revenue defaulters during 1937-38.	Number of warrants of arrest issued to Land Revenue defaulters during 1937-38.	Number of "Daataks" (writs) issued to Land Revenue defaulters during 1937-38.	Number of "Notices" (processes) issued to Land Revenue defaulters during 1937-38.
Hissar .. ..	..	72	84	117
Rohtak	23	475	23	751
Gurgaon	9	326	61	462
Karnal	3	195	67	279
Ambala	2	233	259	443
Simla .. ..	..	..	2	2
Kangra .. ..	..	76	73	96
Hoshiarpur	1	96	130	174
Jullundur .. ..	..	90	54	74
Ludhiana .. ..	..	89	25	94
Ferozepore .. ..	..	129	38	194
Lahore .. ..	..	504	146	702
Amritsar .. ..	..	1,951	407	2,868
Gurdaspur .. ..	..	601	665	687
Sialkot .. ..	..	170	..	187
Gujranwala .. ..	..	58	5	85
Sheikhupura .. ..	..	42	..	53
Gujrat	3	254	269	319
Shahpur	2	70	6	108
Jhelum .. ..	..	18	10	23
Rawalpindi .. ..	..	104	105	118
Attock	25	496	219	629
Mianwali	1	120	82	152
Montgomery .. ..	..	35	4	102
Lyalpur	29	1,634	986	4,269
Jhang .. ..	..	905	49	1,232
Multan	11	1,791	663	4,246
Muzaffargarh	3	782	137	934
Dera Ghazi Khan .. ..	..	661	32	846

GRANT OF LAND TO GRADUATES.

***4607. Sardar Ajit Singh :** Will the Minister of Revenue be pleased to state—

(a) whether the Punjab Government has ever granted land to unemployed graduates : if so, when and in which colonies ;

(b) whether Government contemplates giving similar grants to graduates this year or in the next year ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) Yes. Government granted land to unemployed educated persons in 1932, 1936 and 1937. Allotments were made in all canal colonies in the Punjab.

(b) The Government have no such proposal under consideration at present.

Sardar Ajit Singh : Is it a fact that the number of unemployed graduates and double graduates is on the increase ?

Parliamentary Secretary : Increase or no increase, there is a large number of such graduate.

Sardar Ajit Singh : In these circumstances does Government intend to grant one square of land to each such graduate ?

Mr. Speaker : That is a request for action.

PATWARIS WHO ATTENDED THE FUNCTIONS AT MUZAFFARGARH HELD IN CONNECTION WITH MINISTERS' VISIT.

***4612. Munshi Hari Lal :** Will the Honourable Minister of Revenue be pleased to state—

(a) whether it is a fact that the patwaris of the district of Muzaffargarh attended the functions at Muzaffargarh held in connection with the last visit of the Honourable Ministers to Muzaffargarh ;

(b) the total strength of the patwaris in the Muzaffargarh district and how many patwaris attended at Muzaffargarh and at whose expense and how many days did they remain at the headquarters ;

(c) if the answer to (a) above be in the affirmative, under whose orders did the patwaris leave their circles ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) No patwari attended the functions at Muzaffargarh in his official capacity. Government have no information as to whether any patwari was present in his private capacity.

(b) and (c) Do not arise.

NOTIFICATION REGARDING LANDHOLDERS IN GANJI BAR.

***4617. Sardar Harjab Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that by a Government notification it has been declared that landholders in the Ganji Bar will be declared owners after payment of Rs. 1,000 per square ;
- (b) whether it is a fact that *malikana* which is generally 50 per cent of the rate of land revenue is charged along with land revenue ;
- (c) if the answers to (a) and (b) above be in the affirmative, whether the Government intends to declare a person owner who pays Rs. 1,000 less the amount of *malikana* already paid by him ;
- (d) if not, why not, and to what account this *malikana* will be credited ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) In certain classes of tenancies in the Lower Bari Doab Colony (list attached) a rectangle can be purchased for Rs. 1,000 if the payment is made in two half-yearly instalments.

(b) Yes, *malikana* equals Re. 0-8-0 per rupee of land revenue and is recovered invariably along with land revenue.

(c) No ;

(d) *Malikana* is charged by Government, from tenants until the acquisition of proprietary rights in recognition of Government's rights as landlord. The purchase price for proprietary rights in the Lower Bari Doab Colony (Ganji Bar) is already extremely low as compared with the market value of the land. The proceeds of *malikana* are credited to the provincial revenues under the head "7—Land Revenue."

Sardar Ajit Singh : Is it a fact that unless a tenant acquires proprietary rights he cannot be considered a tenant within the meaning of Act 1 of 1912 ?

Mr. Speaker : That is a question of law.

Sardar Ajit Singh : Sir, I want to ask if it is necessary under law for a tenant to pay one thousand rupees in order to acquire proprietary rights ?

Parliamentary Secretary : Yes.

Sardar Ajit Singh : Is it also essential to pay interest] on that one thousand ?

Mr. Speaker : Disallowed.

Classes of tenants who can purchase proprietary rights under Punjab Government letter No. 1141-D (S), dated the 16th September, 1927, at page 127 of Punjab Colony Supplement IV.

Serial No.	Class of tenants.
1	Peasants allotted land before 11th December, 1916.
2	Sarwan.
3	Landed gentry.
4	Former lessees of peasant class allowed to purchase proprietary rights at nine-tenths market value.
5	Former lessees of landed gentry class allowed to purchase proprietary rights at nine-tenths market value.
6	Former lessees of peasant class allowed to purchase proprietary rights at full market value.
7	Former lessees of landed gentry class allowed to purchase proprietary rights at full market value.
8	Peasants allotted land on or after 11th December, 1916.
9	Peasants, with obligation to maintain roadside trees.
10	Tenants of bara lands.
11	Tenants of "inferior" lands (resumable half grants).

CLOSURE OF CANALS IN NILI BAR AND GANJI BAR.

***4618. Sardar Harjab Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether all the canals irrigating the Nili Bar and Ganji Bar, excepting S/R were closed during the months of January and February, 1939 ;
- (b) if the answer to the above be in the affirmative, reasons for this discrimination ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) No.

(b) Does not arise.

ADJOURNMENT MOTIONS.

KISAN MORCHA AT LAHORE.

Sardar Hari Singh : I beg to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, failure of the Government to take necessary steps to ease the situation arising out of the Kisan Morcha at Lahore in connection with the new settlement in Lahore district. May I say a word in regard to the urgency of the motion ?

Mr. Speaker : No. I am going to give my ruling as to the admissibility of the motion.

Pandit Shri Ram Sharma : I rise on a point of order. May I enquire whether an adjournment motion can be ruled out of order even before leave is sought in the House ? I understand that that has been the case with my adjournment motion.

Mr. Speaker : The honourable member is referred to rule 41. It says—

A motion for an adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the Speaker.

That means that my consent is necessary from the outset. The honourable member's motion was so glaringly out of order that when he discussed it with me in my room I expressly declared it to be out of order ; and, therefore, I did not allow him to read it in the House.

Sardar Ajit Singh : My adjournment motion was neither discussed in your room nor in the House.

Mr. Speaker : The honourable member has not followed me. Motions, which are *prima facie* inadmissible, may not be allowed to be read in the House, whether they are discussed with me or not.

Sardar Ajit Singh : That may be true, Sir, but how can we bring it to the notice of the Government that people are starving and their cattle are dying ? Such an adjournment motion was allowed on 8th April, 1937.

Pandit Shri Ram Sharma : May I draw your attention to rule 43 which says—

Leave to make a motion for an adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance must be asked for after questions and before the list of business for the day is entered upon ?

This means that as soon as the question hour is over the member should get up and ask for leave to move his adjournment motion. But you do not even allow the leave to be asked for by reading the motion for leave.

Mr. Speaker : Yes, because I do not wish to waste the time of the House.

Sardar Hari Singh's motion is out of order for one or two reasons. The district magistrate has issued an order under section 144 of the Criminal Procedure Code and the morcha in question is said to be in defiance of that order.

Diwan Chaman Lall : How are you aware of these facts ?

Mr. Speaker : I am living in the Punjab. The order under section 144, Criminal Procedure Code, has been promulgated and every one is expected to keep himself informed of what is happening round him.

Diwan Chaman Lall : As far as the Speaker is concerned he has neither eyes to see nor ears to hear except what is happening in this House.

Mr. Speaker : As a common citizen it is my duty, like others, to keep myself informed. The district magistrate's order is a judicial order against which a petition for revision lies to the High Court. Can the Government suppress a judicial order by an executive order ? That cannot be done and therefore I hold the motion to be out of order.

Diwan Chaman Lall : While I accept your ruling, I suggest that you may be pleased to allow us to discuss such matters before you give your ruling. Because it is possible as a result of our discussion in the House that you may revise your ruling.

Mr. Speaker : I have more than once stated that honourable members are welcome to discuss with me their motions before-hand.

Diwan Chaman Lall : Sometimes it becomes very difficult for us to see you in private. We can give notice of these motions half an hour before the commencement of the sitting of the Assembly and it may not be possible for a member to see you in your room before the commencement of the sitting.

Mr. Speaker : Such exceptional cases, may be dealt with exceptionally.

OUTBURST OF CRIME IN POLICE STATION MORINDA.

Lala Duni Chand : I 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 most serious situation that has arisen in police station Morinda, district Ambala, by reason of horrible and abnormal outburst of crime in village Gopalpur situated within the said police station as evidenced by brutal murder of nine persons and arson in that village on 31st March, 1939.

Mr. Speaker : The motion is out of order for the simple reason that the dacoity in question has not been committed by Government or at the instigation of Government or at the instance of its officers. The charge is that the police has failed to perform its duty. Is the honourable member in a position to say that the police was informed beforehand and yet it failed to prevent the dacoity ?

The question is whether the administrative responsibility of Government is involved. As it is not involved, the motion is out of order. Further, if so many murders have been committed, as alleged, the matter is sure to go to a court of law. So, from that point of view also its discussion is undesirable. For these reasons I hold the motion to be out of order.

Lala Duni Chand : May I say a few words in reply ?

Mr. Speaker : No.

Lala Duni Chand : You have raised two points and I want to make a reply to them to your satisfaction.

Mr. Speaker : The honourable member is not entitled to reply under the rules, besides, I cannot allow him to criticise my ruling.

Lala Duni Chand : I do not want to criticise your ruling. I shall be the last person to criticise your ruling. But I want to make a respectful submission to you in order to induce you to come to the conclusion that my adjournment motion is in order.

Mr. Speaker : The honourable member failed to convince me when he discussed with me his motion in my room.

Lala Duni Chand : I was under the impression that you were three-fourths convinced. *(Laughter.)*

Mr. Speaker : The honourable member is not right, but assuming his surmise to be correct, that three-fourth conviction has gone. *(Laughter.)*

Lala Duni Chand : I still hope to convince you. So far as the question whether the police was aware of this dacoity goes, the police was aware.

Mr. Speaker : I have held the motion to be out of order.

Lala Duni Chand : I bow to your ruling, Sir.

SHARIAT BILL.

Begum Rashida Latif Baji : On a point of order, Sir. I gave notice of the Shariat Bill but I do not find it on the agenda.

Mr. Speaker : Has the honourable lady member received any letter in this connection from the office of the Assembly ?

Begum Rashida Latif Baji : Yes, I got it.

Mr. Speaker : The honourable member knows the real position and will realise that nothing can be done against law.

Begum Rashida Latif Baji : I crave your indulgence, Sir.

Mr. Speaker : But I am helpless and can do nothing.

At this stage Begum Rashida Latif Baji left the chamber amidst applause from the Opposition benches.

Mr. Speaker : Honourable members may be feeling why the honourable lady member has gone. She gave notice of a Bill, the Shariat Bill. That Bill could not be put on the agenda or introduced without the recommendation of the Governor. It has been forwarded to the Governor, but no reply has been received yet ; while the lady member is naturally anxious to have it put on the agenda.

Diwan Chaman Lall : From what the honourable lady member was going to say I took it that she wished to raise a point of order ?

Mr. Speaker : I asked her whether she had received a letter in this connection and she replied in the affirmative.

Diwan Chaman Lall : She wanted to raise a point of order. I do not know the details but I take it that if there is any difficulty regarding the Government of India Act you may be pleased to permit the honourable lady member to state her point. I do submit that if the lady is still available she may be asked to come back and allowed to state her point of order.

Mr. Speaker : She has left the chamber of her own accord. Nobody will stand in her way if she wants to come back.

Diwan Chaman Lall : You will permit her to raise her point of order.

Premier : The lady member may have another point of order.

Mr. Speaker : She may come back and raise it.

(Begum Rashida Latif Baji re-entered the chamber amidst cheers.)

Begum Rashida Latif Baji (Inner Lahore, Muhammadan, Women, Urban) (*Urdu*) : Sir, my point of order is this. I gave notice of the Shariat Bill in early March. On the 9th of March I received a reply that the Bill had been sent up for the previous sanction of the Governor. On the 4th of March my Bill secured the second place as a result of the ballot and the List of Business was distributed among the members. On the 30th of March, my Bill was removed from the Bills which had been ballotted for

discussion. On the first of April, I addressed a letter to you. You made a reply on the 4th of April that it was essential to send up this Bill for the previous sanction of the Governor under Rule 27 as a provision to that effect had been made in sub-section (3) of section 299 of Government of India Act. I have, therefore, three objections to this procedure. Firstly, if the previous sanction of the Governor was essential, why was it not obtained earlier? Secondly, if the previous sanction of the Governor had not been obtained, why was this Bill allowed to be ballotted? My third objection is that no previous sanction was essential to be obtained under section 299 (3) of the Act. A provision has been made for the previous sanction of the Governor but that is with respect to cases where the transfer of property in public interest is in point. But section 299 does not apply to my case. No public interest is involved in my Bill. It is the question of our private rights. Sir, although I am not a lawyer myself, my father was a lawyer. I have, therefore, no difficulty in taking a commonsense view of the relevant provisions of the Act. I can very well understand that these provisions do not apply in the case of my Bill. I will appeal to lawyer members of this House to explain fully the purport of section 299 for your benefit, so that you may see that it applies only in the cases where transfer of any property is involved. I have only to refer to one thing now and that is this. As my Bill referred to Shariat-i-Islami and the law of God and His Prophet, Providence helped me. I was the only signatory to the Bill but it secured second place on the list. My submission is this that either I should be permitted to introduce my Bill to-day or an assurance given to me that next time when the Bills come up before the House, my Bill will be placed as No. 1 on the list. I ask for this assurance as I feel that justice has not been done to my Bill in that it has been removed from the List of Business and I must be given the right of introducing it a second time.

Mr. Speaker : Sorry. I am unable to give any such assurance.

Diwan Chaman Lall : May I say one word with regard to this point of order?

Mr. Speaker : I cannot allow any discussion on the point of order.

Diwan Chaman Lall : It is an important point.

Mr. Speaker : If the honourable member is allowed, other honourable members also would wish to be allowed.

Diwan Chaman Lall : It affects every member, for, if any other honourable member brings in a measure of this kind and the same fate is meted out to him, he will have the same objection.

Mr. Speaker : Question is whether the action taken is according to the rules or not.

Diwan Chaman Lall : I am not worried about the rules, all I am worried about is the right of the members of the House to move measures like this.

Mr. Speaker : Is the honourable member objecting to the Government of India Act or to the rules?

Diwan Chaman Lall : I am merely wanting to see exactly what the Government of India Act says.

Mr. Speaker : The final authority to decide whether a Bill requires or not the Governor's recommendation is the Governor himself, and not this House.

Diwan Chaman Lall : With due respect to you, the final authority is the Federal Court and not the Governor.

Mr. Speaker : The final authority is the Governor.

Mian Abdul Aziz : May I submit one thing. There is no question of misinterpretation or double interpretation of section 299 of the Government of India Act. It is a clear thing and according to the plain reading of the section, the advice given by the office that it requires the sanction of the Governor is entirely wrong. (*Here Secretary intimated that it was the Speaker's ruling and not the advice of the office.*) May be the Speaker's own ruling. If so, I beg to submit that that ruling is not correct.

Mr. Speaker : Rule No. 27 of the Governor's Rules runs as follows :—

If notice is given of a motion to introduce a Bill or to move an amendment which in the opinion of the Speaker cannot be introduced or moved save with the previous sanction, the Speaker shall as soon as may be after the receipt of the notice, refer the Bill or the amendment to Governor and the notice shall not be placed on the List of Business unless the Governor has communicated to the Speaker that the previous sanction required has been granted. If any question arises whether a bill or amendment is or is not a bill or amendment which cannot be introduced save with the previous sanction, the question shall be referred to the authority which would have the power to grant previous sanction if it were necessary and the decision of that authority on the question shall be final."

Rule 81 (2) of our Rules of Procedure is to the same effect.

Mian Abdul Aziz : With due deference to you, I have read all this, but my submission is that it is not a controversial point and the decision arrived at that the Bill requires the sanction of the Governor is entirely erroneous.

Mr. Speaker : I may be wrong, but I have referred it to the Governor. Let him say that it does not require his sanction.

Mian Abdul Aziz : It may be quite right, but we are entitled to say that requiring sanction on such Bills is entirely wrong and should not be repeated.

Mr. Speaker : Opinions may differ. The honourable member may be right and I may be wrong, but I have acted according to my lights. Now the matter will be decided by the Governor.

Mian Abdul Aziz : Everybody is liable to make mistakes. It is possible that you may have read it at that time in that light. Will you kindly read it again and see that the objection which is being raised is correct ?

Mr. Speaker : If the honourable member is willing to discuss it further with me, he is welcome to do so.

Mian Abdul Aziz : I shall be very glad.

Mir Maqbool Mahmood : Will it be open to us and the lady member to come to you and try to convince you that this is a matter on which facilities may be provided to her and she may be convinced about it or be allowed to convince you ? Is she debarred from coming to your chambers ?

Mr. Speaker : Every member is welcome. I have never refused to see any honourable member.

Diwan Chaman Lall : What is the position now ? Is it that it has been held that it is a Bill which requires previous sanction ? My honourable friend at this late stage expresses his zeal and enthusiasm for the honourable lady member's proposition and wants to accompany the honourable lady member to the chamber of the Speaker in order to be convinced that the previous sanction is not required after having opposed her.

Mr. Speaker : Let us proceed with the business of the day.

Diwan Chaman Lall : Suppose we come to you. Are you in a position to alter the order of things ? I think you cannot do so.

Mr. Speaker : If I am wrong I will be the first to correct myself.

Diwan Chaman Lall : You cannot do so, having referred it to the Governor.

Mr. Speaker : I don't think heavens will fall on earth if this Bill is taken up next time.

Begum Rashida Latif Baji : Sir, I wish to make an observation. Since this matter was directly connected with the Shariat-i-Islamia and was in accordance with the injunctions of God and the Holy Prophet, the Divine help was accorded to me. In spite of the fact that I alone signed this Bill, it got the second position on the list. Now I beg to submit that either you allow me to introduce my Bill just now or promise me that next time it will be accorded the first position on the list.

Mr. Speaker : No such assurance can be given ; nor can the honourable member's Bill be given the first place unless it secures that place by ballot.

RELIEF OF INDEBTEDNESS (AMENDMENT) BILL.

Captain Sodhi Harnam Singh (Ferozepore North, Sikh, Rural) : I beg to move—

That leave be granted to introduce the Punjab Relief of Indebtedness (Amendment) Bill.

Mr. Speaker : Motion moved is—

That leave be granted to introduce the Punjab Relief of Indebtedness (Amendment) Bill.

Dr. Sir Gokul Chand Narang : I object. We are in good company for once.

Premier : I am not going to object. If my honourable friend wants to object, he is welcome to do so.

Dr. Sir Gokul Chand Narang : I withdraw my objection.

Mr. Speaker : As there is no objection, the honourable member may introduce it. Motion moved is—

That leave be granted to introduce the Punjab Relief of Indebtedness (Amendment) Bill.

The motion was carried.

Captain Sodhi Harnam Singh : I beg to introduce the Punjab Relief of Indebtedness (Amendment) Bill.

Dr. Sir Gokul Chand Narang : On a point of order. My submission is that the Bill is *ultra vires* of this House. (*Hear hear.*) (*Interruption.*) The Bill cannot be introduced in this House. This House has no jurisdiction to entertain such a Bill and no member has any right to introduce such a legislation in this House. The matter has been decided only recently by a full bench of the Patna High Court. The Bill aims at cancelling financial contracts and a full bench as also a division bench of the Patna High Court have held that the provincial councils have no right to pass any measure or entertain any measure which destroys financial contracts, and, if I am not mistaken, the matter is now before the Federal Court and I think that, until the point is decided by that Court, this House should not entertain this Bill and you should not allow such a Bill to be introduced.

Premier : I am rather surprised at the objection raised by my honourable friend. He has cited a decision of the Patna High Court. We are not governed here by the Patna High Court. We will see when the question is decided by the Federal Court. Let us wait and see if such a legislation is declared to be *ultra vires* (*Interruption.*) The Bill is in order and my honourable friend has not the right to oppose it. (*Cheers.*)

PUNJAB COURTS (AMENDMENT) BILL.

Lala Duni Chand (Ambala and Simla, General, Rural) : I beg to move—

That leave be granted to introduce the Punjab Courts (Amendment) Bill.

Mr. Speaker : Motion moved is—

That leave be granted to introduce the Punjab Courts (Amendment) Bill.

Finance Minister (The Honourable Mr. Manohar Lal) : There is no objection.

Mr. Speaker : The question is—

That leave be granted to introduce the Punjab Courts (Amendment) Bill.

The motion was carried.

Lala Duni Chand : Sir, I introduce the Punjab Courts (Amendment) Bill.

LAND REVENUE (AMENDMENT) BILL.

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

That leave be granted to introduce the Punjab Land Revenue (Amendment) Bill.

Mr. Speaker : Motion moved is—

That leave be granted to introduce the Punjab Land Revenue (Amendment) Bill.

Raja Ghazanfar Ali Khan : I object to leave being granted to introduce the Bill.

Sardar Hari Singh : The object of the Bill is clearly stated in the Statement of Objects and Reasons. The Bill aims at the amendment of section 28 (1) of the Land Revenue Act (XVII of 1887). That section reads like this :—

“28. (1) The Financial Commissioner may make rules to regulate the appointment, duties, emoluments, punishments, suspensions and removal of kanungos, zaildars, inamdars and village-officers.”

What the amending Bill purports to do is that the appointments of these village officials should be by election and not by nomination as is being done at the present moment. The present system of appointments of village officials is unsound and rotten to the core. The amending Bill wants to supersede this system by a democratic system, a sound and up-to-date system of election, in order that all the defects, that are eating into the vitals of the social system of our country, may be done away with and swept away by the amending Bill. There are many defects in the present mode of appointments of village officials. I do not say that there are not honest, good and noble people among the lambardars, zaildars and sufedposhes. There are certainly very good people among them. There are exceptions. There are good men among zaildars but they are exceptions. There are good men among sufedposhes but there are exceptions. There are good people among lambardars. I do not object to particular individuals or all of them who are lambardars and zaildars and sufedposhes. What I object to at the moment is the system which, as I said already, requires to be done away with altogether lock, stock and barrel. (*Minister for Public Works :* What about elected persons ?) If the Honourable Minister has got something up his sleeves, he may come forward. (*Minister for Public Works :* I said, “What about all elected persons ?”) (*Mian Abdul Aziz :* The majority of the Unionist party.) I did not follow his English. So, Mr. Speaker, that is the question. Does he question the honesty of the members of this House ? They are at least responsible to the electorate and they can be defeated at the next election if they are not honest and upright, if they are not acting according to the people's wishes, they shall be tackled at the next election. If the Ministers are not acting in a responsible manner, they will be nowhere at the next election and they will be done away with. They will find themselves in the wilderness but in the case of nominated officials, they will be there oppressing and terrorising the people; since they are in the good books of the tahsildars, the revenue assistants and the deputy commissioners, they may make any mistakes, they may be corrupt, most dishonest people in the world, yet if they enjoy the good will of the subordinate officials, they will continue to be zaildars, sufedposhes and lambardars, however unfit for their jobs they may be from the people's point of view. I was submitting that there are many defects in the present system. I submit further that most of the corruption prevailing at the present moment in the Revenue and Police Departments amongst the subordinate officials is due to the fact that these people, who are appointed at the sweet will of the subordinate officials, act as agents for corruption. (*An honourable member :* Question.) But for the fact that these officials are nominated, they would not dare touch the simple and innocent people and extort bribes from them. It is only because they have got good agents in the persons of zaildars and sufedposhes that the subordinate officials dare go to the people

[Sardar Hari Singh.]

and squeeze bribes from them. Ninety per cent. of the corruption, which is deplorable and which we are bent upon eradicating, would be done away with by a single stroke of the pen if we accept this amendment and revolutionise the present system by having zaildars and sufedposhes elected. Elected sufedposhes and zaildars and lambardars would not play in the hands of the thanedar, the revenue assistant and others to terrorise the people of the villages in order to get bribes from them, in order to get money from them and satisfy the needs and wishes of the subordinate officials of the countryside.

Mr. Speaker, moreover at the present moment I state it on the floor of the House, categorically and without fear of contradiction, that these officials, the zaildars, and sufedposhes are being used as propagandists against the Congress and as propagandists in favour of the party in power. Because we have got a party system of Government at the present time under the new constitution, it is all the more necessary that these officials should not depend for their existence on the sweet will of the smaller officials who happen to be under the thumb of the Unionist ministry. I can give instances after instances how these officials are being used in the district board elections and how they were used last time during the general election to the Assembly. Only recently district board elections took place in the district of Hoshiarpur. I have personal knowledge that the Revenue Assistant of the district compelled the zaildar to stand against the Congress candidate on pain of dismissal. If he did not accede to the behests of the Revenue Assistant he was told "If you are not going to oppose the Congress candidate then resign your zaildarship and resign your sufedposhship and lambardarship." I do know at the present moment that those zaildars and lambardars who had the moral courage not to oppose the Congress are being tyrannised by the Revenue Assistant there. Although we are bringing this fact to the notice of the higher authorities still they are not receiving better treatment from the smaller officials. Some of these zaildars and lambardars had the moral courage to say to the Revenue Assistant, the special agent of the present ministry in the district, "We will fight for the Congress and we will secure votes for the Congress candidate and we are going to support the Congress in future." As a general rule whenever there is a vacancy, who are the persons appointed as zaildars and sufedposhes? The Revenue Assistant or the Tahsildar will ask the candidate, "What are your services to Government and what are your services in the matter of giving false evidence in police prosecution cases?"

Revenue Minister : Is that the only service ?

Sardar Hari Singh : That is one of the services. Then the greater a candidate is unpopular with the public the greater is his chance for appointment as a zaildar or sufedposh. The more popular a man is among the people the lesser is his chance for appointment or nomination as sufedposh. Unpopularity among the public is considered as a qualification and popularity with the people is considered as a serious disqualification and a defect in character. Popularity with the people at the time of nomination to a vacancy is considered as a serious moral defect in the man. You may judge of what use can they be to the people and of what benefit can they be to the general public if at the time of their nomination they are required to give proof of

their having appeared a number of times as prosecution witnesses in police cases, of having given false evidence and so on. These people after their appointment as *zaildar* or *sufedposh*, because of the fact that they have to depend for their existence and tenure of office on the sweet will of the officials, always dance to the tune of these officials. They have to supply free rations, *murghis* and *pulau*, to the *thanedars*; otherwise they are dismissed, and how do they supply these things? Do they supply from their pocket? No. They are not getting more than Rs. 20 or Rs. 25 a month. How can they supply these things *gratis* to the subordinate officials? They get these things, fuel, *murghis*, *ata*, *dal* and other things from the poor innocent people of the villages and this is how the people at the present time are being exploited by the agency of corruption, this agency of bribery, this agency of terrorism in the villages. Therefore at the present moment when party system of Government is obtaining in the province, it is necessary, in order to purify the public life in the country side, that this system should be done away with and instead of nomination of these officials, elections should take place. Moreover, we all deplore factions in villages. There are serious factions and party quarrels in the villages. In spite of the Panchayat Act litigation continues in the villages and party faction still continues. Why? Because there are *zaildars* and *sufedposhes* appointed by the officials; and as long as their present mentality and their present character continues, there could be no hope of doing away with party factions in villages because it is beneficial, financially beneficial and otherwise beneficial to the *zaildar*. If there is party faction in his *ilqa* he can always depend on the support of one party in the village. Therefore he naturally tries to create factions in the village so that he may have adequate support in the village at a time when he may be charged with bribery and corruption and when he may be charged with blackmailing the poor people, and he may depend on the support of a certain portion of the village population by creating factions and creating party feeling and party spirit in the village. Therefore we want to do away with that corruption, we want to do away with bribery and we want to do away with much of the subordinate officials' *zulum* in the villages; and in order to purify public life in the countryside it is essential that the village officials should be elected and not nominated as at the present moment. With these words I move my motion.

Raja Ghazanfar Ali Khan (Parliamentary Secretary): Sir, I rise to oppose this Bill. I know it is not very pleasant to oppose a Bill at its introduction stage; but the reasons for opposing it are very sound in my opinion. A Bill must be thrown out at the introduction stage when the principles contained in it are fundamentally rotten. (*Hear, hear.*) I have no hesitation in saying that the principles involved in this Bill are so fundamentally bad that it must be thrown out at the very first stage. My honourable friend will not be able to convince any member of this honourable House because unfortunately for him they know and understand what the real duties of the *lambardars* and *zaildars* and *sufedposhes* are. So, before the question is decided as to how *lambardars* and *sufedposhes* are appointed we should bear in mind what are the functions and duties which these officials are required to perform.

Now, I would not like to waste the time of the House in describing in detail the duties which these people have to perform. But I would submit

[Raja Ghazanfar Ali Khan.]

that the main duties of lambardars are two-fold. One is the prevention of crime in villages and the other is helping the Government in collection of Government dues, mainly, revenue. Now, Sir, these being the two duties of lambardars, I would ask honourable members to tell me whether they will be able to carry out these duties satisfactorily if they are under the control of the Government, whoever the Government may be for the time being or if they are under the control of their own electors. An elected member owes his allegiance mainly to his own voters. He does not feel himself bound to help and assist the public at large. We know what elections are unfortunately in this country at present. Some time ago we were under the impression that it is only we unfortunate rural people who did not quite appreciate the value of franchise, but urbanites were much better off. But the recent experience and the recent pronouncement by such an eminent, honest and the greatest leader in India, I mean, Mahatma Gandhi, has left no doubt in anybody's mind that elections are capable of carrying the most mischievous elements, such as corruption, terrorism and all sort of evils. (*Hear, hear.*) When even during the election of the delegates of the All-India Congress Committee, there can be so much corruption and terrorism, how can you believe that in a number of villages in the Punjab, which are about 36,988, elections can take place? If we take 2 lambardars per village, then the number of lambardars will be about 80,000. Just imagine the position of the Government holding 80,000 elections in the province for the post of lambardars, and on what basis, on the basis of universal franchise, not even on the basis of adult franchise but on the basis of universal franchise. I understand what my honourable friend means is that ladies carrying babies in their arms will also be required to vote for the appointment of lambardars.

Sardar Hari Singh: May I ask my honourable friend how many people he will be electing under the Panchayat Bill?

Raja Ghazanfar Ali Khan: I am afraid I cannot say anything about a Bill which has not yet come into force. But here is the universal franchise and my honourable friend wants me to support a Bill which contains universal franchise for election of 80,000 lambardars in the province. Let me assure my honourable friends that even now under the rules as they exist at present, the collector is not debarred from taking votes for the appointment of lambardars. My honourable lawyer friend, Mian Abdul Aziz, unfortunately sitting opposite, nods his head. He is a criminal lawyer. (*Laughter.*) He is not a revenue lawyer but still he takes interest in revenue matters. He should know that it is open to the collector to take votes before appointing a lambardar. What factors are taken into consideration? His property in the village, to what community or caste he belongs, the number of members of that particular caste in the village and his personal character and his influence in the public, these are the factors which the collector takes into consideration. If the collector wants to get these factors determined by the method of election, there is nothing under the rules to stop him. Generally the collector, who has to pass the most of his life amongst the villagers, has more sympathy than the honourable mover of the Bill has and he never puts them to the burden of having election for showing the individual whom they like. So much about lambardars. My honourable friend has

very kindly asked 'what about zaildars?' I understand he is convinced as far as lambardars are concerned. The question of zaildars remains. Let me tell my honourable friend that the number of zaildars is 1,760 and let me again assure him that zaildars are semi-administrative officers. Zaildars are not purely non-officials in the sense that we, the honourable members sitting in this House, are, because we are members of an elected body. It may be members of municipal committees, it may be members of district boards, it may be members of the Assembly, they are all members of an elected body and they are not semi-administrative officers. But a zaildar is part and parcel of the administration. As the honourable members know fully well, when a serious crime is committed in a village, the zaildar reaches there before the police comes to the spot. He can perform all the functions which a police officer has got to do. He can get the house surrounded, he can arrest the suspect and he can make all preliminary arrangements which a police officer would do when he reaches on the spot. Is there any gentleman, with any experience, who would suggest that zaildars should be appointed by votes? It is necessary that the electors and the collector should always be of one and the same opinion. The zaildar will be owing allegiance to the electors as well as the collector. When the collector and the electors differ then you can see what the plight of the poor zaildar would be. Therefore, I submit that it is only right and proper that we should not encourage such persons who have got no direct connection with the villagers and experience of village life and who would interfere in every possible way. I think the villagers would not like this Bill and would like to shove it on to the House.

Before I conclude, I will submit one thing more. As the honourable members are aware, the lambardari is hereditary, although zaildari is not. But even while appointing zaildars and safedposhes, the collector does take into consideration the claims of their family. But the lambardari is hereditary and this institution has been in existence for centuries together. Now, I ask the honourable members of this House, would they be prepared to brush aside all those old principles and customs and the little prestige which the custom has gathered in villages by appointing a lambardar by election? It is neither for the sake of party interest nor for the sake of party propaganda that I am opposing this Bill. There may be some lambardars who have got sympathy with the Congress people over there. There will be a number of lambardars who are related to those gentlemen sitting opposite and who have helped them during their elections. After all, it is most essential that for the sake of party propaganda or party interest we should not try to ruin the system which is based on rural life in this province. The only serious

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objection which my honourable friend from Hoshiarpur put forward was that by electing a zaildar you will put an end to corruption, you will put an end to bribery, as if these two things would not exist anywhere where they have this system of election. The only province I know of where they have started this system of election for the post of zaildar is the North-West Frontier Province. As the experiment in that province is a very recent one, I would not like to pronounce any definite opinion. As a matter of fact not having studied the problem myself personally, I would be very hesitant to give an opinion, but judging from what we read in the papers about the number of dacoities and murders and robberies, I would not be surprised if the substitution

[Raja Ghazanfar Ali Khan.]

of election of zaildar and lambardar for nomination was to some extent responsible for the increase in crime, because the lambardars when they were appointed by Government had to collect their own party whenever there was a dacoity in the village and followed the dacoits. Now that is not done, because they know that if the Congress is popular in the province and they stand on the Congress ticket they will be elected as lambardars and zaildars. What does it matter to them whether they make a search for the culprits or not in case of a dacoity, or murder or robbery? Therefore it is only reasonable that the appointment of zaildars and lambardars should be by nomination.

What happened in Hoshiarpur? I have no particular reason to mention this district, but my honourable friend knows more intimately than I do what happened in Hoshiarpur during the elections. Therefore I will just make a passing reference to that district. May I ask him whether he can conscientiously say that during the elections most filthy language was not used, or violence was not committed and processions were not taken? Things happened there of which any community or party would feel ashamed. The democratic form of Government is a very useful and most modern institution, but I would submit that it is not worth having at all if the object is to ruin the morale of the people.

Mr. Speaker : The question is—

That leave be granted to introduce the Punjab Land Revenue (Amendment) Bill.

The Assembly divided : Ayes 40 ; Noes 94.

AYES.

Abdul Aziz, Mian.
Abdul Rab, Mian.
Ajit Singh, Sardar.
Baldev Singh, Sardar.
Bhagat Ram Choda, Lala.
Bhagat Ram Sharma, Pandit.
Bhim Sen Sachar, Lala.
Chaman Lall, Diwan.
Duni Chand, Lala.
Duni Chand, Mrs.
Faqir Chand, Chaudhri.
Gauga, Mr. K. L.
Gopi Chand Bhargava, Dr.
Hari Lal, Munshi.
Hari Singh, Sardar.
Harjab Singh, Sardar.
Jugal Kishore, Chaudhri.
Kabul Singh, Master.
Kapoor Singh, Sardar.
Kartar Singh, Chaudhri.
Kartar Singh, Sardar.

Kishan Singh, Sardar.
Krishna Gopal Dutt, Chaudhri.
Lal Singh, Sardar.
Mazhar Ali Azhar, Maulvi.
Mohy-ud-Din Lal Badshah, Pir.
Muhammad Abdul Rahman Khan, Chaudhri.
Muhammad Hassan, Chaudhri.
Muhammad Hussain, Sardar.
Mula Singh, Sardar.
Partab Singh, Sardar.
Prem Singh, Mahant.
Raghubir Kaur, Shrimati.
Rur Singh, Sardar.
Sahib Ram, Chaudhri.
Sant Ram Seth, Dr.
Satya Pal, Dr.
Shri Ram Sharma, Pandit.
Sohan Singh Josh, Sardar.
Sudarshan, Seth.

NOES.

- Abdul Hamid Khan, Sufi.
 Abdul Haye, The Honourable Mian.
 Abdul Rahim, Chaudhri (Gurdaspur).
 Abdur Rahim, Chaudhri (Gurgaon).
 Afzaalali Hasnie, Sayed.
 Ahmad Yar Khan, Chaudhri.
 Akbar Ali, Pir.
 Ali Akbar, Chaudhri.
 Allah Bakhsh Khan, Khan Bahadur Nawab Malik.
 Amjad Ali Shah, Sayed.
 Anant Ram, Chaudhri.
 Ashiq Hussain, Captain.
 Badar Mohy-ud-Din Qadri, Mian.
 Balwant Singh, Sardar.
 Bhagwant Singh, Rai.
 Chhotu Ram, The Honourable Chaudhri Sir.
 Dasaundha Singh, Sardar.
 Dina Nath, Captain.
 Faiz Muhammad Khan, Rai.
 Faiz Muhammad, Shaikh.
 Faqir Hussain Khan, Chaudhri.
 Farman Ali Khan, Subedar-Major Raja.
 Fateh Jang Singh, 2nd-Lieutenant Bhai.
 Fateh Khan, Khan Sahib Raja.
 Fateh Muhammad, Mian.
 Fateh Sher Khan, Malik.
 Fazl Ali, Khan Bahadur Nawab Chaudhri.
 Fazal Din, Khan Sahib Chaudhri.
 Fazal Karim Bakhsh, Mian.
 Ghazanfar Ali Khan, Raja.
 Ghulam Mohy-ud-Din, Khan Bahadur Maulvi.
 Ghulam Samad, Khawaja.
 Gopal Singh (American), Sardar.
 Gurbachan Singh, Sardar Sahib Sardar.
 Haibat Khan Daba, Khan.
 Hans Raj, Bhagat.
 Hari Chand, Rai Sahib Rai.
 Harnam Singh, Captain Sodhi.
 Het Ram, Rai Sahib Chaudhri.
 Indar Singh, Sardar.
 Jagjit Singh Bedi, Tikka.
 Jagjit Singh Man, Sardar.
 Jalal-ud-Din Amber, Chaudhri.
 Jogindar Singh Man, Sardar.
 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 Amin, Khan Sahib Shaikh.
 Muhammad Ashraf, Chaudhri.
 Muhammad Azam Khan, Sardar.
 Muhammad Faiyaz Ali Khan, Nawabzada.
 Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar.
 Muhammad Hayat Khan Noon, Nawab Malik Sir.
 Muhammad Nawaz Khan, Major Sardar.
 Muhammad Qasim, Chaudhri.
 Muhammad Saadat Ali Khan, Khan Bahadur Khan.
 Muhammad Sadiq, Shaikh.
 Muhammad Sarfraz Khan, Chaudhri.
 Muhammad Sarfraz Khan, Raja.
 Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.
 Muhammad Yasin Khan, Chaudhri.
 Muhammad Yusuf Khan, Khan.
 Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
 Muzaffar Ali Khan Qizilbash, Sardar.
 Muzaffar Khan, Khan Bahadur Captain Malik.
 Muzaffar Khan, Khan Bahadur Nawab.
 Nasir-ud-Din, Chaudhri.
 Nasir-ud-Din Shah, Pir.
 Nasrullah Khan, Rana.
 Naunihal Singh Mann, Lieutenant Sardar.
 Nawazish Ali Shah, Sayed.
 Pohop Singh, Rao.
 Prem Singh, Chaudhri.
 Pritam Singh Siddhu, Sardar.
 Ranpat Singh, Chaudhri.

Ripudaman Singh, Thakur.
 Roberts, Sir William.
 Sahib Dad Khan, Khan Sahib
 Chaudhri.
 Shahadat Khan, Khan Sahib Rai.
 Shah Nawaz, Mrs. J. A.
 Shah Nawaz Khan, Nawab Sir.
 Sikander Hyat Khan, The Honour-
 able Major Sir.
 Sohan Lal, Rai Sahib Lala.

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 Bahadur Sar-
 dar.
 Wali Muhammad Sayyal Hiraj,
 Sardar.

HINDU MARRIAGE REFORM BILL.

Mrs. Duni Chand (Lahore City, Women, General) : I beg to move—

That leave be granted to introduce the Punjab Hindu Marriage Reform Bill.

Mr. Speaker : Motion moved is—

That leave be granted to introduce the Punjab Hindu Marriage Reform Bill.

Rai Bahadur Bindu Saran : I beg to object to the Bill.

Mrs. Duni Chand (Lahore City, Women, General), (*Urdu*) : Sir, my object in introducing this Bill is to mitigate the sufferings of those several thousand unfortunate women who are passing their days in misery on account of their husbands having left them uncared for. If you make enquiries you will find that there are several thousand women from 20 to 25 years of age whose husbands have contracted a second marriage and forsaken their first wives. These unfortunate women, having been forced by circumstances, commit suicide in order to end their miserable life. It is the foremost duty of the Government to protect the life and property of the people. The last report on the Criminal Administration of the country shows that a large number of such unfortunate women have committed suicide during the year. I would, therefore, request the Government to take steps to stamp out the evil from the province. I can say, and it is obvious on the face of it, that this Bill does not aim at revolutionising the social life of the people, but it is intended to effect a small reform so far as the Hindu Law is concerned. Last year, a similar Bill was given notice of by Bhai Fateh Jang Singh, and leave to introduce it was granted by this House. So, I fail to understand why leave should not be given to introduce this Bill. Those members who object to the measure on religious grounds can bring in amendments that may fulfil their wishes. People belonging to various religions and societies complain of the serious situation in which these unfortunate women are placed and not only the latter are sick at heart, but even the fair-minded men dislike such a situation. In the Central Legislature a similar Bill was moved by Mrs. Subbarayan and another Bill by Dr. Deshmukh is pending consideration. Several of my honourable brothers have, on the floor of the House, expressed their desire to the effect that the system of Hindu marriage should be reformed. I am aware of the fact that my honourable brother Bhai Fateh Jang Singh had also introduced quite an identical Bill during the last session of the Assembly. As he has come forward to advance the cause of the womanhood, he really deserves our praise. I have very carefully gone through his Bill, but to my great disappointment I find it wanting

in many respects. I definitely hold that it cannot remove the difficulties and redress the grievances of women. Men are in fact unable to understand the difficulties of women so easily as women can understand them.

Premier : I may submit that the Bill which was introduced by the honourable Bhai Fateh Jang Singh has already been committed to a select committee, and so it would be useless to appoint a new select committee for the Bill now under discussion. I would, therefore, request the honourable lady member to join the former select committee and then make an endeavour to get the other Bill amended and modified according to her views.

Dr. Gopi Chand Bhargava : Why not commit both these Bills to the same select committee?

Mrs. Duni Chand : If the Honourable Premier has no objection both the Bills may kindly be referred to two different select committees. I think by removing the defects of both these Bills a singular service to the cause of the poor women could be done.

With your permission, Sir, I may point out to the Honourable Premier that I am prepared to withdraw my Bill provided he gives me an assurance to the effect that Bhai Fateh Jang Singh's Bill would be improved upon so that it would emerge out of the select committee in a highly useful and beneficial form to the female community.

Premier : At this stage I am not in a position to give any assurance whatsoever in the matter. Both these Bills fundamentally affect the Hindu and Sikh communities and so it is for the Hindu and Sikh members alone to decide as to what sort of measure they want. If they unanimously resolve to make any amendments in the Bill I would be the last person to object to it. On the other hand, if they themselves cannot come to any definite decision, any assurance on my part would not help them in the matter.

Mrs. Duni Chand : If my honourable sister opposite were to give an assurance to the effect that Bhai Fateh Jang Singh's Bill, after having been amended by the select committee, could end our distress, I would most willingly withdraw my Bill.

Mrs. J. A. Shah Nawaz : Through you, Sir, I would like to make a request to my honourable sister opposite. She should bear in mind that so far as these social Bills and reforms are concerned we have to fight our cause singlehanded. We should not depend on the help of others. We should learn to stand on our own feet. The Honourable Premier has already remarked that he is prepared to nominate my honourable sister as a member of the select committee appointed to consider Bhai Fateh Jang Singh's Bill. She would, I am sure, accept his invitation and would be willing to work on that committee. I do not see any reason why we should not be able to achieve our object if we work with *esprit de corps*. It does not seem advisable on her part to ask for any assurance especially when neither the Honourable Premier nor I am in a position to give her any definite assurance at this stage. I, therefore, request my honourable sister to withdraw her Bill and help us in bringing the other Bill to the stage of second reading.

Mrs. Duni Chand : Sir, in deference to the wishes of my honourable sister opposite, who I am sure does not take less interest than myself in social activities, I beg leave to withdraw my motion. (*Hear, hear.*)

The motion was by leave withdrawn.

DEBTORS' PROTECTION (SECOND AMENDMENT) BILL.

Mian Badr Mohy-ud-Din Qadri (Batala, Muhammadan, Rural) :
Sir, I beg to move—

That leave be granted to introduce the Punjab Debtors' Protection (Second Amendment) Bill.

The motion was carried.

Mian Badr Mohy-ud-Din Qadri : Sir, I beg to introduce the Punjab Debtors' Protection (Second Amendment) Bill.

CODE OF CRIMINAL PROCEDURE (PUNJAB AMENDMENT) BILL.

Munshi Hari Lal (South Western Towns, General, Urban) : Sir, I beg to move—

That leave be granted to introduce the Code of Criminal Procedure (Punjab Amendment) Bill.

Mr. Speaker : Motion moved is—

That leave be granted to introduce the Code of Criminal Procedure (Punjab Amendment) Bill.

Minister for Finance (The Honourable Mr. Manohar Lal) : I object.

Munshi Hari Lal : Sir, the object of the Bill which I want to introduce in this House is clear from the statement of objects and reasons. This is not a new demand. It relates to partial separation of executive and judicial functions. The combination of the two functions in one authority has always been objected to in the press and on the platform and the evil of this has been admitted from a very long time. When I am asking that leave be granted to me to introduce this Bill, I am not crying for moon. It is a very modest and reasonable request and I am trying to seek some advance in the direction of the separation of the two functions. The public has been demanding it from a very long time. In regulation II of 1793—as long back as 1793—the undesirability of the fusion of the two functions is pointed out. Immediately after the assumption by the Crown of the Government of this country in 1858, a police commission was set up and it recommended that the sooner this reform was effected the better. Afterwards in 1881 or 1882 one of the Secretaries of State for India, I mean Lord Kimberley, recognized the justice of the demand. The Conservative ministry as represented by Lord Cross as Secretary of State for India also agreed to the principle. In 1899 there was a representation made and memorials signed by many influential and respectable persons including the Heads of the provinces and the judges of the High Courts of Madras, Calcutta and Bombay were submitted to the Government of India and the Secretary of State. These memorialists represented to them that the two functions should not rest in the hands of one and the same officer. In 1908 a very

weighty pronouncement was made in the Imperial Legislative Council by Sir Harvey Adamson then Home Member from whose speech I read a short passage—

'The inevitable result of the present system is that criminal trials affecting the general peace of the district are not always conducted in that atmosphere of cool impartiality which should pervade a court of justice. Nor does this completely define the evil which has not so much in what is done as in what may be suspected to be done, for it is not enough that the administration of justice should be pure; it can never be the bedrock of our rule unless it is above suspicion.'

The combination is a blot on the administration of justice and mars the purity of administration of criminal justice. It ought to engage the serious attention of every good government, and I hope of the Unionist Government which claims to be a good Government.

Sayed Amjad Ali Shah : What about the Congress Governments ?

Premier : They are not good Governments.

Sardar Sohan Singh Josh : They are good Governments.

Munshi Hari Lal : Are you not doing things which the Congress Governments are not even contemplating ? Only yesterday you introduced the Sergeant-at-Arms Bill. Are you not feeling that the Congress Governments would never bring in such a Bill ? If you are capable of doing bad things, I appeal to you to do good things as well. It is an anachronism in the administration that we find in these days even, i.e., the two functions being performed by one and the same person. But what is after all my request ? It is not the complete separation of the executive and judicial functions. I want progress by a small dose. By this Bill I have sought the advance from precedent to precedent.

Premier : Your time is nearly up.

Munshi Hari Lal : First, for the present I seek that the appellate powers should be taken away from the district magistrates and given to the sessions judges. (*Interruption.*) My honourable friend says "no." I cannot understand why he objects. I only want that the district magistrate should not exercise the appellate powers and that these powers should vest in the sessions judge. Secondly, no revisional powers should vest in the district magistrate. These powers should only vest with the sessions judge and should be taken away from the district magistrate. Thirdly, the transfer powers, i.e., the power of transferring cases which at present rest in the district magistrate alone should be given to the sessions judge as well. I do not want that these powers of transfer should be taken away from the district magistrate. All that I want is that the sessions judge should have co-extensive powers with the district magistrate. I do not know what possible objections there can be to this. The district magistrate is also the collector of the district. A monsoon of enactments burst out on the heights of Simla last summer in the shape of agrarian Acts. They have placed and are bound to entail heavy work for the collectors. It would be relieving them if the appellate and revisional powers are taken away from the district magistrates.

The district magistrate is the chief constable of the district. He has power to initiate prosecutions and investigation. He has got full control

[Munshi Hari Lal.]

over the subordinate magistracy, he should not have the powers to hear appeals. Appeals should be heard by the sessions judge. According to the Government of India Act it is the executive government that appoints the sessions judges. So far as the question of appointment of the sessions judges is concerned, it is the executive government that appoints them. The executive government has got control over the sessions judges. Where is the harm then? Would heavens fall if the district magistrate does not exercise powers of appeal? The sessions judges have a better sense of administration of criminal justice and are looked upon as above suspicion as they are not concerned with the executive duties of the district and as they do not exercise the powers of a police officer as the district magistrate does. If the revisional powers are taken away from the district magistrate, will there be any trouble? I submit no. Earth would not crack, justice would not be impaired as the sessions judge and the high court have powers of revision. All I want is that the district magistrate should be deprived of these powers. If the power of transfer of cases is given to the sessions judge, would the Unionist Government founder, would it shatter? Absolutely not, because the sessions judge and the additional sessions judge are also appointed by the executive government. All what is wanted is that the sessions judges should have powers of transfer of cases from the subordinate magistrates' court along with the district magistrates. I submit that my Bill aims at a much needed reform. This does not aim at complete separation of judicial and executive functions. It is only step by step and layer by layer that I seek reform. The Unionist Government would gain in prestige and would gain in power if they were to accept this Bill. Some fallacious arguments against this reform are advanced by its opponents and these fallacies have become immortal in this country. They can be classified into two groups. One is the question of prestige. Will the prestige suffer by the separation? Absolutely not. If the Premier has not got the power of catching a man and sending him to jail, has he not got the prestige over the province? Does it mean that prestige only vests in a person who has got criminal powers only and can shut up a man in prison? It will add to the prestige of the executive if it is so generous as to part with the powers which it has been exercising during the last two centuries. Secondly is the question of cost—question of financial burden. The question of burden does not at all arise in my Bill. It will not add to the cost of the exchequer because the sessions judge, the additional sessions judge and the district judge are to be found in every district. They will only be hearing the appeals. There won't be so much extra work because the number of appeals in the courts of the district magistrates are not many. This Bill won't involve any extra expense either on the exchequer. Even if a little cost is to be incurred, what does it matter when the freedom of an individual who lives in this regime is to be guaranteed? There should be no hesitation to incur it. My submission is that the Bill, as it stands, is a modest one. In the United Provinces they have already taken steps in the direction of this reform. They have provided for in the Budget and they have propounded a scheme which must be studied seriously by the Unionist Government. The United Provinces Government are thinking of making changes in order to suit the conditions prevailing there and to meet the demand of the people in this direction. The Honourable Chief Justice of the

Lahore High Court, wherever he goes, says that he cannot remove corruption and cannot guarantee pure and impartial criminal justice for the public, so long as there is the combination of two functions in one authority. He pleads for the separation of judiciary and executive in the province in order to tone up magistracy, some advance is necessary. With these remarks I commend the Bill to the House and I hope the House will be liberal enough to give me the permission to introduce it and to see that some reform is effected in the administration of criminal justice (*cheers*).

Finance Minister (The Honourable Mr. Manohar Lal): In opposing this motion I do not wish to traverse the elaborate controversy on the question of the separation of the judiciary from the executive. I would have done so if there were an adequate occasion for it. We are all conscious that conflicting opinions exist in this country on this very difficult issue. While on the one side, the matter is historical one, it has been held that there is a necessary principle, for the proper administration of justice, that the executive and judiciary should be entirely separate, a view in the opposite direction exists with equal emphasis. In this matter I would refer only to the emphatic view advanced by the Premier of one of our provinces who has had no hesitation in saying that there is no such absolute and sacrosanct principle as the separation of the judicial and executive function if you wish to secure justice in the country. Let the matter rest there. I shall confine myself to a few observations that I have to make on the Bill itself. So far as the Bill itself is concerned, apart from this reference to the separation of judiciary and executive, emphasis is laid, in the Statement of Objects and Reasons, to the fact that the district magistrate or the deputy commissioner is a very hard worked person, he requires relief and this Bill would afford him the necessary relief. So far as I know, there has been no demand on the part of district magistrates or the deputy commissioners that they are so hard-worked that part of the magisterial work, such as the honourable mover of this Bill would like to suggest, should be taken over from them and relief afforded to them in that direction. There has been no complaint whatever. On the other hand, as I read the Bill, it aims at three or four matters. Firstly, the security appeals are to be taken away from the district magistrates and given to sessions judges. I have not been able to understand why security appeals should be taken away from the district magistrates and entrusted to the sessions judges. Can it be said that those appeals would be better adjudicated upon, necessarily better adjudicated upon, if they went to the sessions judge? The second thing that this Bill aims at is that the power to hear appeals from the orders of second and third class magistrates is to be transferred from the district magistrate to the sessions judge. Those who are accustomed to deal with these appeals and with the second and third class magistrates know very well that the large number of appeals are heard by additional district magistrates in the province, and these appeals do not throw any particular strain on the district magistrates at the present time. There is no reason, therefore, to introduce this amending measure so far as this provision is concerned. It is said further that district magistrates should be deprived of their powers to order further enquiry into the cases of persons discharged by subordinate magistrates. I think it will be generally agreed that this is essentially a power which ought to vest in the hands of the district magistrates. It is

[Finance Minister.]

further sought by this Bill that district magistrates should be deprived of their power to report cases for the orders of the High Court. I fail to see what virtue there would be if the district magistrates are not able to make a reference to the High Court and only a sessions judge could do so. The Bill says that power is to be conferred on a sessions judge to transfer cases from one magistrate to another. It is not intended to take away the district magistrate's power of transfer. In this regard, if I may say so, the Bill is entirely useless. It is said that they want to relieve the district magistrate, they want to relieve the deputy commissioner particularly as he is likely to have more work to do as time goes on. Can any one of us, who has to deal with a sessions judge and the district magistrate, say that the sessions judge is not already a much heavily worked person? Has he got much time on his hands (*An honourable member*: No.) to attend to these things? The view that excessive strain exists at present or is likely to arise in future on the district magistrate is wholly incorrect and it will be difficult for me to say that I shall be in a position to add to the work of the sessions judges. That being so, I do not understand why the present system must be disturbed merely because there is a remote idea that thus it might be possible to separate the executive from the judiciary. I shall not go into the matter any further. There is no reason why we, in this province, should come forward and bring amendments which are not wanted. (*Cheers.*)

Mr. Speaker : The question is—

That leave be granted to introduce the Code of Criminal Procedure (Punjab Amendment) Bill.

The Assembly divided : Ayes 28, Noes 80.

AYES.

Ajit Singh, Sardar.
Baldev Singh, Sardar.
Bhagat Ram Choda, Lala.
Bhagat Ram Sharma, Pandit.
Dev Raj Sethi, Mr.
Duni Chand, Lala.
Duni Chand, Mrs.
Gopi Chand Bhargava, Dr.
Hari Lal, Munshi.
Hari Singh, Sardar.
Harjab Singh, Sardar.
Harnam Das, Lala.
Kabul Singh, Master.
Kapoor Singh, Sardar.

Kartar Singh, Chaudhri.
Kartar Singh, Sardar.
Krishna Gopal Dutt, Chaudhri.
Muhammad Hassan, Chaudhri.
Muhammad Iftikhar-ud-Din, Mian.
Mukand Lal Puri, Rai Bahadur Mr.
Partab Singh, Sardar.
Prem Singh, Mahant.
Raghubir Kaur, Shrimati.
Rur Singh, Sardar.
Sabib Ram, Chaudhri.
Shri Ram Sharma, Pandit.
Sohan Singh Josh, Sardar.
Sudarshan, Seth.

NOES.

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Abdul Rahim, Chaudhri (Gurdaspur).
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.	Muhammad Faiyaz Ali Khan, Nawabzada.
Balwant Singh, Sardar.	Muhammad Hayat Khan Noon, Nawab Malik Sir.
Barkat Ali, Malik.	Muhammad Qasim, Chaudhri.
Bhagwant Singh, Rai.	Muhammad Raza Shah Jeelani, Makhdumzada Haji Sayed.
Chhotu Ram, The Honourable Chaudhri Sir.	Muhammad Saadat Ali Khan, Khan Bahadur Khan.
Dasaundha Singh, Sardar.	Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.
Dina Nath, Captain.	Muhammad Wilayat Hussain Jeelani, Makhdumzada Haji Sayed.
Faiz Muhammad, Shaikh.	Muhammad Yasin Khan, Chaudhri.
Faqir Hussain Khan, Chaudhri.	Muhammad Yusuf Khan, Khan.
Ferman Ali Khan, Subedar-Major Raja.	Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
Fateh Jang Singh, 2nd-Lieutenant Bhai.	Muzaffar Ali Khan Qizilbash, Sardar.
Fateh Khan, Khan Sahib Raja.	Muzaffar Khan, Khan Bahadur Captain Malik.
Fateh Muhammad, Mian.	Muzaffar Khan, Khan Bahadur Nawab.
Fazl Ali, Khan Bahadur Nawab Chaudhri.	Nasir-ud-Din Shah, Pir.
Fazal Karim Bakhsh, Mian.	Naunihal Singh Mann, Lieutenant Sardar.
Ghazanfar Ali Khan, Raja.	Pohop Singh, Rao.
Ghulam Mohy-ud-Din, Khan Bahadur Maulvi.	Pritam Singh Siddhu, Sardar.
Ghulam Samad, Khawaja.	Ram Sarup, Chaudhri.
Gopal Singh (American), Sardar.	Sahib Dad Khan, Khan Sahib Chaudhri.
Gurbachan Singh, Sardar Sahib Sardar.	Shahadat Khan, Khan Sahib Rai.
Habib Ullah Khan, Malik.	Shah Nawaz, Mrs. J. A.
Haibat Khan Daha, Khan.	Shah Nawaz Khan, Nawab Sir.
Hans Raj, Bhagat.	Sikander Hyat-Khan, The Honourable Major Sir.
Hari Chand, Rai Sahib Rai.	Sohan Lal, Rai Sahib Lala.
Harnam Singh, Captain Sodhi.	Sultan Mahmood Hotiana, Mian.
Indar Singh, Sardar.	Sumer Singh, Chaudhri.
Jagjit Singh Bedi, Tikka.	Sunder Singh Majithia, The Honourable Dr. Sir.
Jagjit Singh Man, Sardar.	Suraj Mal, Chaudhri.
Jogindar Singh Man, Sardar.	Talib Hussain Khan, Khan.
Khizar Hayat Khan Tiwana, The Honourable Nawabzada Major.	Tara Singh, Sardar.
Kishan Das, Seth.	Tikka Ram, Chaudhri.
Manohar Lal, The Honourable Mr.	Ujjal Singh, Sardar Bahadur Sardar.
Maqbool Mahmood, Mir.	
Mubarik Ali Shah, Sayed.	
Muhammad Akram Khan, Khan Bahadur Raja.	
Muhammad Amin, Khan Sahib Shaikh.	
Muhammad Azam Khan, Sardar.	

HOMCEOPATHIC FACULTY BILL.

Chaudhri Krishna Gopal Dutt: Sir, I beg to move—

That leave be granted to introduce the Punjab Homeopathic Faculty Bill.

Mr. Speaker : The motion is—

That leave be granted to introduce the Punjab Homœopathic Faculty Bill.

Minister for Education : No objection.

Mr. Speaker : The question is—

That leave be granted to introduce the Punjab Homœopathic Faculty Bill.

The motion was carried.

Chaudhri Krishna Gopal Dutt : Sir, I beg to introduce the Punjab Homœopathic Faculty Bill.

5 P.M.

REGISTRATION OF SHEPHERDS BILL.

Sardar Lal Singh (Ludhiana Central, Sikh, Rural) : Sir, I beg to move—

That leave be granted to introduce the Punjab Registration of Shepherds Bill.

Mr. Speaker : Motion moved is—

That leave be granted to introduce the Punjab Registration of Shepherds Bill.

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : Sir, I object to the leave being granted to introduce this Bill.

Sardar Lal Singh : I do not know on what grounds my honourable friends opposite are going to oppose this Bill. The principle of this Bill has been accepted by the Government itself because already some weeks ago a committee was appointed for the same purpose which this Bill is to serve. To be brief it is a well known fact that thousands of these shepherds without owning any grazing land go about the countryside, living like parasites on other people's property, fields and labours. They own nothing in fact. The whole industry is based upon living upon others. All the grazing that they do is done by the roadside or by the field-side on other people's property and when the sheep-shearing season comes they squat by the roadside, shear the sheep, pack the wool in bags and send it to the nearest railway station and reap income thereby. Those people do not give the Government or the country any fraction of the fruit of their labours—not the smallest fraction—because they are not taxed directly or indirectly. It is a well-known fact that in the *ilagas* like the Southern Punjab or the South-Eastern Punjab where these shepherds abound in large numbers, there is no law to control them. There is, I admit, the Cattle Trespass Act, but that Act is almost a dead letter in the case of these shepherds. When the farmers try to catch hold of those people when they trespass on their land or for the crime that those people commit by way of theft of other people's harvest and property, there are every year a number of murders and several fights which lead to a lot of litigation and trouble to the ordinary zamindar whose cause the Government always, day in and day out, pleads. I am rather surprised to hear that there is opposition to this Bill. It is a very important and necessary Bill which will help the zamindars to bring in his harvest in full and which will also by the way bring in a little income to the Government. It has been estimated that of all the pests that befall the

ordinary zamindar,—the pests of the roaming Odes or the roaming shepherds—whether they belong to that locality or not these pests do a considerable damage to his crop, besides a lot of crime being committed in the *ilaga*. I, therefore, submit that this Bill should be allowed to be introduced.

Premier (The Honourable Major Sir Sikander Hyat-Khan): Sir, I have every sympathy with the object which my honourable friend has in view. We all know that this problem of Odes has been exercising the minds of my honourable friends opposite as well as the members on this side and we want to do something which would at least mitigate this evil.

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

My honourable friend is aware that the Government has given careful consideration to this problem and with a view to take a practicable action, which would also be effective, we have appointed a small committee to go into the whole matter and to make recommendations to Government. As soon as the report of that committee is available, Government will give it careful consideration and then try to devise a suitable measure to meet this evil. If my honourable friend's Bill is introduced at this stage, it would serve no useful purpose because if the committee suggests some other remedy, then this Bill will have to be dropped. Therefore, I suggest to my honourable friend that we should await the report of that committee and then in the light of that report try to devise means whether by legislation or otherwise, to meet the exigencies of the situation. I hope my honourable friend will not press his motion.

Sardar Lal Singh: I am advised to withdraw this Bill and I do so.

The motion was by leave withdrawn.

HEALTH INSURANCE BILL.

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, General, Urban): Sir, I beg to move—

That leave be granted to introduce the Punjab Health Insurance Bill.

Mr. Deputy Speaker: Motion moved is—

That leave be granted to introduce the Punjab Health Insurance Bill.

Minister for Education (The Honourable Mian Abdul Haye): Sir, I object to leave being granted to introduce this Bill.

Chaudhri Krishna Gopal Dutt: Sir, I am not surprised at the objection taken by my honourable friend, the Minister for Education. In fact he has not been able to cut the ground from under my feet by opposing the very introduction of this very useful and important measure. A Government which is dominated and vitiated by feudalistic mentality and which suffers from bourgeois complex which Fried, the great psychoanalyst, never realised, was not expected to look after the physical welfare of the workers. If the Government had an iota of sympathy for these poor labourers and poor workers in factories and who are living in the slums I have no doubt that it would have come forward, and not only agreed to the introduction of this Bill, but tried to improve upon this Bill and accepted this Bill. But since the Government has taken into its head to

[Chaudhri Krishna Gopal Dutt.]

oppose the very introduction of this measure, I feel that the Government has not shown any sympathy for the masses of workers in this province, who are too poor to afford medical relief when they fall ill.

This Bill is not introduced in this House for the first time. On two previous occasions this Bill was moved by two very prominent members of the Congress Party. At one time this Bill was moved by the honourable the Leader of the Opposition, and the second time it was moved by the Deputy Leader of the Opposition, I mean my honourable friend Diwan Chaman Lall. The Bill, Mr. Deputy Speaker, aims at the establishment of an insurance fund which is to be subsidised partly by the Government and mainly by employers and workers themselves. Out of this fund help will be given to those workers who fall ill during the course of their service or occupation. The help will be in the form of getting the services of very good, capable and able doctors, on the basis of what is known as the panel system. Not only the doctors but the social reformers who are interested in the welfare and particularly the physical welfare of the labourers, have asked for such a Bill. I know my honourable friend the Minister for Education will get up after I have resumed my seat and say, "you are asking me to get this Bill passed through this House when no province in India has been able to enact such a measure." When I was discussing the question of medical relief during the Budget session, I pointed out to the Honourable Minister for Education that so far as medicine was concerned, so far as medical relief was concerned, I am one of those who are prepared to eschew politics from that domain. It is not my concern at this moment to say which countries in the world have enacted this Act. I think there are many countries which have enacted such legislation, but it is not my concern to point out which country has got this legislation and which has not. I do not worry about that. It is the duty of this House to see whether a particular measure is good, bad or indifferent. When a measure is really useful to the welfare of the province, may be physical welfare, may be moral welfare, may be intellectual welfare or educational welfare or may be even spiritual welfare. We have to discuss it on its merits and therefore I am not prepared to hear this argument, and I hope that the House will not entertain this argument that no province in India has been able to enact this legislation. I have not studied this question so far as other provinces are concerned and, therefore I am not in a position to say whether really any province has taken any steps in this direction or not. I do not know how many provinces have this legislation before them, but I am sure that at least one particular Provincial Assembly has before it such a measure. I do not know at what particular stage that measure is. I may be wrong. I am open to correction.

The Honourable Mian Abdul Haye : Which province is that ?

Chaudhri Krishna Gopal Dutt : Perhaps Orissa. Well, Mr. Speaker, I have already said that it is not my concern whether any provincial government had this Bill under consideration or not. My point is this, that we should consider this measure on its own merits. I have studied the two very pertinent speeches made by my honourable friend the Minister for Education while taking objection to this Bill when it was moved for the first time and for the second time. He took objection to this Bill and to the

introduction of this Bill, mind you, Mr. Speaker, on three grounds. One ground was that there was an element of compulsion in this Bill, and he said that he was very much opposed to compulsion. He said that his method was persuasion and not compulsion. I should like to read out what he said at that particular time. If you refer to page 709, volume II, proceedings of the 21st January, 1938, you will find that he said :—

This Bill introduces an element of compulsion and taxation. So far as compulsion is concerned, I want to make it clear that the Government has set its face against it absolutely and definitely. What we are trying at present is to grant relief by adopting measures of persuasion and not compulsion.

Mr. Deputy Speaker, I am surprised at this argument being given by a Government which at least claims to be socialistic in character, if not actually socialistic. Mr. Deputy Speaker, this motion of the State under which the Honourable Minister for Education has attempted to seek protection is absolutely antiquated. No conservative Government in this world has taken up this attitude that Government is not prepared to accept this principle of compulsion, is not prepared to introduce compulsion. This is a view which is called in political science individualistic view and this individualistic view, in my opinion, is absolutely antiquated. Why? because we feel that the people are suffering from inertia, they have not the capacity to think for themselves, those poor people, at least the workers cannot have any insurance scheme to work up on their own initiative, and on the other hand, there are the employers who are capitalistic, who are blood-suckers, who want to exploit the labour, but who do not do anything for them because it costs a little bit of money. While I do not support this attitude of the Minister of Education, I would remind him that this is not only wrong in principle but this is wrong in practice also. He does not know, that the Punjab Government has done things which were based on compulsion. May I remind him that day in and day out Government doctors go out into the villages and towns to inject that deadly virus, that deadly poison called the vaccine virus, into the human bodies, into the tender and delicate bodies of innocent boys and girls against their will and on the threat of sending them to jail? Is that not compulsion? I may be opposed to that system of vaccine or I may not be, but there is a law which urges all the people in the province and also in other provinces that they should get their children vaccinated, and if they do not they will be either fined or put behind the bars. Is that not compulsion? If this is compulsion, why not do a thing which is not controversial? Mr. Deputy Speaker, the Honourable Minister for Education said in that speech that if there was another scheme of insurance against sickness which eliminated the factor of cost to be incurred by Government, what is called a voluntary scheme of insurance, then he was prepared to accept it. I will read out what he said. I am referring to page 568, Punjab Legislative Assembly Debates, dated the 1st April, 1938, Volume IV, No. 8. This is what the Honourable Minister for Education said at that time while opposing the introduction of this Bill—

If, however, some other scheme on voluntary basis, provided it would not involve great expenditure on the part of this Government, is brought forward, I shall be very glad to give my earnest consideration.

Minister for Education : I did not say that I would accept it.

Chaudhri Krishna Gopal Dutt : This Bill provides for a scheme on voluntary basis. This Bill is calculated to establish an insurance fund partly to be subsidised by the Government and mainly by the employers of workers. If there is any defect in it you can improve upon it or eliminate all undesirable provisions. But, why oppose it even at the introduction stage? Why do you oppose the principle of the Bill? For, that is what it comes to if you oppose a Bill even at the introduction stage. From the Minister's speech it has become crystal clear that he is not opposed to the principle of the Bill, but that he is handicapped by the rigidity and inelasticity of the Punjab finance. His contention is that the Government cannot support such a measure. I ask, why not refer the Bill to a select committee where we can thrash all points and discuss how far Government can and should spend. If it is found that the Government cannot finance the scheme, a scheme on a voluntary basis can be put into operation. Therefore this apathy of Government even at the introduction stage is most unintelligible.

The third ground on which he opposed the introduction of the Bill was one of expenditure, that the Government had not enough money. They have now appointed a Resources and Retrenchment Committee and after spending so much money and labour the committee is expected to arrive at some definite conclusions, and it is hoped, though the hopes may not be realised, that it would recommend retrenchment. If there is going to be appreciable retrenchment, we will have more money and when there is more money available, we can spend a portion of it on this scheme. Then, why oppose the Bill now on the flimsy ground of lack of funds or increase of expenditure? He should know, if he is really serious in giving medical relief to the poor, that he should spend more money every day, more money every week, more money every month and more money every year. You know that we are going to have more money as a result of the recommendations of the Resources and Retrenchment Committee. Why then do you not support the introduction of this Bill? Heavens will not fall by the mere introduction of this measure.

The next ground on which the Honourable Minister opposed the Bill was that we had not got the necessary data, the necessary material. That also was a flimsy ground. It is to collect this data that I want that the Bill should be allowed to be introduced, so that we may be able to sift the material and find out whether this Bill is justified and whether any other scheme can be put into operation. It is open to the Government to kill this Bill at any stage. The Government may allow the Bill to be introduced now and if it finds that it is not desirable to get this Bill passed it can reject it at a later stage. He said on the last occasion :—

I would briefly indicate my points on the basis of which I oppose this motion. The first and foremost is that before we undertake a legislation of this nature we must have before us relevant material and relevant data.—*Punjab Assembly Debates, Volume IV, page 563.*

I agree. But I am not asking that this legislation should be passed even now. I only ask that leave may be granted to introduce it. The material will have to be sifted and that can be done only by an expert committee and that body can be the select committee of this House. If we can secure that data through the select committee, then why oppose the introduction of this measure?

The Honourable Minister then referred in his speech to the recommendation of the Royal Commission on Labour. He pointed out that the Labour Commission said that favourable circumstances were not ripe for the enactment of this legislation. Are we to be putting forward this argument in season and out of season? Do you think that even ten years hence you will say that the Royal Commission on Labour did not recommend this measure? The Honourable Minister also referred to the scheme which was sent to the Government of India by Mr. Hingorani. I submit that that is not germane to this Bill, because we have to look to the conditions and circumstances of our own province. We must judge whether we should afford medical relief to these poor workers who cannot afford to have medical relief otherwise. Therefore I say that all references to the Royal Commission's Report and to the report of Mr. Hingorani have nothing to do at all with this Bill. May I remind the Honourable Minister that before he came into office it was the old bureaucracy which recommended that such a scheme should be put into operation and that a committee should be appointed to go into this question and sift the material? It was expected that this successor of that bureaucracy would certainly do something in the matter and appoint a committee and do something practical to achieve the social health of this province. But so far the Government has done nothing to ameliorate the conditions of the workers, to improve the physical welfare of those poor people. I do not want to take any more time of the House, but I would draw the attention of the Honourable Minister for Education to the fact that it is my firm conviction, being a student of social reform, being a student of medicine, that we cannot achieve the health of this province unless we improve the health of those poor people, because it is those slums which are the breeding place of all diseases. Sometimes rich people and rich governments think that their duty is to look after the health of rich people or the upper middle classes. But all students who have studied this question are of the firm view that unless we improve the conditions of the occupants of these slums we cannot achieve the social health of any province or of any country.

Another argument which the Honourable Minister put forth in opposition to this measure was a mischievous one. It was in keeping with the policy of divide and rule. He wanted to divide the people into two classes, agriculturists and non-agriculturists. He said that this Insurance Bill is not calculated to improve the lot of the agriculturists but only of the urban workers and that therefore the Government was not prepared to spend any money which was merely for the improvement of the urban workers. May I remind him in the first instance that no decent Government, no popular Government, no Government which represents the minorities and majorities, no Government which could be called a Government of the people for the people and by the people, should ever try to create such unhealthy and dangerous cleavages. The Punjab Government is already creating mischief in the province. It has already set a stage for a civil war in the province. Let us not create such distinctions, let us not create such divisions, but see that all the workers, all the poor workers, whether they belong to the villages or whether they belong to the urban areas, are looked after. Another thing that he should know is that it is not all non-agriculturists who are working in these factories as labourers. There are quite a number of them who are real and genuine agriculturists, even in the

[Chaudhri Krishna Gopal Dutt.]

sense of statutory agriculturists. A large number of workers are drawn from the rural areas. Therefore even on that ground the argument advanced by my honourable friend was fallacious. With these remarks I commend my motion for the acceptance of the House.

Minister for Education (The Honourable Mian Abdul Haye) : My honourable friend reminded us that in the first instance this Bill was sought to be introduced by the Leader of the Opposition and next time it was sought to be introduced by the Deputy Leader of the Opposition and it is now sought to be introduced by a leader who is in embryo. I must congratulate my honourable friends on the persistence with which they are agitating this point on the floor of this House. I have got no desire to repeat what I said on the two previous occasions, except to the extent to which reference has been made by my honourable friend opposite. My honourable friend quoted from one of my speeches and said, the Minister on previous occasions stated that if another health insurance scheme were brought forward, a scheme which would not involve any expenditure on the part of the Government, a scheme which would be on a voluntary basis, he, the Minister, would be prepared to accept it. I interjected and contradicted him then. I never said that I would accept it. What I said was that if no expenditure on the part of the Government was involved and if there was no element of compulsion and if it was to be on a voluntary basis, I would be prepared to give it my best consideration. Now what have you done? Have you acted on my advice? Have my friends brought a Bill before the House which does not contain an element of compulsion? May I read out from his Bill itself? Is it on the voluntary basis?

Chaudhri Krishna Gopal Dutt : I never said that.

Minister for Education : Here is clause 4 which says :

The contributions payable out of the revenues of the province shall be in the proportion of one-fourth to three-fourths of the contribution payable under section 3 of this Act.

Clause 5 says :

The employer shall in the first instance pay contributions.....

The word used is "shall". It is not an enabling measure. It is not on voluntary basis.

Chaudhri Krishna Gopal Dutt : You can see to that in the select committee.

Minister for Education : Again my honourable friend unnecessarily raised the question of urban *versus* rural population, the question of agriculturist and non-agriculturist. I must congratulate him on one thing. The previous movers, at least one of them, when this question was raised on the floor of the House, that this Bill was not going to benefit 85 per cent. of the population of the Punjab (*Chaudhri Krishna Gopal Dutt* : It is wrong.) contradicted me. But my friend had the courage here to say that this was mainly for the benefit of the labourers who worked in the factories, who lived in the urban areas. He has however tried to criticise me by saying that this Government is less solicitous about the welfare of

the labourers living in urban areas. May I remind my honourable friend what difference there is between the poor man who lives in the village and the poor man who lives in the town ?

Chaudhri Krishna Gopal Dutt : There is no difference.

Minister for Education : There is. That is where my honourable friend is wrong. There is a lot of difference between the poor man who lives in the village and the poor man who lives in the town. The poor man who lives in the town has got so many facilities. He can have a house of his own ; he can have a house which is rented. If he cannot afford a pucca house he at least lives in a *kacha* house ; but people in the country side have no suitable tenements. Very often one finds them living in thatched houses and chhappars. The man in the town has got roads, railway stations, dispensaries, cinemas, educational facilities and what not. The labourer in the town rises in the morning and if he wants to earn his livelihood he has got the opportunity to work and he gets his emoluments before night falls and goes back to his house with annas 12 or Re. 1. But does the poor man in the village who is equally prepared to work, find himself in the same position ? Nature sometime does not help him. Unless the monsoon sets in he is unable to work. If the monsoon comes in time he works, tills his land, sows the seed but any visitation of nature may destroy his labour in one night or in one day or in one hour. This is the difference between the poor man in the village and the poor man in the town.

Chaudhri Krishna Gopal Dutt : Does it mean that you should not do anything for the workers ?

Minister for Education : Let us see what we have done. So far as the question of medical relief is concerned, compare the facilities provided in town with those available in an ordinary village.

Chaudhri Krishna Gopal Dutt : Insurance against sickness ?

Minister for Education : The honourable member speaks of the labourer that lives in the urban area. He lives in a big town, works as a labourer and gets his emoluments. What facilities has he there ? In a big town or even in a small town there are dispensaries and hospitals. The honourable members are perfectly aware that these labourers in these towns receive medical attendance free, and very often receive the medicine free. No such facilities are available to the people living in the villages. In our hospitals and dispensaries, any person who earns less than Rs. 150 a month is entitled to go to the dispensaries, is entitled to go to the hospitals, is entitled to be admitted to the general ward. He shall have free medicine, free treatment.

Chaudhri Krishna Gopal Dutt : Is that enough ?

Chaudhri Muhammad Hassan : In which part of the province ?

Minister for Education : This is much more than what we have done for the man in the village and yet you are jealous of our doing something for the villages.

Chaudhri Muhammad Hassan : In your own district ?

Minister for Education : I have absolutely no doubt that he can get that treatment free of cost. Even those who are in a position to pay get it free of cost.

Chaudhri Krishna Gopal Dutt : Insurance is the main point. Let us hear something about it.

Minister for Education : Some honourable members may have ulterior motives. Patience is a great virtue especially for prominent members of the Opposition. We have tried to set an example for honourable members opposite by our conduct in this House by not interrupting them when they speak but no leaf is being taken out of our book.

Chaudhri Muhammad Hassan : Chaos and confusion.

Minister for Education : What is the position? The labourer living in an urban area, who works in a factory, is being required compulsorily, by virtue of the provisions of the proposed Bill, to make a contribution every week. We know their condition. They live from hand to mouth. Their emoluments are very low. If we call upon them to make this compulsory contribution, though it is not a taxation, the ignorant labourer will treat it as a taxation and perhaps it will afford an admirable opportunity to some gentleman to go about the country and say, "Here is this Government which is taxing the poor people and not the rich people. The rich people are favoured by this Government. The traders and the owners of factories are not required to make this contribution and the poor man who gets annas 12, annas 8 and annas 6 a day is required to make a compulsory contribution every week." Why should a labourer make a contribution, with the off-chance of getting some benefit if he happens to fall ill or somebody in the family happens to fall ill? To-day it is open to him to go to a dispensary, or a hospital and get medical aid free. Why should he be made to pay for it? My honourable friend says that we have to look to the conditions and the circumstances prevailing in this province. I entirely agree with my honourable friend. Punjab is a land of peasant proprietors and is primarily an agriculturist province. Punjab has not made a very great headway so far as the industries are concerned. The industry here is still in its infancy. Do honourable members think that in the matter of these industries and these factories, where we are already making great effort to help them by advancing loans and in other ways, these owners and proprietors should be called upon to make a contribution of the nature suggested in this Bill? Government is entirely opposed to it. In this matter we would like other provinces—like Bombay and Calcutta to give a lead and they have not yet raised their little finger. I repeat what I said on a previous occasion and my learned friend is not justified in saying that the remarks made by Mr. Hingorani are not at all pertinent to the question before us. I only quoted Hingorani when I said that it is admitted on all hands and even by the Royal Commission that in this country the circumstances are such that no scheme of health insurance which involves an expenditure on the part of Government is feasible. This is what the Royal Commission said and this is what Mr. Hingorani said. Mr. Hingorani prepared a scheme which was on a contributory basis between the employer and the employee and no contribution was to be made by Government. Perhaps some members are not aware what admirable opportunities and facilities are provided to the labouring classes and the

poor classes in the urban areas where these factories are situated. So far as public health is concerned we have taken another step. Every medical officer of health in the Punjab, be he a municipal medical officer of health or district medical officer of health, has been appointed as an additional inspector of factories and we have appointed one additional officer as supervisor. They do take interest in their work and give all assistance. With these words I regret I cannot agree to the motion moved

Mr. Deputy Speaker : The question is—

That leave be granted to introduce the Punjab Health Insurance Bill.

The Assembly divided : Ayes 33, Noes 80.

AYES.

Ajit Singh, Sardar.
Baldev Singh, Sardar.
Bhagat Ram Choda, Lala.
Bhagat Ram Sharma, Pandit.
Chanan Singh, Sardar.
Dev Raj Sethi, Mr.
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, Chaudhri.
Kartar Singh, Sardar.
Krishna Gopal Dutt, Chaudhri.
Mazhar Ali Azhar, Maulvi.

Muhammad Abdul Rahman Khan,
Chaudhri.
Muhammad Hassan, Chaudhri.
Muhammad Iftikhar-ud-Din, Mian.
Mukand Lal Puri, Rai Bahadur Mr.
Mula Singh, Sardar.
Partab Singh, Sardar.
Raghubir Kaur, Shrimati.
Rur Singh, Sardar.
Sahib Ram, Chaudhri.
Santokh Singh, Sardar Sahib Sar-
dar.
Sant Ram Seth, Dr.
Sita Ram, Lala.
Sohan Singh Josh, Sardar.
Sudarshan, Seth.
Uttam Singh Dugal, Sardar.

NOES.

Abdul Haye, The Honourable
Mian.
Abdul Rahim, Chaudhri (Gurdaspur).
Afzaalali Hasnie, Sayed.
Ahmad Yar Khan, Chaudhri.
Akbar Ali, Pir.
Ali Akbar, Chaudhri.
Amjad Ali Shah, Sayed.
Anant Ram, Chaudhri.
Ashiq Hussain, Captain.
Balwant Singh, Sardar.
Bhagwant Singh, Rai.
Chhotu Ram, The Honourable
Chaudhri Sir.
Dina Nath, Captain.
Faiz Muhammad, Shaikh.

Faqir Hussain Khan, Chaudhri.
Farman Ali Khan, Subedar-Major-
Raja.
Fateh Jang Singh, 2nd-Lieut. Bhai.
Fateh Khan, Khan Sahib 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, Khan Baha-
dur Maulvi.
Gopal Singh (American), Sardar.
Gurbachan Singh, Sardar Sahib-
Sardar.

Habib Ullah Khan, Malik.
 Haibat Khan Daba, Khan.
 Hari Chand, Rai Sahib Rai.
 Het Ram, Rai Sahib Chaudhri.
 Indar Singh, Sardar.
 Jagjit Singh Bedi, Tikka.
 Jagjit Singh Man, Sardar.
 Jogindar Singh Man, Sardar.
 Karamat Ali, Shaikh.
 Khizar Hayat Khan Tiwana, The Honourable Nawabzada Major.
 Manohar Lal, The Honourable Mr.
 Maqbool Mahmood, Mir.
 Muhammad Akram Khan, Khan Bahadur Raja.
 Muhammad Amin, Khan Sahib Shaikh.
 Muhammad Ashraf, Chaudhri.
 Muhammad Faiyaz Ali Khan, Nawabzada.
 Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar.
 Muhammad Hayat Khan Noon, Nawab Malik Sir.
 Muhammad Hussain, Chaudhri.
 Muhammad Nawaz Khan, Major Sardar.
 Muhammad Qasim, Chaudhri.
 Muhammad Saadat Ali Khan, Khan Bahadur Khan.
 Muhammad Sadiq, Shaikh.
 Muhammad Sarfraz Khan, Chaudhri.
 Muhammad Wilayat Hussain Jeelani, Makhdumzada Haji Sayed.
 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.
 Nasir-ud-Din, Chaudhri.
 Naunihal Singh Mann, Lieutenant Sardar.
 Nawazish Ali Shah, Sayed.
 Nur Ahmad Khan, Khan Sahib Mian.
 Pir Muhammad, Khan Sahib Chaudhri.
 Pritam Singh Siddhu, Sardar.
 Ram Sarup, Chaudhri.
 Ranpat Singh, Chaudhri.
 Riasat Ali, Khan Bahadur Chaudhri.
 Ripudaman Singh, Thakur.
 Roberts, Sir William.
 Sahib Dad Khan, Khan Sahib Chaudhri.
 Shahadat Khan, Khan Sahib Rai.
 Shah Nawaz, Mrs. J. A.
 Shah Nawaz Khan, Nawab Sir.
 Sikander Hyat-Khan, The Honourable Major Sir.
 Singha, Diwan Bahadur S. P.
 Sumer Singh, Chaudhri.
 Sundar Singh Majithia, The Honourable Dr. Sir.
 Suraj Mal, Chaudhri.
 Talib Hussain Khan, Khan.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sardar.

MOTOR SPIRITS (REGULATION OF PRICES) BILL.

Sayed Amjad Ali Shah (Ferozepore East, Muhammadan, Rural) :

I move—

That leave be granted to introduce the Punjab Motor Spirits (Regulation of Prices) Bill.

Mr. Deputy Speaker : The motion moved is—

That leave be granted to introduce the Punjab Motor Spirits (Regulation of Prices) Bill.

Minister of Development (The Honourable Chaudhri Sir Chhotu Ram) : No objection.

Mr. Deputy Speaker : The question is—

That leave be granted to introduce the Punjab Motor Spirits (Regulation of Prices) Bill.

The motion was carried.

Syed Amjad Ali Shah : I beg to introduce the Punjab Motor Spirits (Regulation of Prices) Bill.

CUSTOMARY LAW (AMENDMENT) BILL.

Munshi Hari Lal (South-Western Towns, General, Urban) : I beg to move—

That leave be granted to introduce the Punjab Customary Law (Amendment) Bill.

Mr. Deputy Speaker : Motion moved is—

That leave be granted to introduce the Punjab Customary Law (Amendment) Bill.

(Voices from Treasury benches : No objection.)

Mr. Deputy Speaker : The question is—

That leave be granted to introduce the Punjab Customary Law (Amendment) Bill.

The motion was carried.

Munshi Hari Lal : I beg to introduce the Punjab Customary Law (Amendment) Bill.

MUNICIPAL (AMENDMENT) BILL.

Lala Duni Chand (Ambala and Simla, General, Rural) : I beg to move—

That leave be granted to introduce the Punjab Municipal (Amendment) Bill.

Mr. Deputy Speaker : Motion moved is—

That leave be granted to introduce the Punjab Municipal (Amendment) Bill.

Minister for Public Works (The Honourable Nawabzada Major Khizar Hayat Khan Tiwana) : I object to it.

Lala Duni Chand : I fear that the Honourable Minister for Public Works has objected to the introduction of my Bill without appreciating the object underlying it. I still hope that I will be able to convert his view on a perfectly legitimate Bill to the introduction of which he should have no objection. The object of the Bill is that a certain anomaly that exists should be removed. I draw the attention of the Honourable Minister for Public Works to the brief Statement of Objects and Reasons that I have attached to this Bill. It is :—

After a considerable experience gained through the working of the Cantonment Act, the legislature thought it desirable in 1936, to add sub-section (2) to section 266 of the Cantonment Act of 1924 by the amending Act No. 24 of 1936, the object of which is to take away powers to try any offence punishable under the Cantonment Act from any magistrate or any bench of magistrates if such magistrate or any of the magistrates composing the bench happens to be a member of the Board. What holds good in the case of Cantonments should equally hold good in the case of towns or cities having municipalities and the anomaly should cease to exist. It very often happens that a magistrate who is a member of the municipal committee has got prejudices against an accused person appearing before him and therefore it is just and fair that he should not try any offences punishable under the Municipal Act.

[Lala Duni Chand]

I would now respectfully draw the attention of the Minister for Public Works to the Statement of Objects and Reasons. After 6 P.M. this I invite his attention to section 266 of the Cantonment Act of 1924 which runs thus :—

Save as otherwise expressly provided in this Act, no Court shall proceed to the trial of any offence made punishable by or under this Act, other than an offence specified in Schedule IV, except on the complaint of, or upon information received from, the Cantonment Authority concerned or a person authorised by the Cantonment Authority by a general or special order in this behalf.

So far as this part of section 266 is concerned there was no bar to a magistrate who was a member of the Cantonment Board or to a bench of the magistrates of which any member was a member of the Cantonment Board, to try cases falling under the Cantonment Act. That was the law but as the result of the working of section 266 it was found that in many cases it was considered very desirable that a magistrate who himself was a member of the Cantonment Board, should not try cases falling under the Cantonment Act. Therefore after gaining that experience for a number of years the amending Act was passed in 1936, namely Act II of 1936. Under section 266, as amended by Act II of 1936 it is not open to any magistrate, who happens to be a member of the Cantonment Board, to try any of the cases under the Cantonment Act. That was the result of the full experience gained of the working of the Cantonment Act from 1924 to 1936, that is, for a period of 12 years. My object is that what holds good according to section 266 in cases under the Cantonment Act equally holds good in the case of offences under the Municipal Act. I would now invite the attention of the Honourable Minister for Public Works to section 230 of the Punjab Municipal Act. So far as that section goes, the section does allow a magistrate or a bench of magistrates whose member happens to be a member of a municipal committee to try cases under the Punjab Municipal Act. Very often it happens that a gentleman who is a member of the municipal committee also happens to be an honorary magistrate. Now under section 230 it is open to such a magistrate to try all cases falling under the Municipal Act ; but you will be able to see that there can be serious objection to a member of a municipal committee, who also happens to be a magistrate to try cases falling under the Punjab Municipal Act. There can be natural prejudice and natural bias on the part of a magistrate trying cases under the Punjab Municipal Act who also happens to be a member of a municipal committee. As a result of the experience gained in connection with the administration of the Cantonment Act it was found that this leads to abuse of powers. If it is admitted in the case of offences falling under the Cantonment Act that the trying of cases by a member of the Cantonment Board leads to misuse of power, there is no reason why that very principle should not be applied to the magistrates trying cases under the Punjab Municipal Act.

Minister for Public Works : Much of the time of the House would be saved if the honourable member would allow me to speak.

Lala Duni Chand : If by this time you have been convinced of the correctness of the position taken up by me that that anomaly should be removed in the public interest, then of course I shall sit down ; otherwise I must go on.

Minister for Public Works : If you will give way I will say something.

Lala Duni Chand : You can say whether you agree with me or not.

Minister for Public Works : I will say if you will listen to me.

Lala Duni Chand : The reason for amending section 266 of the Cantonment Act and the reason for the proposed amendment of the Punjab Municipal Act by this Bill lies in section 556 of the Criminal Procedure Code. The matter is so simple that although the Honourable Minister for Public Works does not happen to be a lawyer, yet I can expect that he will be able to understand all the bearing of section 556 of the Criminal Procedure Code in relation to section 266 of the Cantonment Act and section 280 of the Punjab Municipal Act. For his benefit I will read out section 556 of the Criminal Procedure Code. It runs thus—

No judge or magistrate shall, except with the permission of the Court to which an appeal lies from this Court, try or commit for trial any case to or in which he is a party, or personally interested, and no judge or magistrate shall hear an appeal from any judgment or order passed or made by himself.

Explanation.—A judge or magistrate shall not be deemed a party, or personally interested, within the meaning of this section, to or in any case by reason only that he is a municipal commissioner or otherwise concerned therein in a public capacity, or by reason only that he has viewed the place in which an offence is alleged to have been committed, or any other place in which any other transaction material to the case is alleged to have occurred, and made an inquiry in connection with the case.

Before section 266 of the Cantonment Act was passed, there was a general provision in the form of section 556 of the Criminal Procedure Code which laid down that a magistrate or a judge, who happens to be a member of the municipal committee, by reason of that fact, will not have any personal interest in the case. That was the general provision in section 556 of the Criminal Procedure Code. As the Honourable Minister for Public Works will be pleased to know, the Criminal Procedure Code applies to the whole of India. Therefore, it was considered safe and proper that there should be a general provision with regard to the whole of India. But when the Cantonment Act was administered and when the Municipal Act was administered, then it was realised in more than one province that if section 556 is allowed to have full sway all over India then there will be lot of abuse and that was only for that reason that in 1936, it was sought to amend section 266 of the Cantonment Act. The question that I want to put to the Honourable Minister for Public Works is this, if he thinks that the legislature was wise in amending section 266 and putting a provision for preventing a magistrate who happens to be a member of the Cantonment Board, from trying cases falling under the Cantonment Act, then how can he draw a distinction and differentiate the Punjab Municipal Act from the Cantonment Act? So far as I can understand there can possibly be no distinction. I am prepared to give way to my honourable friend if he can solve my difficulty. To me it is perfectly clear that it should also hold good in the case of the Municipal Act, where magistrates happen to be members of the municipal committees. They are of the same mind as magistrates who happen to be members of the Cantonment committee. Can he draw any line of discrimination? If he wants to throw any light I am prepared to seek that light. Sir, it is a general rule that is recognised by all jurists all over the world that whenever any defect or any anomaly is discovered

[Lala Duni Chand.]

and detected in any statute, it becomes the duty of the Government to have that anomaly removed. The Municipal Act has been there for so many years and that anomaly does exist there; not only does that anomaly exist but that anomaly has led to abuse in case of a good many people who have been wrongly punished by the magistrates who were interested in municipal matters. It was really the duty of the Government or the duty of those people who are the custodians of the legal mind of the Punjab Government that they should have discovered this obvious defect which is there. They have not done so and they have kept the Act as it is for all these years. I, as a member of this House, studied the law and came to the conclusion that I must come to the rescue of the Punjab Government. If I can show you the right way, there is no reason why you should shut your eyes and not see the way. You should thank me for having brought forward this Bill. (*Hear, hear.*) I am perfectly certain that with the help of any lawyer and with the help of your friends, it will not be possible for you to dislodge me from the absolutely correct position which I am holding. You are hoping against hope that you can draw any line of discrimination or distinction between sections 266 and 230. Evil consequences have been admitted to follow from the operation of section 266 of the Cantonment Act prior to 1936 and I may say that for a number of years the result in some cases had been very serious.

May I draw the attention of the Honourable Minister for Public Works to a very important point? The Honourable Mr. Manohar Lal and the Honourable Chandhri Sir Chhotu Ram will appreciate it more than the Honourable Minister for Public Works can possibly do. We know that sometime the High Court has given rulings which have played havoc with the people. Those rulings have worked to the detriment of the people and the High Court in many cases has reconsidered those rulings. I may point out the Full Bench rulings of the High Court which have been playing havoc with the people for a number of years. Later on the High Court realised that those rulings have done great injury to the people and they were set aside by the High Court. I can give you a number of instances. If that has been the attitude of the High Court towards rectification of its own mistake, there is no reason why the Honourable Minister for Public Works should not adopt a similar attitude in regard to rectification of the wrongs that have been done under certain sections of the Municipal Act. There was a Full Bench ruling to which a very well-known judge, Sir Meredyth Baldwyn was a party. That was given in 1890 and that was to the effect.....

Tikka Jagjit Singh Bedi: On a point of order. Is there no time limit? The honourable member is irrelevant and is repeating his own arguments. (*Order, order from the Opposition.*)

Sayed Amjad Ali Shah: May I appeal to Mrs. Duni Chand to ask Lala Duni Chand not to repeat his arguments and finish his speech? (*Order, order from the Opposition.*)

Dr. Sir Gokul Chand Narang: The honourable member has been very rude.

Lala Duni Chand: It was held by that ruling in 1890 that after an alienation had been made under an unregistered document, if somebody

came to know that there was alienation under an unregistered document, then in order to acquire a better title he took a registered transfer. Though he was aware of the fraud, he was allowed to practise the fraud for a long time. This went on for about ten years. Then the honourable Judges of the High Court were awakened to their sense of responsibility in 1900. What was done in 1900? A full bench ruling was given in No. 56 of 1900 and it laid down that a fraud was committed by reason of the ruling given in 1890.

Mr. Deputy Speaker : The honourable member is not discussing the principles of the Bill.

Lala Duni Chand : I am trying to show that the High Court has already been alive to the duty of rectifying its own wrongs. It is the Punjab Government that has been responsible for all the wrongs that have been done by reason of the retention of section 230 on the statute book. I am putting it to them, is it not their duty to see that the wrong that has been done should be rectified? What I wish to point out pointedly and definitely—I am trying to infuse it into their heads (*laughter*)—is that by reason of the continued retention of section 230, wrongs are being committed in hundreds of cases. Innocent people have been punished by interested persons. What I want to know from the honourable the Premier is whether he will be deliberately a party to the continuance of those wrongs that are bound to continue by reason of the retention of section 230 on the statute book. I want that he should awaken to the sense of his duty, to the sense of his responsibility, so that he may undo the wrong. It will redound to his credit. A wrong has been done during the last 20 or 25 years. It is up to the champion of the cause of the people, the advocate of the people, namely the Honourable Minister for Public Works to undo the wrong. In fact I want to give credit to him. He is entitled to credit. I know he is a very handsome man. (*Laughter*).

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

Dr. Sir Gokul Chand Narang : On a point of order. What has handsomeness or otherwise of a minister got to do with the measure? Handsome is that handsome does. (*Laughter*.)

Lala Duni Chand : I am perfectly confident that my point will be appreciated by the House and the Honourable Speaker. Through you, Sir, I want to give prominence to the point that I was placing before the House. It was that by reason of retention of section 230 of the Punjab Municipal Act on the statute book, many wrongs have been done. According to that section, a magistrate who happens to be a member of the municipal committee or a member of the bench of magistrates—of whom any one may be a member of the municipal committee, may try cases under that section and I want that that should not be done.

HOURS OF SITTING.

Premier : Sir, I move—

That on Tuesday, the 11th April, 1939 and Monday, the 17th April, 1939, the Assembly shall meet at 12 noon and the Speaker shall adjourn the Assembly at 4-30 p.m. on those days without question put.

The motion was carried.

The Assembly then adjourned till 12 noon on Tuesday, 11th April, 1939.

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PUNJAB LEGISLATIVE ASSEMBLY.

FIFTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Tuesday, 11th April, 1939.

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

STARRED QUESTIONS AND ANSWERS.

STRIKE OF STUDENTS IN GOVERNMENT INDUSTRIES SCHOOL, HOSHIARPUR.

***4261. Sardar Sohan Singh Josh :** Will the Honourable Minister of Development be pleased to state—

(a) whether any strike of the students took place in the Government Industries School, Hoshiarpur, during the fourth quarter of the last year ; if so, the reasons therefor ;

(b) the names, if any, of the boys expelled from the school on this account ?

The Honourable Chaudhri Sir Chhotu Ram : (a) Yes. The departmental authorities do not know what exactly the grievances were. No demands were formulated and submitted for satisfaction before the strike. The strike was altogether unjustified, and it seems probable that it was prompted by some local agitators.

(b) Two : Karam Singh, Class IV Weaving ; and Gurdit Singh, Class II Carpentry.

Sardar Sohan Singh Josh : This shows that the students had no complaints and that they resorted to the strike for no reason.

Minister : It appears to be so.

Diwan Chaman Lall : Was any enquiry made into the matter ?

Minister : When I received notice of this question I sent it to the head of the department. He must have supplied me this information after making the necessary enquiries.

Diwan Chaman Lall : Do I then take it that the head of the department who made the enquiry is not aware of the reasons why the strike took place ?

Minister : That is the information supplied to me.

Diwan Chaman Lall : Is the Honourable Minister satisfied that this is the correct method of dealing with a matter like this ?

Minister : I have no reason to feel to the contrary.

Sardar Sohan Singh Josh : Do I take it that the students who have been rusticated have been rusticated for ever ?

Mr. Speaker : That question does not arise.

TRADE UNIONS.

***4310. Sardar Sohan Singh Josh :** Will the Honourable Minister for Development be pleased to state—

(a) the number of trade unions registered during 1938 ;

(b) the strength of membership of each union ;

(c) the strength of women members in these unions ?

The Honourable Chaudhri Sir Chhotu Ram : (a), (b) and (c). A statement is placed on the table.

Trade unions registered in the Punjab during 1938.

Name of trade union.	Date of registration.	Strength of membership.	Men.	Women.
1	2	3	4	5
1. The Indian Hosiery Machine Builders Association, Ludhiana.	9th January, 1938 ..	21	21	..
2. The All India Railway Staff Union, Ludhiana.	17th February, 1938	24	34	..
3. The Hosiery Workmen Association, Ludhiana.	Ditto ..	478	478	..
4. The Anarkali Workers' Union, Lahore.	10th March, 1938 ..	63	63	..
5. The Lahore Motor Drivers' Union.	14th March, 1938 ..	20	20	..
6. The Municipal Employees' Union, Rawalpindi.	29th April, 1938 ..	150	150	..
7. The Tonga Workers' Union, Amritsar.	25th May, 1938 ..	30	30	..
8. The Press Workers' Union, Lahore.	Ditto ..	300	300	..
9. The All India Telegraph Workmen's Union, Lahore.	27th May, 1938 ..	34	34	..
10. The Municipal Power House Employees' Union, Amritsar.	5th September, 1938	163	163	..
11. The District Motor Union, Gujrat.	9th September, 1938	45	45	..
12. The Zar Dozan Trade Union, Lahore.	31st October, 1938 ..	150	150	..
13. The Ethad Motor Union, Panipat.	29th November, 1938	90	86	4.

STRIKES IN DIFFERENT TRADES DURING YEAR 1938.

***4312. Sardar Sohan Singh Josh :** Will the Honourable Minister for Development be pleased to state the total number of workers' strikes that took place in different trades during the year 1938 and the reasons therefor ?

The Honourable Chaudhri Sir Chhotu Ram : Nineteen strikes took place during the year 1938 in different trades. Particulars of each case are shown in the statement laid on the table.

Diwan Chaman Lall : In view of the large number of strikes that have taken place involving a large number of employees, has the Government now decided to appoint a conciliation officer ?

Minister : Not yet.

Diwan Chaman Lall : Has the Government considered the advisability of creating some form a conciliation tribunal for the purpose of preventing trade disputes which may otherwise lead to strikes ?

Minister : Not so far.

Diwan Chaman Lall : Is the Government prepared to consider the matter now ?

Mr. Speaker : That is a request for action.

Diwan Chaman Lall : I ask whether the Government is prepared to consider the matter now. I am not asking them to do anything. Is the Honourable Minister aware of the fact that a large number of strikes that have taken place in the Punjab as shown by the statement laid on the table is a matter which should cause concern to him ?

Minister : Does that question arise from the answer I have given ?

Mr. Speaker : No.

Diwan Chaman Lall : This is a matter which should demand the immediate attention of Government.

Mr. Speaker : That is a matter of opinion.

Diwan Chaman Lall : My question arises out of the serious state of affairs in the Punjab.

Mr. Speaker : Who is the judge of that seriousness ?

Diwan Chaman Lall : Naturally we are.

Mr. Speaker : Has not the Honourable Minister to exercise his judgment as to the seriousness of the state of affairs ?

Diwan Chaman Lall : Does he not consider the matter so serious ?

Mr. Speaker : Again that is a question asking for an expression of opinion. One person may consider a matter serious, while the other may not.

Diwan Chaman Lall : Do I take it then that the fact that thousands of workers are involved in strikes, that numerous days are lost and lakhs are lost to the employers and employees, is not a matter of serious concern to Government ?

Mr. Speaker : That again is a matter of opinion.

Minister : It is the same question in another form.

Diwan Chaman Lall : Do I take it that this Government is entirely indifferent to the matter ?

Minister : The honourable member is entirely unjustified.

Diwan Chaman Lall : What action then has the Government decided to take in the matter ?

Minister : I have nothing to add to my answer.

Diwan Chaman Lall : Do I take that the only reply the Honourable Minister is capable of is to treat this House and the public with utter contempt ?

Mr. Speaker : Disallowed.

Sardar Sohan Singh Josh : Does the statement give the number of days that have been lost ?

Minister : I cannot say anything more than what is contained in the statement.

Detailed statement of strikes during 1938.

Serial No.	Particulars of strike.	Reasons.
1	2	3
1	Silver and Gold Leaf Workers' strike, Amritsar.	Reduction of 1 to 2 annas per pack in the wages by the merchants.
2	Strike of Packers and Salesmen employed in the Upper India Tobacco Company, Amritsar.	Ill-treatment of the contractors with packers and undesirable behaviour of the chaukidar appointed to search the workers.
3	Strike of the weavers employed in the Punjab Weaving Factory, Amritsar.	Demand for increase in the wages for weaving mercerised cotton cloth.
3A.	Weavers' strike in the Ball Silk Weaving Company, Limited, Ludhiana.	Decrease in wages for weaving check cloth.
4	Weavers' strike in the B. S. Chopra Weaving Mill, Amritsar.	Demand for increase in wages for weaving silk cloth.
5	Strike of weavers, dyers, finishers, etc., in the Model Woollen and Silk Mills, Amritsar.	Refusal of the proprietors to re-employ a power-loom weaver who had gone on 15—20 days' leave on the understanding that he would be re-employed only if there was a vacancy.
6	Weavers' strike in K. R. Chaman Lal Factory, Amritsar.	Discharge of 3 workers by the employers on the plea of shortage of work.
7	Weavers' strike in Sant Ram Mehra Weaving Factory, Amritsar.	Refusal of the proprietors to pay higher rates as demanded by some of the weavers.

Serial No.	Particulars of strike.	Reasons.
1	2	3
8	Weavers' strike in Ram Rattan-Brij Lal Weaving Factory, Amritsar.	Refusal of one of the weavers to accept his wages at Re. 0-8-0 per seer and demand at Re. 0-11-3 per seer instead.
9	General strike of weavers employed in the various textile factories in Amritsar.	Due to panic created by labour trouble at Amritsar.
10	Hosiery Workers' strike at Apra, district Jullundur.	As a protest against the alleged inequitable system of making payments of wages by the factory owners.
11	Strike of the Rawalpindi Motor Union, Rawalpindi.	(i) Demand for abolition of customs duty imposed by Kashmir Government on petrol carried in petrol tanks of buses and lorries plying between Rawalpindi and Srinagar. (ii) Demand for discontinuance of payment of wheel tax by Jammu and Kashmir Municipalities and that the tax should be charged only by the Municipality issuing the licence. (iii) Demand for reduction of toll charge between Kohala and Srinagar proportionate to the distance between these two places.
12	Strike of weavers in the Lyallpur Cotton Mills, Lyallpur.	Non-co-operation among the workers and protest against the abolition of the system of rewards to workers producing more yarn.
13	Strike of cartmen plying for hire for the transport of fuel (including wood, charcoal, soft coke, etc.), from Badamibagh Railway Station to the retailers' depots in the city of Lahore.	Reduction by the Society for the Prevention of Cruelty to Animals officials in the maximum load per cart and the consequent demand of the cartmen for an increase in the rate of freight.
14	Winders' strike in Lyallpur Cotton Mills, Lyallpur.	Abolition of the system of payment of rewards in the winding department of the Mill.
15	Weavers' strike in Jangi Ram Weaving Factory, Amritsar.	Reduction in weaving charges and the consequent demand of weavers for the restoration of wages to the normal level.
16	Metal workers' strike in Sardar Bishan Singh's Metal Cup Making Factory, Lahore.	Non-payment of overtime rates and the non-observance of holidays.
17	Weavers' strike at the Banktashwar Cotton Mills, Amritsar.	Protest against the introduction of the piece wage system.
18	Paint Workers' strike at the Ravi Paint Works, Shabdara.	Protest against the discharge of a worker by the proprietors on grounds of insolvency and demand for holidays on all important festivals, besides Sundays.
19	Total.	

UNEMPLOYMENT.

***4514. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister for Development be pleased to state—

- (a) whether it is a fact that unemployment is on its increase in this province, if so, the action the Punjab Government have taken so far to check its increase, and, if no action has been taken in this connection, the reasons for the same ;
- (b) the action the Government have taken to find out the correct number of unemployed in the Punjab and if no such action has been taken, the reasons therefor ?

The Honourable Chaudhri Sir Chhotu Ram : The question of unemployment in the Punjab was examined by the Punjab Unemployment Committee. Its report is being examined by Government and suitable action within the powers of Government will be taken thereon without avoidable delay.

Chaudhri Muhammad Hassan : Since how long has the report of the Unemployment Committee been under consideration ?

RESIN FACTORY AT JALLO.

***4540. Dr. Sir Gokul Chand Narang :** Will the Honourable Minister of Development be pleased to state—

- (a) since how long the Resin Factory at Jallo has been working ;
- (b) when it was taken over by the Government ;
- (c) the total cost of the factory ;
- (d) how much was paid to the previous owner or part owners ;
- (e) the total annual working cost of the factory ;
- (f) the total annual expenditure on the establishment of the factory ;
- (g) the annual cost of raw material ;
- (h) the sources from which the raw material is obtained ;
- (i) the uses to which the Resin manufactured in the factory is put ;
- (j) whether any part of the produce is exported from the Punjab and from India ;
- (k) what has been the annual net profit from the factory since it was taken over by the Government ?

The Honourable Chaudhri Sir Chhotu Ram : (a) Since 1914.

(b) On 1st February 1937.

(c) Rs. 4,20,829-15-0.

(d) Rs. 6,50,887-4-2.

(e) The annual working cost varies from year to year. In 1937-38 it was Rs. 1,68,254.

(f) Total expenditure on the establishment of the factory was Rs. 8,598 in 1937-38.

(g) The total cost of raw material in 1937-38 was Rs. 5,48,902.

(h) The raw material is obtained from the chir pine (*Pinus longifolia*) and purchased from the Forest Departments of the Punjab, North-West Frontier Province and Jammu and Kashmir State. In addition purchases are also made from time to time from private suppliers.

(i) Among others, manufacture of paper, soap and paint and varnish.

(j) Yes.

(k) Rs. 1,32,604-4-4 in 1937-38.

Dr. Sir Gokul Chand Narang : If I heard the Honourable Minister correctly his reply to part (e) was about Rs. 4,20,829 and to (d) was Rs. 6,50,000. If so, how can the total cost of the factory be Rs. 4,20,000 or so when Rs. 6,50,000 were paid to the previous owner ?

Minister : These are the figures before me.

Dr. Sir Gokul Chand Narang : What has the Honourable Minister now got to say about it ?

Minister : I have nothing else to say.

Dr. Sir Gokul Chand Narang : Does he realize the discrepancy of the figures ?

Minister : If these figures are a misprint, I cannot possibly correct them here.

Dr. Sir Gokul Chand Narang : If they are not a misprint what has the Honourable Minister to say ? Did the Honourable Minister not detect this discrepancy when he read the reply which presumably he did before he stood up to deliver it in this House ? Probably he did not read the reply.

Minister : I admit that it did not strike me.

Dr. Sir Gokul Chand Narang : Will you now kindly enquire how this discrepancy has occurred ?

VETERINARY DISPENSARIES.

*4545. **Khan Sahib Chaudhri Fazal Din :** Will the Honourable Minister of Development be pleased to state—

(a) whether he is aware of the fact that in the last year a large number of cattle died in Ajnala tahsil due to epidemics ;

(b) if so, the measures Government intends to adopt for the provision of veterinary relief in the said area ?

The Honourable Chaudhri Sir Chhotu Ram : (a) During the last year, 344 animals were attacked by Rinderpest and Hæmorrhagic Septicæmia in the Ajnala tahsil. Out of them 188 are reported to have died.

(b) Effective measures of control were taken by the Civil Veterinary Department promptly, and the following inoculations and vaccinations were performed against these diseases :—

	Number of vaccinations performed.	Number of inoculations performed.
Rinderpest	5,101	272
Hæmorrhagic Septicæmia	2,039	80

Adequate veterinary relief for the control of contagious diseases already exists in this area. Additional veterinary staff is also deputed from the adjoining areas when necessary.

Sardar Sohan Singh Josh : May I know how many veterinary officers went to tahsil Ajnala ?

Minister : I cannot give a reply to this without a notice.

AMOUNT ALLOTTED FOR RURAL RECONSTRUCTION WORK IN AMRITSAR DISTRICT.

***4547. Khan Sahib Chaudhri Fazal Din :** Will the Honourable Minister of Development be pleased to state—

- the amount which was allotted to the Amritsar district from the sum sanctioned in the budget 1938-39 for Rural Reconstruction ;
- and place before the House in the form of a table the amount spent in the same year in the said district for various purposes in connexion with the Rural Reconstruction ?

The Honourable Chaudhri Sir Chhotu Ram : (a) Rs. 20,284.

(b) A statement is laid on the table.

Statement showing the expenditure incurred during the year 1938-39 in the Amritsar district for various purposes in connection with rural reconstruction.

Serial No.	Scheme.	Amount allotted.	Expenditure incurred during 1938-39.
1	2	3	4
		Rs.	Rs.
1	Model school at Raja Sansi—free supply of milk to school children, radio, rural science, school magazine, practical arts, library books, etc.	1,666	1,666
2	Sanitary wells and the paving and drainage of streets in selected villages of Ajnala tahsil.	2,600	2,600
3	Touring of medical officers in key villages in Ajnala tahsil.	240	170
4	Activities of the Agricultural Department.	3,560	2,660
5	Holding of 2 one-day cattle show at Rs. 150 per show.	300	300
6	Construction of 10 feet baths for the protection of cattle against foot and mouth diseases.	250	250
7	Opening of 4 First Aid Veterinary centres.	400	400
8	Shearing demonstration	20	20
9	Consolidation of holdings		1,347
10	Extension and encouragement of grain payment scheme.	6,238	235
11	Establishment of Co-operative First Aid centres.		200
12	Conciliation of debts to Banking Unions in Ajnala tahsil.	..	1,000
13	Government Travelling Demonstration Silk Cocoons Reeling Party.	4,960	3,294
	Total	20,234	14,142

HONORARY INSPECTORS, CO-OPERATIVE SOCIETIES.

***4578. Mian Abdul Rab :** Will the Honourable Minister of Development be pleased to state—

- (a) whether it is a fact that some time ago a number of honorary Inspectors, Co-operative Societies, were employed by the department in the Lyallpur district ;
- (b) if the answer to (a) above be in the affirmative, their names, qualifications, length of service as honorary workers, and honorarium, if any, paid to them during their period of service ;
- (c) whether it is a fact that the Government desires to dispense with their services on and from the 1st April, 1939 ; if so, the reasons for the same ;
- (d) whether the Government desires to appoint paid workers in their place ; if so, why ?

The Honourable Chaudhri Sir Chhotu Ram : (a) Two honorary Inspectors were employed.

- | | | |
|--------------------------------|---|---|
| (b) | Khan Ahmad Khan. | Chaudhri Ghulam Rasul. |
| 1. Educational qualifications. | Middle | .. Information is being collected and will be supplied to the honourable member when ready. |
| 2. Length of service | .. About 11 years. | |
| 3. Honorarium | .. Nil. only travelling allowance was paid. | |

(c) Yes, as departmental control over the honorary Inspectors cannot be as strict and efficient as over paid Inspectors.

(d) Yes, because even with the honorary Inspectors the work of paid Inspectors in many circles was extremely heavy and it could not be done properly. With the appointment of paid Inspectors in place of honorary Inspectors, the other paid Inspectors will be relieved of a certain number of societies with, it is hoped, beneficial results to the movement.

TEACHERS IN THE METAL WORKS INSTITUTE, AMBALA CITY.

***4579. Khawaja Ghulam Samad :** Will the Honourable Minister of Development be pleased to state—

- (a) the number of teachers with their names and pay in Metal Works Institute, Ambala city ;

- (b) the number and names of such teachers among them who are illiterate ;
- (c) the number and names of teachers among them who are untrained ;
- (d) the number and names of the teachers who had been appointed without any trial or test ;
- (e) the educational qualifications of each teacher in the Institute ;
- (f) the educational qualifications of students, required for admission in the Institute ;
- (g) the name of the official who is competent to hold a trial or test for the appointment of a teacher in the said Institute ?

The Honourable Chaudhri Sir Chhotu Ram : (a) to (e) A statement is laid on the table.

(f) First preference—Matriculates.

Second preference—Anglo-Vernacular Industrial Final Examination.

Third preference—Vernacular Industrial Final Examination.

Fourth preference—Vernacular Final.

(g) Tests for appointment of teachers in this Institute are held under the supervision of the Inspector of Industrial Schools, Punjab.

Khawaja Ghulam Samad : Was any teacher employed in this school without any test ?

Minister : I think the statement gives everything that my honourable friend wants.

Khawaja Ghulam Samad : My question is whether he is aware of the fact that any teacher was really so employed ?

Minister : I think one was.

Khawaja Ghulam Samad : May I know whether any teacher employed in this school has qualifications below what he has just now stated ?

Minister : No.

Statement.

Serial No.	Name and designation.	Grade.	Present pay.	Literate or illiterate.	Trained or untrained.	Qualifications.	Appointed with test or without test.
1	2	3	4	5	6	7	8
1	Mr. Churaniv Rai Syal, Headmaster.	Rs. 200—10—250	Rs. 250	Literate	Trained	B. Sc., Mechanical and Electrical Engineering, Benares Hindu University.	This man was appointed as Machinist and Turner in the Government Metal Works Institute, Ambala city, on 30th January, 1930, in grade Rs. 80—5—110. The objective of his appointment was to test him for the post of Headmaster for the Government Metal Works Institute, Sialkot, in grade Rs. 200—10—250 which duties were more or less of the same standard. During the short period of his appointment at Ambala, Mr. Syal proved an excellent employee and was accordingly retained as Headmaster in the same school as from 3rd August, 1931, vice his Headmaster who was transferred to the Government Metal Works Institute, Sialkot.
2	Pandit Tulsī Ram Sharma, officiating Drawing Master.	65—5—90	70	Literate	Trained	Studied upto F. Sc., Mechanical Engineering Examination in Machine Drawing and Designing, City and Guilds of London Institute.	His substantive appointment is Carpenter Master in grade Rs. 50—4—70. He is under test for the post of Drawing Master in grade Rs. 65—5—90.

3	Lala Ram Partap Katerpal, Automobile Repairer.	30-5-110	95	Literate	Trained	Civil Engineering Diploma Examination, Sind, Final Diploma Examination of the Mayo School of Arts, Lahore, in Carpentry and drawing, Associate of the Institute of Engineering, India.	Was appointed by selection. The system of appointment by test was not in force, when he was appointed.
4	Lala Sant Ram, Pattern Maker.	60-5-90	80	Illiterate	Untrained	Possesses practical experience extending over several years.	This man was in the first instance appointed as Engine Driver in the Government Metal Works Institute, Ambala, on Rs. 35 per month on 16th February, 1931. Later, a post of Pattern Maker in grade Rs. 60-4-70 sub- sequently revised to Rs. 60-5- 90 was created in the Insti- tute and this man was promot- ed instead of appointing an outsider, as he showed that he was quite familiar with the duties of the post. There was no system of test when his ap- pointment was made.
5	M. Faisal Elahi, Assistant Pattern Maker.	50-4-70 less 15 per cent. cut.	42	Literate	Trained	Industrial Middle Standard Examination, Diploma Examination of the Mayo School of Arts, Lahore, in Carpentry.	With test.

Statement—consolid.

Serial No.	Name and designation.	Grade.	Present pay.	Literate or illiterate.	Trained or untrained.	Qualifications.	Appointed with test or without test.
1	2	3	4	5	6	7	8
6	M. Muhammad Ali, Sheet Metal Worker.	Rs. 60—5—90	Rs. 60	Literate	Trained	Industrial Middle Standard Examination. Diploma Examination of the Government Metal Works Institute, Ambala city.	With test.
7	Lala Mukand Lal, Foundryman.	60—5—90	80	Do.	Untrained	Read upto 2nd Primary Class. Possesses practical experience extending over several years.	Without test, as there was no system of test when he was appointed.
8	Lala Nauria Ram, Assistant Mechanist-cum-Engine Driver.	40—3—55	43	Do.	Do.	Can read and write Punjabi and figures in English. Possesses practical experience extending over several years.	Ditto.
9	Bhai Loochan Singh, Assistant Mechanist.	60—4—80 less 15 per cent.	51	Do.	Trained	Read upto 10th class. Practical experience of 7½ years.	With test.
10	M. Abdul Ghani, Assistant Mechanist.	60—4—80 less 15 per cent.	51	Do.	Do.	Diploma Examination of the Government Metal Works Institute, Sialkot.	Do.
11	Designer (vacant)	110—5—160	..	..	..	..	..
12	Machinist and Turner (vacant).	80—5—110	..	..	..	..	..
13	Assistant Fitter (vacant).	60—4—80	..	..	..	..	..
14	Smithy Teacher (vacant).	50—4—70	..	..	..	..	..

METAL WORKS INSTITUTES.

*4580. **Khawaja Ghulam Samad :** Will the Honourable Minister of Development be pleased to state—

- (a) the number of metal works institutes in the province ;
- (b) the grades of pay fixed for teachers in such institutes ;
- (c) the duties which the headmaster of such an institute discharges ;
- (d) whether any practical training is given to the students,
- (e) whether the headmasters discharge any other duties except those of supervision ?

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

(b) A statement is laid on the table.

(d) Yes.

(c) and (e) The headmasters are ultimately responsible for all teaching imparted, as also for the management, supervision and discipline of the institutes.

Khawaja Ghulam Samad : Does the headmaster teach any class any subject or only does the supervision work ?

Minister : Probably he does some teaching work but the main scope of his duties is really concerned with supervision.

Khawaja Ghulam Samad : Does he do any teaching work daily or occasionally ?

Minister : I cannot add anything to my answer.

Statement.					Rs.
Headmaster .. .. .	..	..	..	..	200—10—250
Designer .. .. .	..	..	..	..	110—5—160
Machinist .. .. .	..	..	..	..	100—10—150
Designer .. .. .	..	..	..	..	100—5—150
Drawing Master .. .. .	..	..	..	..	110—5—135
Machinist .. .. .	..	..	..	..	80—5—110
Machinist and Turner .. .. .	..	..	..	..
Automobile Repairer .. .. .	..	..	..	..
Automobile Repairer .. .. .	..	..	..	..	80—4—100
Drawing Master .. .. .	..	..	..	..	65—5—90
Pattern Maker .. .. .	..	..	..	..	60—5—90
Smith .. .. .	..	..	..	..
Metal Work Instructor .. .. .	..	..	..	..
Sheet Metal Worker .. .. .	..	..	..	..
Foundryman .. .. .	..	..	..	..	60—4—80
Assistant Machinist .. .. .	..	..	..	..
Smith .. .. .	..	..	..	..	50—4—70
Foundryman .. .. .	..	..	..	..
Assistant Pattern Maker .. .. .	..	..	..	..
Assistant Foundryman .. .. .	..	..	..	..
Assistant Foundryman .. .. .	..	..	..	..	45—3—60
Assistant Machinist-cum-Engine Driver .. .. .	..	..	..	..	40—3—55

**SUB-INSPECTOR, CO-OPERATIVE SOCIETIES AT CHHAINSA AND
SOURCE OF HIS PAY.**

***4594. Chaudhri Sumer Singh :** Will the Honourable Minister of Development be pleased to state—

- (a) whether it is a fact that the audit fees charged by the Sub-Inspector, Co-operative Societies, posted at Chhainsa are credited to the funds of the Punjab Co-operative Union ;
- (b) whether it is a fact that the said Sub-Inspector is paid out of the interest of Rs. 10,000 the Khaddar Development Fund placed at the disposal of the Assistant Registrar, Co-operative Societies, Gurgaon, and not out of the funds of the Punjab Co-operative Union ;
- (c) if the answers to (a) and (b) above be in the affirmative, the reasons why the pay of the said Sub-Inspector is not paid out of the funds of the Punjab Co-operative Union ?

The Honourable Chaudhri Sir Chhotu Ram : Government has no information as the Sub-Inspector, Chhainsa is an employee of the Punjab Co-operative Union which is a non-official body.

GRADES OF TEACHERS IN METAL WORKS INSTITUTE, AMBALA.

***4609. Khawaja Ghulam Samad :** Will the Honourable Minister of Development be pleased to state—

- (a) whether Metal Works Institute, Ambala, is the oldest institute of its character in the province ;
- (b) if so, what are the grades of trade teachers and drawing masters in this school ;
- (c) whether their grades are equal to the grades of such masters in similar institutes in the Punjab ;
- (d) if not, why not ;
- (f) the action which the Government intends to take in the matter ?

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

Rs.

(b) Designer	..	..	..	110—5—160
Drawing Master	..	..	..	65—5—90
Trade Teachers	..	..	..	80—5—110
				60—5—90
				60—4—80
				50—4—70
				40—8—55

(c) No, not in all cases.

(d) The various posts were created on different occasions and under different circumstances.

(e) The general question of revising the scales of pay of all the technical establishment of the various industrial and technical institutions in the Department of Industries was recently examined by a Committee. The recommendations made are now under consideration.

Khawaja Ghulam Samad : May I know the reason why the grades of the teachers in this institute are lower than those in the Metal Works Institute at Sialkot ?

Minister : This is apparent from the answer given. These posts were created on different occasions and under different circumstances.

Khawaja Ghulam Samad : The Honourable Minister has already said that the Metal Works Institute, Ambala, is the oldest one in the province, then what is the reason that the grades laid down here are lower than those in the Sialkot institute ?

Minister : My honourable friend's present question is more of an argument than a question.

Khawaja Ghulam Samad : Is the Government contemplating to equalize the grades in both these schools ?

Minister : I have already stated that the whole question has been examined by a committee and the recommendations made are under consideration.

Khawaja Ghulam Samad : When can we expect a decision ?

Minister : I cannot say.

AUDIT OF THE LOCAL FUND ACCOUNTS.

***4398. Mahant Prem Singh :** Will the Honourable Minister of Finance be pleased to state—

- (a) the name of the agency responsible for the audit of the Local Fund Accounts in the province;
- (b) the expenditure incurred by the Government on account of the aforesaid audits during the year 1937-38 and 1938-39;
- (c) the items, the expenditure mentioned in (b) consists of;
- (d) whether this is a fact that the expenditure mentioned in (b) is paid to the Central Government;
- (e) whether the Punjab Government proposes to get the audit carried out through some agency of its own, if not, the reasons therefor ?

The Honourable Mr. Manohar Lal : (a) Accountant-General Punjab.

(b) (i) 1937-38—Rs. 1,96,169.

(ii) As the year has not yet closed the actual figures for 1938-39 are not available. The revised estimates, however, anticipate expenditure to the extent of Rs. 2,14,600.

(c) Gross sanctioned cost of the service under Fundamental Rule 127 including pay, travelling allowance, contingencies and leave and pension contributions.

(d) Yes.

[Minister of Finance.]

(e) The present system has proved efficient and in every way satisfactory; it is not proposed, therefore, to make any change in the conduct of the audit. I might further point out that any such change would involve action under section 167 of the Government of India Act.

LIQUOR SHOP AT ABDULLAPUR.

***4432. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Finance be pleased to state—

- (a) whether the District Board, Ambala, has recently adopted a resolution according permission for the opening of a licensed liquor shop in Abdullapur;
- (b) what were the recommendations of Finance Sub-Committee of the District Board on the question of opening this shop;
- (c) whether he is aware that the public of the place are opposed to such a shop being opened there; if so, the action that the Government propose to take in the matter?

The Honourable Mr. Manohar Lal : (a) No.

(b) The Finance Sub-Committee did not recommend the shifting of the shop in question from Jagadhri to Abdullapur.

(c) It has been reported that there is some opposition. Government is awaiting a full report from local officers before arriving at a decision.

Lala Duni Chand : May I know if liquor is now being sold within a furlong of the municipal limits?

Minister : I do not know.

Lala Duni Chand : May I know if the Honourable Minister is aware of the fact that by reasons of a referendum the liquor shop has been removed from the municipal limits of Jagadhri?

Minister : I am not aware of any such fact.

PAY, ALLOWANCES AND COMMISSIONS PAID TO SPECIAL OFFICIAL RECEIVER.

***4522. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Finance be pleased to state the pay, allowances and commissions paid to the Special Official Receiver for his services as Receiver and as Liquidator, respectively, from 1st February, 1938, to 31st January, 1939?

The Honourable Mr. Manohar Lal : For his work as Official Receiver—Rs. 16,990-11-2½. (This does not include the commission paid on the shares held by the late Lala Harkishan Lal in the Bharat Insurance Company Limited, in regard to which information was given to the honourable member in reply to his question *2985)¹. Government are not concerned with any

commissions earned by him as an official liquidator under the Indian Companies Act, 1913, the appointment and remuneration of official liquidators being a matter within the judicial discretion of the High Court.

TRAVELLING ALLOWANCE DRAWN BY THE SPECIAL OFFICIAL RECEIVER.

***4525. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Finance be pleased to state the amount of travelling allowance drawn by the Special Official Receiver, the places visited by him and the dates of such visits, the object of his visit and the fund to which this money is charged, from 1st April, 1938 to 31st January, 1939 ?

The Honourable Mr. Manohar Lal : Government are not in possession of full particulars of all the journeys performed by the Special Official Receiver, but they understand that during the period mentioned he visited the districts of Montgomery, Multan, Muzaffargarh, Lyallpur, Sargodha, Jhang and Mianwali in the course of the duty entrusted to him of inspecting the work of the Local Official Receivers. For such journeys the Special Official Receiver is allowed his actual travelling expenses in the same way as for journeys performed in connection with the administration of particular estates. Expenditure on this account is debitable to the Insolvent Estates Fund. It is understood, however, that no payments have yet been made to the Special Official Receiver for the journeys mentioned.

INTRODUCTION OF PROHIBITION IN THE PUNJAB.

***4589. Sardar Kishan Singh :** Will the Honourable Minister of Finance be pleased to state whether it is a fact that at the time when the Punjab Legislative Assembly passed the resolution regarding prohibition, an assurance was given, that at present the prohibition will be applied to at least one district in the Punjab, if so, whether the Government still adheres to what it stated on that occasion and if so, the district in which and the probable date or time when this experiment is intended to be made ?

The Honourable Mr. Manohar Lal : No such assurance was given by Government. Owing to the heavy strain on the provincial finances caused by famine in parts of the province, Government have been compelled to postpone consideration of the introduction of prohibition.

Lala Duni Chand : When does the Government propose to give effect to the resolution passed by this House ?

Minister : I think I answered this question at a great length the other day. The matter will be considered afresh by the Government in October when we hope our finances will make it possible for us to consider this matter properly.

Sardar Lal Singh : May we take it then that the taking of the action depends upon the improvement of the finances of the province and not otherwise ?

Minister : Yes. If the finances do not permit the thing will not be possible. That is perfectly obvious.

**IRREGULARITIES IN THE RE-DISTRIBUTION OF SERVICES IN THE PUNJAB
JAIL DEPARTMENT.**

***4602. Diwan Chaman Lal :** Will the Honourable Minister of Finance be pleased to state—

- (a) whether it is a fact that the recent organization work in the Punjab Jail Department was entrusted to the Inspector-General of Prisons and that certain serious irregularities in the matter of offering new appointments and the re-distribution of services have come to the notice of the Government ;
- (b) whether, for example, it is a fact that one of the senior clerks appointed by the Inspector-General of Prisons was neither a candidate for the post of a clerk or senior clerk, nor had he any such experience or training, being a candidate for the post of a storekeeper's job, and that he was accorded this preferential treatment on the only consideration of his being a near relative of the stenographer to the Inspector-General of Prisons ; if so, his educational qualifications and the number of other candidates whom he superseded and their qualifications ;
- (c) whether it is a fact that another candidate who was appointed a senior clerk was at one time working as a junior clerk in the Central Jail, Lahore, from where he was reverted to candidature, having been declared inefficient ; if so, his educational qualifications and other merits on which he was given this post ;
- (d) whether it is a fact that yet another candidate who was appointed a senior clerk superseded many other Muslim candidates with longer service and better claims and that the candidates who were thus superseded were either both graduates or undergraduates ; if so, his special qualifications and the number of candidates he superseded ;
- (e) the number of head clerks, senior clerks, account clerks, store keepers and clerks at present working in the Jail offices in the Punjab and Delhi Province who are " directly " or " indirectly " related to each member in the establishment of the Inspector-General of Prisons ;
- (f) whether it is a fact that in offering appointments to some of these candidates many other candidates were ignored and their claims superseded ; if so, the names of those who were superseded and reasons therefor ;
- (g) the action that the Government proposes to take in the matter ?

The Honourable Mr. Manohar Lal : (a) The Inspector-General of Prisons is empowered to fill all ministerial appointments in the Punjab Jail Department. No irregularity has been brought to the notice of Government in this connection.

(b) No person exactly fills the description given. A relative of the stenographer to the Inspector-General of Prisons was appointed as a senior clerk in February, 1938. He had, however, been trained both as clerk and storekeeper and was selected for his appointment in view of the good reports about his work. Besides being a relative of the stenographer, he is the son of a deceased Jail official.

(c) The reference appears to be to a candidate who was discharged from the Lahore Central Jail in 1984. He was at that time, i.e., in 1984 informed that he would be considered for further employment provided he improved his knowledge by attending classes in clerical work. He did so, and the reports on his work were good. He has passed the F. A. (English) besides being a Giani.

(d) The question is too vaguely worded to permit of a definite identification, but if the honourable member would pass to me privately the name, I shall make enquiries.

(e) Thirteen out of 100.

(f) The cases of the applicants were considered by the Inspector-General of Prisons personally and all appointments were made after careful selection bearing in mind the necessities of communal representation and any claims of those who were sons of members of the Jail Department.

(g) No action seems necessary.

POSTS OF SUPERINTENDENTS IN THE PUNJAB JAIL DEPARTMENT.

***4603. Diwan Chaman Lal :** Will the Honourable Minister of Finance be pleased to state—

(a) whether it is a fact that the posts of Superintendents in the Punjab Jail Department, excepting those reserved for the I. M. S. officers, are, at present being monopolised by the members of Services other than that of the Jail Service;

(b) whether it is a fact that the percentage of the whole-time Jail Service Superintendents is hardly 17 per cent. of the total strength;

(c) whether it is a fact that inspite of highly qualified and well-experienced Jail officials, the recruitment for the post of Jail Superintendents is being encouraged from other sources;

(d) whether it is a fact that due to the above, great discontentment is prevailing amongst the members of the Service; if so, the action that the Government proposes to take in the matter?

The Honourable Mr. Manohar Lal : (a) and (b) By "Jail Service Superintendents" the honourable member doubtless means Superintendents appointed by promotion from the cadre of Deputy Superintendents. Out of 17* posts of Jail Superintendent filled by officials giving their whole time to jail work three are at present held by promoted Deputies. (This includes one officer whose promotion is still on an officiating basis).

(c) and (d) It was resolved by the Punjab Government in 1932 that a certain number of experienced Deputy Superintendents who showed real aptitude might be promoted in due course to hold charge of jails, and in 1937 owing to difficulties in securing suitable men from other sources it was

*This number includes the Superintendent of the Borstal Institution and Juvenile Jail in Lahore. Out of the seventeen appointments three are held by officers of the Indian Medical Service.

[Minister of Finance.]

decided, as a tentative policy, to fill half of all the vacancies that might occur in the near future by the promotion of Deputy Superintendents. It has never been the intention, however, to fill all the Jail Superintendships in the province, or even a major proportion of these appointments, by promotion. Actually owing to the difficulties mentioned the men on the list of Deputy Superintendents have secured promotion more quickly than was ever contemplated; two out of the three promoted officers now serving as Superintendents have a total service of barely ten years. There is certainly no occasion for discontent among the men in the cadre of Deputy Superintendents on the score of slow promotion.

UPPER SUBORDINATE SERVICE OF THE EXECUTIVE BRANCH OF JAIL
DEPARTMENT, PUNJAB.

***4604. Diwan Chaman Lal :** Will the Honourable Minister of Finance be pleased to state—

- (a) whether it is a fact that the members of the Upper Subordinate Service of the Executive Branch of the Punjab Jail Department are required to be on duty from Lock-out (Sunrise) to Lock-up (Sunset) each day;
- (b) whether it is a fact that they are required to perform sundry duties even at night time;
- (c) whether it is a fact that the Deputy Superintendents as well as the Assistant Superintendents of Jail are governed by the provisions of foot-note to paragraph 209 of the Punjab Jail Manual with regard to their daily off-duty hours;
- (d) whether it is a fact that the distribution of duties as above adversely affects the health and the morale of the members of the service as well as that of the members of their families;
- (e) whether it is a fact that no provision is made for time for any kind of recreation, rest or relaxation from their onerous duties;
- (f) whether it is a fact that they are not entitled to any kind of public holidays, Sundays, Gazetted Holidays or even Jail Holidays;
- (g) if the answers to the above be in the affirmative, whether the Government has under consideration any scheme for fixing their hours of duty by rotation with a view to alleviate the stringent conditions of the Punjab Jail Service mentioned above?

The Honourable Mr. Manohar Lal : (a) Yes, but they are permitted to absent themselves for meals, rest and other purposes in accordance with the discretion of the Superintendent.

(b) These officers are required to go inside the Jail occasionally on night rounds. In addition they are required to attend to urgent duties such as—

- (i) dealing with prisoners who arrive at the Jail after lock-up;

- (ii) arranging for the removal of prisoners from barracks or cells to hospital in the case of illness ;
- (iii) attending alarm parades in the event of escapes, suicides, fire, etc.
- (c) Yes.
- (d) No such instance has been brought to the notice of the Inspector-General of Prisons or of Government.
- (e) Some jails are provided with recreation rooms, and tennis and badminton courts. Arrangements also exist for volley ball and other games.
- (f) This is correct to the extent indicated in the answer to part (a) of this question. Their duties are reduced on holidays as far as possible, but the difficulty is that, although the prisoners themselves may be let off work, the staff have always to look after them and see that they behave themselves, get their proper food and maintain discipline.
- (g) The hours of duty can only be reduced by an increase in the number of officers. Financial considerations, however, do not permit of any such course.

PROHIBITION.

***4619. Sardar Harjab Singh :** Will the Honourable Minister of Finance be pleased to state the reasons why the resolution passed by the Punjab Legislative Assembly recommending 'prohibition' in five of the districts of the Punjab has not been given effect to so far and whether it will be given effect to ; if so, when ?

The Honourable Mr. Manohar Lal : Owing to the very heavy strain on the provincial finances caused by the commitments due to the prevailing famine conditions in parts of the province, Government have been compelled to postpone consideration of the introduction of prohibition in certain districts of the province. The matter will be further considered later in the year.

HUNGER STRIKE BY PRISONERS IN SUB-JAIL, AMRITSAR.

***4628. Sardar Hari Singh :** Will the Honourable Minister of Finance be pleased to state—

- (a) whether the prisoners in sub-jail, Amritsar, have recently gone on hunger strike ;
- (b) if answer to (a) above be in the affirmative, particulars of the strike, reasons for the same and the action taken in the matter to redress their grievances ?

The Honourable Mr. Manohar Lal : (a) No.

(b) Does not arise.

REPRESENTATIONS FOR INTRODUCTION OF PROHIBITION IN AMRITSAR.

***4642. Sardar Hari Singh :** Will the Honourable Minister of Finance be pleased to state—

- (a) whether the Government has recently received representations from the Amritsar public for the introduction of prohibition in Amritsar; if so, the action Government proposes to take in the matter;
- (b) whether the Government has in hand a scheme for the enforcement of prohibition in certain areas of the province in the near future; if so, the details of the scheme?

The Honourable Mr. Manohar Lal : (a) No such representation has so far been received.

(b) Yes. The matter is under consideration, but, as I have in previous replies informed the House, the financial burden imposed by the relief of famine conditions has compelled Government to postpone consideration of the introduction of prohibition and, in the circumstances, details cannot at the present time be given but the matter will receive consideration in due course.

RECOMMENDATIONS MADE BY COMMISSIONER, JULLUNDUR DIVISION, FOR APPOINTMENT OF PUBLIC PROSECUTORS.

***4666. Lieutenant Bhai Fateh Jang Singh :** Will the Honourable Minister of Finance be pleased to state—

- (a) the date when recommendations for the appointment of public prosecutors for the Jullundur division, were sent up by the Commissioner of the said division;
- (b) whether any special case of a candidate was recommended and sent up by the said Commissioner, long after the recommendations mentioned in part (a) were made; if so, the reasons therefor and the name of the candidate so recommended?

The Honourable Mr. Manohar Lal : The honourable member appears to be referring to the recommendations sent up by the local officers in connection with the appointment of public prosecutor, Jullundur, which recently fell vacant.

The Commissioner forwarded his proposals to the Legal Remembrancer on the 4th November, 1938. On the 21st November he sent up an additional name.

It is not the practice, nor is it in the public interest to disclose the recommendations made by the local officers in such cases.

ELECTIONS HELD UNDER THE PUNJAB PANCHAYAT ACT IN AMBALA DISTRICT.

***4069. Lala Duni Chand :** Will the Honourable Minister of Public Works be pleased to state whether the last elections held some months ago under the Punjab Panchayat Act in Ambala district have been in many

cases irregular and whether any representations have been made to the authorities concerned in the said district regarding the unreal and irregular nature of the elections held ; if so, the action, if any, the Government proposes to take in the matter ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : The election held for the panchayat at Mubarikpur, tahsil Kharar, was found irregular inasmuch as four instead of three panches were elected. It was accordingly declared invalid and a fresh election was held. There was no other irregular election.

A representation made to the Deputy Commissioner in respect of the election for the panchayat at Sohana, tahsil Kharar, was enquired into but it was found that no irregularities had occurred.

DEMOLITION OF PLATFORMS IN VILLAGES PAHHAT AND OTHER BY
THE PANCHAYATS IN AMBALA DISTRICT.

***4070. Lala Duni Chand** : Will the Honourable Minister of Public Works be pleased to state—

(a) whether it is a fact that Panchayats constituted under the Punjab Panchayat Act in Ambala district have in some cases ordered the demolition of platforms in front of the houses of certain inhabitants of villages without justification ;

(b) whether a complaint of the above nature had been received by the Deputy Commissioner, Ambala district, some four months ago from Gauri Shanker, Kartara, Sundar, Tulsi and others of village Pahhat, Kharar tahsil, Ambala district ; if so, the action, if any, that the Government proposes to take in the matter ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) The Panchayat established in village Pahhat in the Ambala district issued certain notices under section 18 of the Panchayat Act, 1921, for the removal of platforms encroaching on public streets and ways.

(b) No such complaint has been received by the Deputy Commissioner, Ambala.

Lala Duni Chand : What action has been taken on the representations that have been received ?

Parliamentary Secretary : What representations ?

Lala Duni Chand : You admit that certain representations were made by the inhabitants of certain villages.

Parliamentary Secretary : I have not admitted anything of the kind.

Lala Duni Chand : Then what is the reply to part (a) of my question ?

Parliamentary Secretary : I replied that there has been no representation of any kind.

RESULTS OF THE EXAMINATIONS BY THE ELECTRICITY DEPARTMENT.

***4114. Khawaja Ghulam Samad :** Will the Honourable Minister of Public Works be pleased to state whether the examinations held at Lahore by the Electricity Department in the months of June and November last in order to test the practical knowledge of the candidates and ascertain their competency to act as supervisors for inspection of electric wiring made by licensed contractors were held in accordance with the syllabus prescribed by the Department as reproduced in the resolution of Electricity Department of 7th December, 1937, on the subject; if so, whether the Government would be pleased to lay the papers of these examinations on the table of this House?

Parliamentary Secretary (Shaikh Faiz Muhammad) : Yes. The examinations were held in May and November, 1938, and February, 1939. Question papers for the written part of the examination are laid¹ on the table of the House.

ELECTRICITY DEPARTMENT.

***4115. Khawaja Ghulam Samad :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether he is aware of the fact that by the introduction of the resolution of Electricity Department of 7th December, 1937, regarding the syllabus of examinations of electrical supervisors, practical workers shall be thrown out of employment;
- (b) whether his attention has been drawn to this fact by means of posters, etc., issued by the Punjab Old Electrical Contractors' Union;
- (c) whether it is a fact that at the time of enforcement of the Boilers Act a concession was granted to the experienced mistries and engine-drivers; if so, the action Government propose to take in the matter?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) This fear has been expressed by some of the existing electrical mistries;

(b) Yes;

(c) Service certificates were granted under the Indian Boilers Act to persons with long service and over 50 years of age, after oral examination. This concession lasted for a limited period and has not been allowed after 1928. A simplified oral and practical test for electrical mistries with practical experience of five years or more was held in the middle of March and such of them as passed this test have been granted Supervisors' Certificates.

REPRESENTATION OF HARIJANS ON DISTRICT BOARD, HISSAR.

***4144. Lala Duni Chand :** Will the Honourable Minister of Public Works be pleased to state—

- (a) the total number of members of district board, Hissar, and the number of members, if any, belonging to the scheduled castes;

¹Kept in the Library.

- (b) the percentage of the population of the scheduled castes in Hissar district ;
- (c) the representation, if any, made on behalf of the scheduled castes asking for nomination on the board and the response by the Government, if any ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) The Hissar district board consists of 84 members of whom none at present belong to scheduled castes.

(b) I understand that scheduled castes comprise 14 per cent of the entire population of Hissar district, including municipal areas.

(c) A representation from certain members of the scheduled castes of Hissar was received in December last. Government are considering the question whether a representative of these castes cannot be appointed to the new district board which will shortly take office.

Lala Duni Chand : May I know if the Government has settled any policy about the representation of scheduled castes on district boards ?

Parliamentary Secretary : I really wonder if it is possible for me to explain the policy of the Government in reply to a supplementary question.

Lala Duni Chand : Having regard to the fact that the population strength of scheduled castes in this district is 14 per cent., as admitted by the Parliamentary Secretary, will he please say as to what is the policy of the Government with regard to a district in which the population is as much as 14 per cent. ?

Parliamentary Secretary : I cannot explain the policy of the Government in reply to a supplementary question, but at the same time I may inform my honourable friend that population is not the only thing which has to be taken into consideration for determining representation on a local body.

Lala Duni Chand : May I know whether the Government will adopt the policy of nominating representatives of scheduled castes on the district boards of those districts in which the strength of scheduled castes is considerable ?

Parliamentary Secretary : Every attempt will be made to safeguard the interests of every community, but I cannot commit myself or the Government to any particular policy.

Lala Duni Chand : I want to know the policy of the Government in regard to those districts where the strength of scheduled castes is considerable.

Mr. Speaker : The honourable member has probably overlooked one part of the answer, that population is not the only thing which has to be taken into consideration but that there are other factors as well. Consequently, the honourable member's question cannot be based only on the strength of population.

Pandit Shri Ram Sharma : May I know what are the other factors ?

Parliamentary Secretary : Population and voting strength.

PROVINCIALIZATION OF ROADS.

***4479. Khawaja Ghulam Samad :** Will the Honourable Minister of Public Works be pleased to state—

- (a) the names of those roads, with the names of districts which have so far been provincialized ;
- (b) the names of roads with names of districts which have still to be provincialized and which are included in the programme of the provincialization of roads ;
- (c) the date by which the roads mentioned in (b) above are expected to be provincialised ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) A list showing the roads provincialized during the years 1937-38 and 1938-39 is laid on the table.

(b) and (c) A list of the roads which will be provincialized during the year 1939-40 is also laid on the table. Nothing definite can be said at present as to what roads will be provincialized after the year 1939-40, because the proposals for the years 1940-41 to 1944-45 are yet to be approved finally by the Punjab Government and the Government of India.

Sardar Lal Singh : Is there a settled scheme about the provincialization of these roads or does it depend on the sweet will of the head of the department ?

Parliamentary Secretary : The scheme is prepared and it is referred to the Government of India for approval. We expect to recover a good sum from the Government of India from the Central Road Fund.

Diwan Chaman Lall : They pay the piper to call the tune.

List of roads provincialized, i.e., transferred to Public Works Department during the years 1937-38 and 1938-39.

Ambala District—

1. Ambala-Naraingarh Road.
2. Rupar-Chandigarh Road.

Hoshiarpur District—

1. Hariana-Hoshiarpur-Garh Shankar Road.
2. Hoshiarpur-Una Road.

Ferozepore District—

1. Muktsar-Malout Road.
2. Bhuchoo-Nathana Road.
3. Giddarbaha-Lambi Road.
4. Talwandi-Zira Road.

Lahore District—

1. Chunian-Chhanga-Manga Road.
2. Pattoki-Chunian Road.
3. Pattoki-Halla Road.

Gurdaspur District—

1. Gurdaspur-Sbakargarh Road.
2. Gurdaspur-Naushera Road.

Gujrat District—

1. Pindi-Baha-nd-Din-Sohawa-Phalia Road.
2. Sohawa-Kathala Sheikhan Road.

Rohtak District—

1. Rohtak-Jhajjar Road.
2. Jhajjar-Rewari Road.
3. Bahadurgarh-Najafgarh Road.

Karnal District—

1. Pipli-Pehowa Road.
2. Karnal-Indri Road.

Gurgaon District—

1. Jhajjar-Rewari Road.

Jullundur District—

1. Kartarpur-Kapurthala Road.

Ludhiana District—

1. Khanna-Samrala-Machhiwara Road.
2. Rai Kot-Jagraon Road.
3. Approach to Railway Stations—
(i) Chawapail Railway Station.
(ii) Sahnewal Railway Station.

Amritsar District—

1. Amritsar-Taran Taran-Hariker Road.
2. Taran Taran-Gondwal Road.

Shahpur District—

1. Khushab-Kallar Kahar-Naushera Road.
2. Sargodha-Sahiwal Road.
3. Sargodha-Mari Lak Road.

Rawalpindi District—

1. Sihala-Kahuta Road.

Montgomery District—

1. Montgomery-Nurshah Road.
2. Renala-Shergarh Road.
3. Renala-Satghara Road.
4. Okara-Dipalpur Road.

Dera Ghazi Khan District—

1. Road near Dera Ghazi Khan.

List of roads which are to be provincialized during the year 1939-40.

1. Jhajjar to Jahazgarh road in Rohtak District.
2. Palwal to Nuh road in Gurgaon District.
3. Abdullapur to Buria road in Ambala District.
4. Nakodar to Sidhwan road in Jullundur District.
5. Ludhiana to Samrala road in Ludhiana District.
6. Sahnewal to Kohara road in Ludhiana District.
7. Batala to Dera Baba Nanak Road in Gurdaspur District.
8. Moga to Dharmkot road in Ferozepore District.

9. Akalgarh to Ramnagar road in Gujranwala District.
10. Gujrat to Jalalpur Jattan road in Gujrat District.
11. Gujrat to Kunjah road in Gujrat District.
12. Miana-Gondal-Phullarwan road in Gujrat District.
13. Bhalwal to Kot Moman road in Shahpur District.
14. Farruka to Sillanwali road in Shahpur District.
15. Bhalwal-Chak Ramdass road in Shahpur District.
16. Miana-Gondal-Phullarwan road in Shahpur District.
17. Rawalpindi-Nurpur-Saidpur road in Rawalpindi District.
18. Campbellpur-Haji Shah road in Attock District.
19. Jhang-Toba Tek Singh road in Jhang District.
20. Burewala-Mian Channu Road in Multan District.

HAISIYAT TAX DEPARTMENT OF GUJRWALA DISTRICT BOARD.

***4506. Sardar Hari Singh :** Will the Honourable Minister of Public Works be pleased to state whether any misappropriation of items of receipts in the Haisiyat Tax Department of the Gujranwala District Board has been recently detected ; if so, the action taken in the matter ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : Two apparent embezzlements—one of Rs. 145 and the other of Rs. 4 have been discovered. A clerk who is suspected has been suspended and the matter has been reported to the police.

PUBLIC WELLS FOR DEPRESSED CLASSES.

***4541. Seth Kishan Das :** Will the Honourable Minister of Public Works be pleased to state—

(a) whether Government has recently issued any circular to the district authorities asking them to put up sign-boards at all public wells in the villages and towns opening them thereby to the depressed classes ;

(b) whether the above-mentioned sign-boards have been fixed at public wells in accordance with that circular, if not, the reasons therefor ?

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

(b) I have no information and the collection of reports from all local bodies would involve much labour. The matter is of course ultimately one for decision by local bodies. If there is any locality in regard to which the honourable member particularly wishes to receive information, I could make enquiries in regard to it.

GRIEVANCES OF THE SCHEDULED CASTES AT JULLUNDUR AGAINST THE JULLUNDUR MUNICIPALITY.

***4553. Sardar Hari Singh :** Will the Honourable Minister of Public Works be pleased to state whether he is aware of the fact that the scheduled

castes at Jullundur have recently brought their grievances against the Jullundur municipality to the notice of district authorities ; if so, the nature of their demands and the steps taken in the direction of their fulfilment ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : I regret the reply to this question is not yet ready.

**MUNICIPAL COMMITTEE, BAGHBANPURA AND THE LORRY STAND AT
BAGHBANPURA, DISTRICT LAHORE.**

***4571. Maulvi Mazhar Ali Azhar :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that the Punjab Motor Union (Registered) Lahore, made a representation to the Government alleging that the municipal committee, Baghbanpura, is using the lorry-stand as a source of income without providing any facilities to the public and lorrywalas, which is against the definite instructions issued by the Government in their letter No. 6877-H-37/37180, dated 29th October, 1937 ;
- (b) the total amount of money realised by the municipal committee, Baghbanpura, in the years 1930 to 1938 separately and the total amount of expenditure incurred by the committee on the said stand, etc., during the same period ;
- (c) if the answer to part (a) above be in the affirmative, the action Government has taken in this matter ?

The Honourable Nawabzada Major Khizar Hayat Khan Tiwana :

(a) Yes.

(b) These figures are not available since the lorry-stand at Baghbanpura is combined with the tonga stand.

(c) The charging of fees, and the auctioning of the lorry stand at Baghbanpura has been suspended.

POOR HOUSES FOR BEGGARS IN LAHORE.

***4585. Rai Bahadur Lala Binda Saran :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether Government are considering any proposal for lodging and feeding genuine beggars found in Lahore ;
- (b) if the answer to (a) be in the affirmative, the practical shape proposed to be given to such a scheme, and the plan how these beggars are proposed to be lodged ;
- (c) whether Government intends to segregate diseased beggars while accommodating the beggars mentioned above ; if not, why not ?

The Honourable Nawabzada Major Khizar Hayat Khan Tiwana :

(a) No.

(b) and (c) Do not arise.

REPRESENTATION OF DEPRESSED CLASSES IN THE NOTIFIED AREA COMMITTEE, INDERPUR SAHIB.

***4596. Seth Kishan Das :** Will the Honourable Minister of Public Works be pleased to state—

- (a) the number of members of the notified area committee, Indarpur Sahib, district Hoshiarpur, and whether any of them is a member of the depressed classes ;
- (b) whether it is a fact that the population strength of the depressed classes in Indarpur Sahib is about one-third of the whole population ; if so, the action Government intend to take in the matter ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a)—(b) There is no notified area committee at Indarpur Sahib in the Hoshiarpur district.

SARPANCHI TAX.

***4600. Sardar Sohan Singh Josh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the names of the villages or towns where 'sarpanchi' tax is levied in the Amritsar district during the last two years ;
- (b) the amount of money thus realised during the same period ;
- (c) whether or not the Government abolished the 'sarpanchi' tax some time ago ?

The Honourable Dr. Sir Sundar Singh Majithia : An enquiry has been addressed to the local officers and their reply is awaited.

BEGGARY NUISANCE IN LAHORE.

***4624. Rai Bahadur Lala Gopal Das :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether he is aware of the fact that the beggary nuisance is increasing in the city and civil station of Lahore ;
- (b) the steps which the present Government have taken during the last two years to stop this evil ;
- (c) the steps which are proposed to be taken in future in the same direction ?

The Honourable Nawabzada Major Khizar Hayat Khan Tiwana :
(a) Government have heard complaints.

(b) and (c) Section 151 of the Municipal Act punishes begging, and the district authorities are trying to prevent the nuisance by action under this section.

NEW OCTROI SCHEDULE PROPOSED BY LAHORE MUNICIPALITY.

***4625. Rai Bahadur Lala Gopal Das :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that in the new octroi schedule proposed by the Administrator, Lahore municipality, the charges on several varieties of goods of foreign manufacture have been reduced ;
- (b) whether the charges on large number of swadeshi articles have been increased ;
- (c) if the answers to (a) and (b) above be in the affirmative, the reasons for the action taken ?

The Honourable Nawabzada Major Khizar Hayat Khan Tiwana : The honourable member is referred to the reply given to starred question No. 4583.¹

COMPLAINT AGAINST MUHAMMAD HUSAIN, EMPLOYEE OF ADDA CONTRACTOR, BAGHBANPURA, DISTRICT LAHORE.

***4637. Maulvi Mazhar Ali Azhar :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that the Secretary, Punjab Motor Union (Registered), Lahore, made a complaint to the Assistant Inspector-General, Police (Traffic), on 6th December, 1938, drawing his attention to an incident of checking lorry No. P-5980-B. from proceeding further to Amritsar on the Grand Trunk Road, at a point 6 miles 2 furlongs from Lahore, on 4th December, 1938, by one Muhammad Husain, an employee of the Adda contractor, Baghbanpura, district Lahore, and mentioned the names and full addresses of the five eye-witnesses ;
- (b) whether any inquiry had been instituted in the matter ; if so, with what result ?

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

(b) An enquiry was held as a result of which it was discovered that Muhammad Husain and the driver of lorry No. P-5980-B., had settled their differences, and that no further action was legally possible.

REPRESENTATIONS MADE TO DISTRICT AUTHORITIES, LYALLPUR, BY MOTOR OWNERS AND DRIVERS AGAINST THE DAK CONTRACTOR.

***4639. Maulvi Mazhar Ali Azhar :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that a representation signed by nearly 80 motor owners and drivers plying their lorries on Samundri-Gojra line, was made to the district authorities, Lyallpur,

[Maulavi Mazhar Ali Azhar.]

and the Assistant Inspector-General, Police (Traffic), regarding the inconvenience and loss caused to them by the Dāk contractor ;

- (b) if the answer to part (a) above be in the affirmative, the action the Government has taken or proposes to take to avoid such occurrences in future ?

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

(b) The Superintendent of Police reports that a settlement has now been reached between the postal contractor and the local motor union.

ELECTIONS TO DISTRICT BOARD, HOSHIARPUR.

***4647. Sardar Hari Singh :** Will the Honourable Minister of Public Works be pleased to state whether the rough lists of voters for the elections to the district board, Hoshiarpur, recently held, were not hung up at conspicuous places in order to afford an opportunity to the persons concerned to file their claims or objections in this connexion and that for that reason many persons, for example, Pandit Labhu Ram Vasdev and brothers, of Santokhgarh, tahsil Una, who pay more than Rs. 50 as land revenue and own pacca buildings at Santokhgarh worth Rs. 2,000 each and whose names were not included in the lists of voters by the patwaris concerned, were deprived of their statutory right and if so, the action intended to be taken in the matter ?

The Honourable Nawabzada Major Khizar Hayat Khan Tiwana : The preliminary electoral rolls were duly published at conspicuous places as required by the rules.

APPOINTMENT OF SECOND MEDICAL OFFICER OF HEALTH FOR THE LAHORE MUNICIPALITY.

***4648. Rai Bahadur Lala Gopal Das :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that when deciding to arrange for the retirement of Dr. Kapila, the previous Medical Officer of Health, Lahore municipality, the Government was pleased to decide that there was not sufficient justification to employ two Medical Officers of Health in Lahore ;

- (b) whether it is a fact that the question of appointing second Medical Officer of Health for Lahore municipality is again under consideration ;

- (c) if reply to (a) and (b) above be in the affirmative, what changes have since taken place to justify the reconsideration of the question of appointing a second Medical Officer of Health for the said municipality ?

The Honourable Nawabzada Major Khizar Hayat Khan Tiwana : (a) No.

(b) and (c) I am afraid I can make no statement on these matters at present except that the question whether a second Government Health Officer can be deputed for Lahore is under consideration in connection with the numerous public complaints which have been heard of late with regard to sanitary conditions in the town.

METER RENT IN LAHORE MUNICIPALITY.

***4671. Begum Rashida Latif Baji :** Will the Honourable Minister of Public Works be pleased to state the rate of rent per mensem to be charged per meter which the Lahore municipality have decided to fix on water taps in Lahore city ?

The Honourable Nawabzada Major Khizar Hayat Khan Tiwana : A statement giving the required information is laid on the table :—

Statement.

Size of meter.							Meter rent.
1							2
$\frac{1}{2}$ inch	..	..	..	..	..	..	Rs. A. P. 0 8 0
$\frac{3}{4}$ "	..	..	..	..	..	..	0 8 0
$\frac{1}{2}$ "	..	..	..	..	..	..	0 8 0
$\frac{1}{2}$ "	..	..	..	..	..	..	0 12 0
1 "	..	..	..	..	..	..	1 0 0
1 $\frac{1}{2}$ "	..	..	..	..	..	..	1 8 0
1 $\frac{1}{2}$ "	..	..	..	..	..	..	1 12 0
2 inches	..	..	..	..	..	..	2 4 0
3 "	..	..	..	..	..	..	3 8 0

LYALLPUR-JHANG ROAD.

***4673. Lala Dev Raj Sethi :** Will the Honourable Minister for Public Works be pleased to state what were the considerations that prevailed with the Government for declaring Lyallpur-Jhang Road as a scheduled road, under section 25 of the Punjab Government Traffic Rules ?

The Honourable Nawabzada Major Khizar Hayat Khan Tiwana : A reference is invited to the replies given to Question *1928,¹ put by the honourable member for Lyallpur and Jhang (General—Rural) in last year's spring session, and to questions *2003² and *2367,³ by the honourable member for Kangra and Northern Hoshiarpur (Sikh—Rural).

¹Vol. III, page 304.

²Vol. III, page 531.

³Vol. IV, page 507.

CLOSING OF KANGRA VALLEY RAILWAY LINE.

***4679. Captain Dina Nath :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether he is aware of the fact that North-Western Railway is going to close the Kangra Valley Railway line in the near future ;
- (b) whether the Government is also aware of the fact that the public of Kangra district is greatly excited over this question ;
- (c) if the answer to (a) and (b) above be in the affirmative, whether the Punjab Government intend to approach the North-Western Railway authorities with a request that this railway section be allowed to continue ?

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

(b) Yes.

(c) The question is under consideration.

Pandit Bhagat Ram Sharma : May I know whether it is a fact that the North-Western Railway is going to close this line because the Punjab Government is not willing to contribute its quota ?

Parliamentary Secretary : It is very difficult to answer that question.

Pandit Bhagat Ram Sharma : The Punjab Government has been paying 4 lakhs towards the loss sustained by the North-Western Railway. My question is whether this railway is going to be closed because the Punjab Government is not willing to pay its quota ?

Parliamentary Secretary : I cannot answer that question off hand. I do not know if Government was paying anything. If the honourable member will give notice of this question I shall be able to gather the information and supply it.

Pandit Bhagat Ram Sharma : Was the Punjab Government consulted in this matter before the North-Western Railway decided to close this line ?

Parliamentary Secretary : Consultations are at present going on.

Pandit Bhagat Ram Sharma : Since how long and what is the opinion of the Punjab Government ?

Parliamentary Secretary : That opinion cannot be expressed at this stage.

Pandit Bhagat Ram Sharma : Since how long is this under consideration ?

Parliamentary Secretary : The usual time required for such consultations.

Pandit Bhagat Ram Sharma : Is it 9 months ? (*laughter*).

Parliamentary Secretary : The honourable member should know better.

**PROVINCIALIZATION OF DISTRICT BOARD HIGH SCHOOL,
NAKODAR.**

***4286. Mian Abdul Rab :** Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that the District Board High School, Nakodar, has not so far been provincialized and, if so, when does the Government intend to provincialize the said school;
- (b) the number of boys at present and the average amount of monthly fees with monthly expenditure in the above-mentioned school;
- (c) the number of teachers, including the headmaster, in the school at present with their educational qualifications and monthly salaries that they draw?

The Honourable Mian Abdul Haye : (a) Yes. From 1931 provincialization of schools ceased owing to financial stringency. Financial conditions still do not permit Government to consider the provincialization of any school now or in the near future.

(b) and (c) The enrolment on May 15, 1938, was as follows:—

Middle Department	..	..	353
High Department	..	..	142

The remaining information is not available and no useful purpose will be served in collecting it in view of my answer to part (a).

JHATKA DISPUTE IN THE PASRUR COLLEGE.

***4483. Khawaja Ghulam Samad :** With reference to the reply to starred question No. 3494,¹ regarding Jhatka dispute in the Pasrur College, will the Honourable Minister of Education be pleased to state how the Jhatka question was settled there?

The Honourable Mian Abdul Haye : As this question savours of communalism I shall be delighted to answer if the honourable member is pleased to put an unstarred question.

HEALTH DEPARTMENT OF THE AMRITSAR DISTRICT BOARD.

***4546. Chaudhri Fazal Din :** Will the Honourable Minister of Education be pleased to state—

- (a) the number of persons employed in the Health Department of the Amritsar district board;
- (b) how many of them are Government servants and how many of them are district board employees;
- (c) what is the percentage of different communities in the said department;
- (d) if the proportion in the said department is not according to the population of different communities in the district whether Government is prepared to take any action in the matter?

The Honourable Mian Abdul Haye : I am afraid I am unable to answer this question on the floor of the House as it savours of communalism. If however the honourable member will put down an unstarred question, I will have the information collected.

PUNJAB ADVISORY BOARD FOR BOOKS.

***4566. Mian Abdul Rab :** Will the Honourable Minister of Education be pleased to state—

- (a) when and for what purpose the " Punjab Text Books Committee," now known as the " Punjab Advisory Board for Books," was founded ;
- (b) the names, academic qualifications, ages, grades of pay and length of service of the staff at present working under the above-named Board ;
- (c) whether extension has been granted to any member of the clerical staff under the aforesaid Board ; if so, for how many times and the reasons therefor ?

The Honourable Mian Abdul Haye : (a) The Punjab Text Book Committee was established in 1877, in order to consider and decide from time to time, what works shall be prescribed or recommended for use in schools and colleges and further determine, what books shall be purchased for the libraries of district schools, and Government colleges within the limits of the budget grant. The work of this body was confined to English books. This Committee was reconstituted in 1881, so as to include the scrutiny and preparation of vernacular text books within its purview. In 1936 the Punjab Text Book Committee was replaced by the Punjab Advisory Board for Books whose objects are as follows :—

- (i) to maintain lists of books suitable for school libraries ;
- (ii) to encourage the development of vernacular literature ;
- (iii) to maintain a library ;
- (iv) to maintain contact with similar boards working in other provinces ;
- (v) to select, recommend and arrange for the publication of text books in such manner as Government may prescribe from time to time ;
- (vi) to undertake such other business as the Punjab Government may direct from time to time.

(b) A statement containing the information is laid on the table.

(c) Government rules regarding superannuation are not applicable to the employees of the Punjab Advisory Board for Books as it is not a Government body. The question of extension to a member of the clerical staff, therefore, does not arise. Any clerk employed in this office is retained in service so long as he is fit to carry on the work efficiently.

Statement showing the particulars regarding the members of the staff of the Board.

No.	Name.	Academic qualifications.	Age.	Grade of pay.	Length of service.
1	Khan Ahmad Hussain Khan, P.C.S. (Retired) Member of the Asiatic Society of Bengal, M.R.A.S. (London). He is a poet, a novelist and a dramatist and has written about 100 books.	B.A. ..	68 years ..	Ra. 150-10-250 Present pay Ra. 250.	15 years and 8½ months.
2	Bhai Bishen Das, Puri, P.E.S. (Retired). He is author of several books in Hindi, Punjabi, Urdu and English including a Punjab Dictionary. He held a fellowship for the higher studies in Sanskrit.	M.A., Topped the list of passes in S. A. V.	65 years, 4 months and 17 days.	Do. ..	10 years and 3 months.
3	Lala Har Dayal Khanna ..	Entrance Examination and trained in Library Science.	63 years ..	Ra. 100-8-180/ 10-250. Present pay Ra. 250.	36 years and 2 months.
4	Lala Ghasita Ram ..	Entrance Examination.	52 years ..	Ra. 75-5-100/ 5-150. Present pay Ra. 150.	35 years.
5	Sardar Jagdev Singh ..	Intermediate and trained in Library Science.	43 years and 10 months.	Ra. 60-4-100/5-150 Present pay Ra. 150.	21 years and 8 months.
6	Lala Satya Vrata ..	M.A., B.Com. ..	29 years and 4 months.	Ra. 100-5-150. Present pay Ra. 120.	4 years and 1 month.

**DELAY IN NOTIFYING GURDWARA AT VILLAGE BHIKHI KHATRA
AS A SIKH GURDWARA.**

***4599. Sardar Kartar Singh :** Will the Honourable Minister of Education be pleased to state—

- (a) whether it is a fact that a petition along with a list of property with respect to the Gurdwara Dharamsala situated at village Bhikhi Khatra, district Ludhiana, had been duly forwarded under section 7 of the Sikh Gurdwaras Act, to the Local Government on 11th October, 1926, and published in the Government Gazette Extraordinary, dated February 21, 1930 ;
- (b) that no petition was ever presented by anybody to the Local Government under section 8 of the said Act with respect to the said Gurdwara ;
- (c) that the office of the Shiromani Gurdwara Parbandhak Committee, Amritsar, has many a time, invited the attention of the Government to the provisions of section (9) of the Sikh Gurdwaras Act and requested that a notification under the said section may be published declaring the said Gurdwara to be a Sikh Gurdwara ;
- (d) that the attention of the Secretary to Government, Punjab, Electricity and Industries Departments, had also pointedly been drawn by the Shiromani Gurdwara Parbandhak Committee to a ruling of the High Court of Judicature at Lahore, published in the All-India Reporter, Lahore, 1927, at page 880, in which the said High Court has held, *inter alia*, that after publishing a notification under section 7 of the Sikh Gurdwaras Act with respect to a certain Gurdwara the local Government is bound to publish a notification under section 9 if no petition under section 8 has been presented ;
- (e) if the answers to (c) and (d) above be in the affirmative, the reasons why the Government has not published a notification under section 9 declaring the Gurdwara in question to be a Sikh Gurdwara so far and whether they intend doing so now, if not, why not ?

The Honourable Mian Abdul Haye : (a), (b), (c) and (d) Yes. But the original petition was received on the 1st November, 1926.

(e) The property alleged to be the Gurdwara in the list of property forwarded with the petition under section 7 of the Sikh Gurdwaras Act was claimed as private property in the counter petition under section 10 of the Act. This petition was under the law forwarded to the Sikh Gurdwaras Tribunal which held that the property in question was the private property of the petitioner under section 10. An appeal was lodged in the High Court. But the High Court (Mr. Justice Bhide and Mr. Justice Currie) in their order, dated the 30th October, 1935, upheld the Tribunal's order holding that if a notification under section 9 issued, it would be inconsistent with the decision in this case.

**APPOINTMENT OF NON-AGRICULTURISTS AS ASSISTANT DISTRICT
INSPECTORS OF SCHOOLS.**

***4601. Khawaja Ghulam Samad :** Will the Honourable Minister of Education be pleased to state whether trial has ever been given to non-agriculturists for the post of Assistant District Inspectors of Schools; and if so, whether they were found to be inefficient to discharge the duties entrusted to them?

The Honourable Mian Abdul Haye : There are several non-agriculturists working successfully as Assistant District Inspectors in the Punjab.

Khawaja Ghulam Samad : May I know whether in future recruitment has been stopped?

Minister : No, Sir.

**PARTICIPATION OF TEACHERS OF MUZAFFARGARH DISTRICT
IN RECEPTION TO MINISTERS.**

***4611. Munshi Hari Lal :** Will the Honourable Minister of Education be pleased to state—

- (a) whether it is a fact that a circular was issued by the Educational authorities of Muzaffargarh to the school teachers in the district to reach Muzaffargarh by 15th February, 1939, or after to accord reception to the Honourable Ministers on their recent visit to Muzaffargarh in February, 1939; if so, the terms of the circular;
- (b) the total strength of the teachers and how many out of it responded to the circular in question;
- (c) how many days these teachers remained at Muzaffargarh and at whose expense?

The Honourable Mian Abdul Haye : The honourable member is referred to the answer given to question No. *4411¹.

Munshi Hari Lal : Will you kindly refer to that question? That question was in connection with orders issued by the Deputy Commissioner and in this question it is by the educational authorities.

Minister : No circular was issued.

**APPLICATIONS FOR GRANT-IN-AID AND RECOGNITION BY THE
HINDUSTAN SCOUT ASSOCIATION.**

***4614. Diwan Chaman Lall :** Will the Honourable Minister of Education be pleased to state—

- (a) whether an application was recently received by the Government from the Hindustan Scout Association for a grant and for recognition;
- (b) whether such a grant has been refused;
- (c) whether it is a fact that the Baden-Powell Scouts Association is in receipt of grant-in-aid from the Government;

[Diwan Chaman Lall.]

(d) if the answers to (a), (b) and (c) above be in the affirmative, the reasons for the distinction made between the two associations in the matter of grant-in-aid ?

The Honourable Mian Abdul Haye : (a) Yes.

(b) Yes.

(c) Yes.

(d) More than one Boy Scout Association in the province is considered neither desirable nor necessary.

Diwan Chaman Lall : May I ask whether this is the ground or the ground advanced by the Premier that this organisation was alleged to have been indulging in political propaganda ?

Minister : I said so on a previous occasion while answering another supplementary question.

Diwan Chaman Lall : What did the Honourable Member say on a previous occasion ?

Minister : That we would not like this Association to meddle in politics.

Diwan Chaman Lall : May I take it that the charge against that Association is withdrawn, i.e., that the charge of this Association indulging in political propaganda has been withdrawn ?

Minister : No.

Diwan Chaman Lall : May I ask him to give a specific instance in substantiation of this charge ?

Minister : I said on a previous occasion that on the occasion of a certain conference at Amritsar the Boy Scouts belonging to this Association participated when objectionable slogans were raised and objectionable placards were exhibited.

Diwan Chaman Lall : Which conference is my honourable friend referring to ?

Minister : The Non-Agriculturist Conference.

Pandit Bhagat Ram Sharma : Is it the policy of the present Government to grant aid to anti-national institutions ?

Dr. Gopi Chand Bhargava : May I know whether the charge that was brought against that Association has been denied by responsible office-bearers of that Association ?

Minister : I am not aware of that.

Dr. Gopi Chand Bhargava : May I know whether the charge was correct or not ?

Minister : No.

Dr. Sir Gokul Chand Narang : What was the source of the Honourable Minister's information ?

Minister : It is not the practice of the Government to disclose the source of information.

Dr. Sir Gokul Chand Narang : Was that information conveyed to the Honourable Minister ?

Minister : Yes.

Dr. Sir Gokul Chand Narang : By whom ?

Minister : I am not prepared to disclose the name of the officer.

Dr. Sir Gokul Chand Narang : I am not asking the name of the officer but by which department ?

Minister : I am not prepared to disclose that even. Does my honourable friend deny that the Boy Scouts in Amritsar participated in that procession ?

Dr. Sir Gokul Chand Narang : Have they denied the charge ?

Minister : No.

Diwan Chaman Lall : If it is a fact that the charge has been categorically denied, has my honourable friend now satisfied himself that the charge was wrong ?

Minister : I have not yet come across that denial.

Dr. Sir Gokul Chand Narang : The Honourable Minister has put me a question and it was this, whether I was not aware that any society as such took part in this demonstration or that they shouted any objectionable slogans. Would he be pleased to name any section of the Boy Scouts or any particular society of the Boy Scouts which participated in that demonstration ?

Minister : The Hindustan Boy Scouts Association of Amritsar participated in that procession.

Dr. Sir Gokul Chand Narang : Does he mean that there were some boys in the procession who also happened to be Boy Scouts or did they join as Boy Scouts ? I hope he understands the difference.

Minister : They joined as Boy Scouts and the organizers of that Conference held out an invitation to the Boy Scouts Association also but they declined to participate. The Hindustan Association participated.

Dr. Sir Gokul Chand Narang : How does he say then that the other society may not have similarly declined ?

Minister : They actually participated.

Dr. Sir Gokul Chand Narang : Some boys and not the whole Society. Is he sure that some Boy Scouts in their private capacity, belonging to his favourite association of Boy Scouts, did not join the procession ?

Minister : Yes.

Dr. Gopi Chand Bhargava : May I know whether the Baden-Powell Scouts Association takes part in politics or not ?

Minister : No.

Dr. Gopi Chand Bhargava : Does that Association help the Government in their political work or not ?

Minister : We do not require them to help us in our political work.

Dr. Gopi Chand Bhargava : Are the Government officers, office-bearers of the Association by virtue of their office and do they help the Association ?

Minister : This Association is recognised by the Government and the Government officers are permitted to raise funds and help this Association.

Dr. Gopi Chand Bhargava : Does this Association help in the management of dinner parties, processions, etc. ?

Minister : It does.

Dr. Gopi Chand Bhargava : Does it make arrangements for political *jalsas*, *melas*, etc. ?

Minister : Not all.

Dr. Sir Gokul Chand Narang : May I ask the Honourable Minister whether the Baden-Powell Boy Scouts Association never participates in processions or help in organisations of meetings arranged to be addressed by the Honourable Minister ?

Minister : I am not aware of that. But in this case, I have pointed out that the Hindustan Association participated in this procession and raised objectionable slogans.

Dr. Sir Gokul Chand Narang : Is there any prohibition to the Baden-Powell Boy Scouts Association against their participating in processions led out in honour of the Ministers when they go out to address public meetings ?

Minister : They are not required to do so.

Dr. Sir Gokul Chand Narang : Is there any prohibition against them ? Have they not done so ?

Minister : Not to my knowledge.

Dr. Sir Gokul Chand Narang : Is there any prohibition ? Is the Honourable Minister not prepared to answer that part of the question ?

Minister : I am not sure of that.

Dr. Gopi Chand Bhargava : May I know whether he is aware of the fact that Lord Baden-Powell, the head of this Association, said certain things attacking the honour and self-respect of the Indians ?

Minister : Since then, Lord Baden-Powell has made his intention quite clear and the announcement made by His Excellency the Viceroy was perfectly satisfactory.

Diwan Chaman Lall : May I ask my honourable friend whether in making his position quite clear, Lord Baden-Powell had withdrawn the expression that was used that no Indian could be found who was a man of honour ?

Minister : He did not say exactly these words.

Diwan Chaman Lall : Is he aware that these were the very words that appeared in every newspaper ?

Minister : I am not aware of the exact facts. The explanation of Lord Baden-Powell, supplemented by His Excellency the Viceroy, was perfectly satisfactory.

Diwan Chaman Lall : May I ask him whether he can give this House chapter and verse for the withdrawal of that particular expression ? Has that expression been withdrawn or not ? May I ask him, since the explanation given, according to him, by Lord Baden-Powell and backed by His Excellency the Viceroy, has been considered by him to be satisfactory, is he prepared to get an explanation from the Hindustan Boy Scouts Association regarding the incident to which he has referred ?

Minister : I have already made it quite clear that apart from this particular matter, there are other reasons why we have not recognised more than one association of the type.

Diwan Chaman Lall : Now when the Honourable Minister has come to the conclusion that the explanation given by Lord Baden-Powell and backed by His Excellency the Viceroy, is considered by him to be satisfactory, is he prepared to accept the explanation already given by the Hindustan Boy Scout Association as satisfactory ?

Minister : I am not aware of any explanation given by them so far.

Diwan Chaman Lall : Is my honourable friend prepared to accept the statement made on the floor of the House by the Leader of the Opposition that the charges alleged to have been made against the Hindustan Boy Scouts Association are categorically denied by them.

Minister : I cannot accept that statement from the Leader of the Opposition.

Diwan Chaman Lall : My honourable friend cannot accept the statement from the Leader of the Opposition but he can accept it from the Viceroy.

Dr. Sir Gokul Chand Narang : Is the Honourable Minister aware that the Baden-Powell Boy Scouts Association lined the route when the Viceroy was taken out in procession ?

Minister : I am not aware of that.

Dr. Sir Gokul Chand Narang : The Honourable Minister is not aware of that. Where does he live then ?

Minister : Not in your paradise.

Munshi Hari Lal : Is it not a fact that on the occasion of the last visit of the Honourable Minister to Muzaffargarh, the Baden-Powell Boy Scouts Association arranged the procession at Muzaffargarh ?

Minister : I am not aware of that.

UNSTARRED QUESTIONS AND ANSWERS.

752. *Cancelled.*

DR. AMRIK SINGH.

753. Khan Haibat Khan Dahi : Will the Honourable Minister for Public Works be pleased to state—

- (a) whether Dr. Amrik Singh, a nominated member of the Municipal Committee of Hafizabad, district Gujranwala, has his permanent residence at Gujranwala and all the agenda papers, etc., have to be sent to him there by post ;
- (b) what has been the expenditure on postage in this connexion since his nomination ;
- (c) how many meetings has the said Doctor attended since his nomination and how many committee meetings have taken place since his nomination and how many of them he attended for full time and how many for part time ?

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

(b) Rs. 12-11-3.

(c) Out of the total 104 meetings of the committee held since his nomination Dr. Amrik Singh has attended 17 meetings including one which he attended for part time.

NOTIFICATION OF THE RESULT OF ELECTIONS TO DISTRICT BOARD.

754. Sardar Ajit Singh : Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that elections to the district board, Multan, took place in October, 1938 ;
- (b) whether it is a fact that the result of this election has not been notified so far on account of the nominations in the said district board not having been made as yet ; if so, the reasons for the delay in making the nominations to the said district board ;
- (c) when will the budget of the district board, Multan, for the year 1939-40 be passed and whether it will be passed by the old district board or by the district board which is yet to come into existence ?

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

(b) Yes. The delay is due to the fact that a reference had to be made to the Commissioner after his proposals were received in the Secretariat.

(c) The attention of the honourable member is drawn to rule 6 of the District Board Account Code which requires the submission of the budget by the board to the Deputy Commissioner on or before the 15th February each year. It is presumed that the board has complied with the requirements of this rule. If the honourable member, however, has anything else in his mind he may please let me know and I will enquire.

CROPS DAMAGED IN VILLAGES JASRAUR, BHANDI, ETC.,
IN TAHSIL AJNALA.

755. Khan Sahib Chaudhri Fazal Din : Will the Honourable Minister of Revenue be pleased to state—

(a) whether he is aware of the fact that crops have been greatly damaged recently by hailstorm in villages Jasraur, Bhandi, etc., in tahsil Ajnala, district Amritsar ;

(b) if so, the action the Government intends to take to give relief to the sufferers ?

The Honourable Dr. Sir Sundar Singh Majithia : The attention of the honourable member is invited to the reply given to starred Assembly question No. 4587.¹

CLERKS EMPLOYED IN OFFICE OF LEGAL REMEMBRANCER.

756. Mian Abdul Rab : Will the Honourable Minister of Finance be pleased to state—

(a) community-wise number of clerks employed in the office of the Legal Remembrancer ;

(b) how many new appointments have been made during this month and how many of them have gone to Muslims ; how many Muslims have been taken in the junior grade and how many in the senior grade, how many Hindus and Sikhs have been taken in the senior grades and how many of them in the junior grades ;

(c) how many Muslim clerks out of the total number of clerks in this office are employed in the senior grades and how many in the junior grades ;

(d) the total salary drawn by Hindu, Muslim and Sikh clerks ;

(e) whether any circular was recently issued by the Punjab Government to the effect that 50 per cent. of the appointments be given to the Muslims ;

(f) if so, whether it has been observed in the case of recent appointments in the Legal Remembrancer's office ;

[Mian Abdul Rab.]

- (g) the number of agriculturists among the persons appointed, if the number of agriculturists is smaller than their due share the reasons therefor?

The Honourable Mr. Manohar Lal :—

(a) Muslims ..	..	11	(This figure does not include one Muslim who is officiating in place of the permanent Superintendent a Hindu— who is on leave).
Hindus ..	..	9	
Sikhs ..	..	4	
Anglo-Indian	..	1	

- (b) Ten new appointments were made during March, as follows :—

			Senior Clerks.	Junior Clerks.
Muslims	..	..	1	4
Hindus	..	..	2	1
Sikhs	..	..	1	1
			<hr/> 4	<hr/> 6

In addition, one Anglo-Indian has been taken in a temporary vacancy in the senior grade.

- (c) Four in the senior grade and seven in the junior.

Rs. A. P.

(d) Hindus ..	..	1,181	8	0	per month. (This includes the leave salary of the permanent Superintendent).
Muslims ..	..	978	0	0	per month.
Sikhs ..	..	255	0	0	per month.

- (e) Yes.

- (f) Yes.

- (g) (i) Three (ii) Does not arise.

NUMBER OF GIRLS COMMUNITY-WISE WHO ARE GIVEN JUNIOR VERNACULAR TRAINING IN GOVERNMENT INSTITUTIONS IN LAHORE.

757. Mian Abdul Rab : Will the Honourable Minister for Education be pleased to state—

- (a) the names of Government institutions where Junior Vernacular training is given to females in Lahore Circle;
- (b) community-wise number of girls under training in Junior Vernacular class at each institution in (a) above;
- (c) amount of money spent on girls of different communities studying in Junior Vernacular classes in (a) above?

The Honourable Mian Abdul Haye : A statement giving the required information is laid on the table.

Statement.

Serial No.	Names of the Government Institutions where Junior Vernacular training is given to females in Lahore Circle.	COMMUNITY-WISE NUMBER OF GIRLS UNDER TRAINING IN JUNIOR VERNACULAR CLASS.				
		Muslims.	Hindus.	Sikhs.	Christians.	Total.
1	2	3	4	5	6	7
1	Government High and Normal School for Women, Moga.	9	5	4	..	18
2	Government High and Normal School for Women, Fazilka.	10	5	4	..	19
3	Government Middle and Normal School for Women, Kasur.	11	3	4	..	18
4	Government High and Normal School for Women, Dharamsala.	1	6	2	1	10
5	Government High and Normal School for Women, Gurdaspur.	12	5	3	..	20
6	Government Hindu Widows' Home, Lahore.	..	65	11	..	76
		Rs.	Rs.	Rs.	Rs.	Rs.
	Amount of money spent on girls of different communities studying in Junior Vernacular class.	4,644	11,952	3,420	108	20,124

GOVERNMENT MANAGEMENT OF SIR GANGA RAM HINDU WIDOWS HOME.

758. Mian Abdul Rab : Will the Honourable Minister of Education be pleased to state—

- (a) the conditions on which the Government has undertaken the management of Sir Ganga Ram Hindu Widows Home ;
- (b) the number of girls community-wise reading in the above-mentioned institution ;
- (c) the annual expenditure incurred by Government for the said institution under different heads ?

The Honourable Mian Abdul Haye : (a) The property where the Hindu Widows Home is located was conveyed to Government for establishing a home with a normal and industrial school for Hindu and Sikh widows on the conditions that all expenses of maintenance are to be borne by Government as in the case of a Government institution. In case the Government do not carry on the Home with a normal and industrial school for Hindu and Sikh widows alone, it shall not be open to Government to use the premises for any other purpose. The Hindu Widows Home Normal and Industrial School was taken over by Government with effect from the 1st April, 1921.

(b) Hindus 65. Sikhs 11

Rs.

(c) Contingencies	3,710
Stipends	8,400
Pay of establishment	7,450
Total	19,560

GOVERNMENT COLLEGES FOR WOMEN IN WHICH ARABIC, SANSKRIT, PERSIAN, URDU, PUNJABI AND HINDI ARE TAUGHT.

759. Mian Abdul Rab : Will the Honourable Minister for Education be pleased to state the names of Government colleges for women where arrangements have been made for the teaching of (i) Arabic and Sanskrit ; (ii) Persian, Urdu, Punjabi and Hindi ?

The Honourable Mian Abdul Haye :—

- (i) Arabic Lahore College for Women, Lahore.
- Sanskrit Lahore College for Women, Lahore and Stratford College for Women, Amritsar.
- (ii) Persian, Urdu, Punjabi and Hindi. Lahore College for Women, Lahore, Stratford College for Women, Amritsar, and Government Intermediate College for Women, Lyallpur.

GOVERNMENT SCHOOLS FOR GIRLS IN WHICH ARRANGEMENTS FOR TEACHING ARABIC, SANSKRIT AND PERSIAN UP TO THE HIGH CLASSES EXIST.

760. Mian Abdul Rab : Will the Honourable Minister of Education be pleased to state the names of Government schools for girls where arrangement for the teaching up to the high classes exist for Arabic, Sanskrit and Persian ?

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

ARRANGEMENTS FOR TEACHING OF PERSIAN IN JUNIOR VERNACULAR AND SENIOR VERNACULAR TRAINING CLASSES FOR WOMEN TEACHERS.

761. Mian Abdul Rab : Will the Honourable Minister of Education be pleased to state—

- (a) if any arrangements exist for the teaching of Persian in the Junior Vernacular and Senior Vernacular training classes for women teachers ;
- (b) whether similar arrangements exist for the teaching of Hindi and Punjabi in these classes ;
- (c) if reply to (a) above is in the negative, whether the Government intends to take steps to introduce the teaching of Persian in these classes ?

The Honourable Mian Abdul Haye : (a) No.

(b) Arrangements exist for the teaching of Hindi and Punjabi.

(c) The matter is under consideration.

COMMUNITY-WISE NUMBER OF HEAD MISTRESSES OF GOVERNMENT GIRLS' SCHOOLS.

762. Mian Abdul Rab : Will the Honourable Minister for Education be pleased to state—

- (a) community-wise the number of Head Mistresses of Government girls' schools ;
- (b) the names and qualifications of teachers in Government girls' schools promoted permanently or temporarily to next higher grades in 1988-89 ?

The Honourable Mian Abdul Haye : (a) Out of 51 Head Mistresses 38 are Christians, 8 Muslims, 6 Hindus and 4 Sikhs.

(b) Two statements, one in respect of promotions to substantively vacant posts and the other about officiating promotions exceeding four months in duration, are placed on the table.

Statement showing the names and qualifications of teachers in Government Girls Schools who were promoted to the next higher grades in substantively vacant posts during 1938-39.

Serial No.	Names and qualifications, etc.	Grade to which promoted.
1	2	3
		Rs.
1	Miss E. Nathan, M.A. (Psychology) (Edin.), T. D. (London), Lahore.	P. E. S., II.
2	Miss M. Pant, B.A., Camb. Teacher's Certificate, Campbellpur.	200—10—250
3	Mrs. G. K. Manmohan Singh, B.A., Teacher's Certificate, Ferozepore.	Do.
4	Miss L. H. Jassu, B.A., S.A.-V., Karnal	Do.
5	Miss K. Nagaratnam, B.Sc., B.T., Sheikhpura	Do.
6	Miss Mukhtar Begum, B.A., Teacher's Certificate (London) ..	Do.
7	Miss C. Ali Bakhsh, M.A., Montgomery	140—10—190
8	Miss C. T. Chauhan, B.A., B.T., Gurdaspur	Do.
9	Mrs. Mubarak Mand, B.A., B.T., Gujranwala	Do.
10	Miss M. Nasir Ahmad, B.A., B.T., Jhang	Do.
11	Miss Jindan Singh, B.A., B.T., Montgomery	Do.
12	Miss G. K. Uppal, B.A., B.T., Sheikhpura	Do.
13	Miss P. J. Malik, B.A., B.T., Sargodha	Do.
14	Miss D. Nathaniel, B.A., B.T., Mianwali	Do.
15	Miss S. Samson, Diploma in Domestic Science, Ambala ..	Do.
16	Miss Safia Naqui, B.A., B.T., Sialkot	110—5—136
17	Miss Ved Kumari Chopra, B.A., B.T., Lyallpur	Do.
18	Mst. Nasim Khanam, J. A.-V., Gakhar	80—4—100
19	Miss L. K. Christie, F.A., J. A.-V., Ludhiana	Do
20	Miss K. Tandan, J. A.-V., Rewari	Do
21	Mrs. N. B. Rashid, J. A.-V., Rohna	Do
22	Mst. Zohra Begum, J. A.-V., Pakpattan	Do.

Statement showing names and qualifications of teachers in Government Girls Schools who were promoted to the next higher grades in an officiating capacity for periods exceeding four months during 1938-39.

Serial No.	Names and qualifications, etc.	Grade to which promoted.
1	2	3
		Ra.
1	Miss Mukhtar Begam, B.A., Teacher's Certificate (London) ..	P. E. S., II.
2	Mrs. J. L. Nasir, B.A., B.T., Lahore	Do.
3	Miss A. Kuriyan, M.A., B.T., Amritsar	200—10—250
4	Miss S. K. Ilahi Bakhsh, B.A., B.T., Gurdaspur ..	140—10—190
5	Miss Rabiya Qari, B.A., B.T., Gujranwala	Do.
6	Miss L. E. Michael, B.A., B.T., Dharamsala	Do.
7	Miss N. Abdullah, M.A., Multan	Do.
8	Miss M. Prabhu Das, B.A., B.T., Karnal	Do.
9	Mrs. L. Lecanan, B.A., B.T., Dera Ghazi Khan ..	Do.
10	Mrs. M. S. Najm-ud-din, F.A., J. A.-V., Lahore ..	Do.
11	Mrs. A. P. Khaliq, F.A., J. A.-V., Lahore	Do.

763—66.—Cancelled.

LEGISLATIVE ASSEMBLY (OFFICES) BILL.

Mr. Speaker : The House will now proceed to consider the Punjab Legislative Assembly (Offices) Bill.

1 P.M.

The question is—

That in clause 2, sub-clause (ii), line 2, between the words 'Chamber' and 'the' the word 'and' be inserted.

The motion was lost.

Mr. Speaker : The question is—

That in clause 2, sub-clause (ii), lines 3-5, the words 'and.....precincts' be omitted.

The Assembly divided : Ayes 34 ; Noes 49.

AYES.

Baldev Singh, Sardar.
Bhagat Ram Sharma, Pandit.
Bhim Sen Sachar, Lala.
Chaman Lall, Diwan.
Chanan Singh, Sardar.
Dev Raj Sethi, Mr.
Duni Chand, Lala.
Faqir Chand, Chaudhri.
Gokul Chand Narang, Dr. Sir.
Gopi Chand Bhargava, Dr.
Hari Lal, Munshi.
Hari Singh, Sardar.
Harjab Singh, Sardar.
Harnam Das, Lala.
Jugal Kishore, Chaudhri.
Kabul Singh, Master.
Kapoor Singh, Sardar.

Kartar Singh, Sardar.
Kishan Singh, Sardar.
Krishna Gopal Dutt, Chaudhri.
Lal Singh, Sardar.
Mazhar Ali Azhar, Maulvi.
Muhammad Hassan, Chaudhri.
Mukand Lal Puri, Rai Bahadur Mr.
Mula Singh, Sardar.
Partab Singh, Sardar.
Rur Singh, Sardar.
Sahib Ram, Chaudhri.
Sampuran Singh, Sardar.
Sant Ram Seth, Dr.
Satya Pal, Dr.
Shri Ram Sharma, Pandit.
Sohan Singh Josh, Sardar.
Sudarshan, Seth.

NOES.

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Afzaalali Hasnie, Sayed.
Akbar Ali, Pir.
Ali Akbar, Chaudhri.
Amjad Ali Shah, Sayed.
Badar Mohy-ud-Din Qadri, Mian.
Chhotu Ram, The Honourable
Chaudhri Sir.
Dasaundha Singh, Sardar.
Faiz Muhammad, Shaikh.
Farman Ali Khan, Subedar-Major
Raja.
Fateh Jang Singh, 2nd-Lieutenant
Bhai.
Fazal Din, Khan Sahib Chaudhri.
Ghazanfar Ali Khan, Raja.
Ghulam Qadir Khan, Khan Baha-
dur.
Ghulam Samad, Khawaja.
Gurbachan Singh, Sardar Sahib
Sardar.
Habib Ullah Khan, Malik.
Hans Raj, Bhagat.
Het Ram, Rai Sahib Chaudhri.
Jagjit Singh Man, Sardar.
Khizar Hayat Khan Tiwana, The
Honourable Nawabzada Major.

Manohar Lal, The Honourable Mr.
Muhammad Akram Khan, Khan
Bahadur Raja.
Muhammad Azam Khan, Sardar.
Muhammad Faiyaz Ali Khan,
Nawabzada.
Muhammad Hassan Khan Gurchani,
Khan Bahadur Sardar.
Muhammad Qasim, Chaudhri.
Muhammad Sadiq, Shaikh.
Muhammad Yusuf Khan, Khan.
Mushtaq Ahmad Gurmani, Khan
Bahadur Mian.
Muzaffar Ali Khan Qizilbash, Sar-
dar.
Muzaffar Khan, Khan Bahadur
Captain Malik.
Nasir-ud-Din, Chaudhri.
Pohop Singh, Rao.
Prem Singh, Chaudhri.
Ranpat Singh, Chaudhri.
Ripudaman Singh, Thakur.
Roberts, Sir William.
Sahib Dad Khan, Khan Sahib
Chaudhri.
Shah Nawaz Khan, Nawab Sir.
Sikander Hyat-Khan, The Honour-
able Major Sir.

Sultan Mahmood Hotiana, Mian.	Tikka Ram, Chaudhri.
Sumer Singh, Chaudhri.	Ujjal Singh, Sardar Bahadur Sar-
Sundar Singh Majithia, The Honour-	dar.
able Dr. Sir.	Wali Muhammad Sayyal Hiraj,
Suraj Mal, Chaudhri.	Sardar.

Mr. Speaker : The question is—

That sub-clause (ii) of clause 2 stand part of the clause.

The motion was carried.

Diwan Chaman Lall (East Punjab, Non-Union Labour) : I beg to move—

That in sub-clause (iii), the last two lines be deleted.

The reason for moving this amendment is this. The whole tenor of the amendments that I have submitted relates to this that the power of appointment of a Sergeant-at-Arms is the only power that is left and there should be no question of appointing any of his subordinates. That is the reason why I have limited the scope of sub-clause (iii). If this House accepts the appointment of a Sergeant-at-Arms there should be no further appointments made of any other officers or subordinates. Therefore this amendment of mine is perfectly relevant to the scheme that I have placed before the House by means of my amendment. I hope I have made the position clear. I do not want to make a lengthy speech on this amendment. My object is very simple, namely, the Speaker should be the person under the definition in this Bill who is to be considered to be the Speaker in reference to this clause.

Mr. Speaker : Clause under consideration, amendment moved—

That in sub-clause (iii), the last two lines be deleted.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : I have not been quite able to follow the honourable mover of the amendment. The object of this clause is that when the rules are framed the Speaker alone shall have the power to make those rules, and not the Deputy Speaker nor anyone who is nominated to the panel of chairmen, nor even an acting Speaker. If and when the Governor delegates his power to the Speaker, they shall be exercised only by the permanent incumbent and by nobody else. I do not see why my honourable friend wants his amendment to be adopted.

Diwan Chaman Lall : I beg leave to withdraw the amendment.

The amendment was by leave withdrawn.

Premier : I beg to move—

That in sub-clause (iii), last line, for the figure '8' the figure '9' be substituted.

Mr. Speaker : Clause under consideration, amendment moved—

That in sub-clause (iii), last line, for the figure '8' the figure '9' be substituted.

Dr. Gopi Chand Bhargava : Suppose this amendment is accepted. Will it affect my right to move my amendment which provides for the substitution of another sub-clause for this ?

Mr. Speaker : No.

[Mr. Speaker.]

The question is—

That in sub-clause (iii), last line, for the figure '8' the figure '9' be substituted.

The motion was carried.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : Sir, I move—

That for sub-clause (iii), the following be substituted :—

(iii) 'Speaker' includes the Deputy Speaker but does not include any member of the panel of chairmen who may be nominated by the Speaker from time to time.

My reason is simply this, that the Speaker, if this Bill is passed, will be invested with very great powers and I think a casual member who may be called upon to occupy the chair, may be for a few minutes when the Speaker has to go out for one reason or another, should not be invested with these powers which the Speaker is authorised to exercise under this measure. These powers may be entrusted to the Speaker or the Deputy Speaker but not to anybody else. I need not elaborate this point. The point is simple. Any member of the panel of chairmen may have his own views and he may utilise that small space of authority, that small opportunity during which he is clothed with temporary authority, to do things which may not be very desirable or very pleasant. I would not use any strong expression. My meaning is perfectly clear.

Mr. Speaker : Motion moved—

That for sub-clause (iii), the following be substituted :—

(iii) 'Speaker' includes the Deputy Speaker but does not include any member of the panel of chairmen who may be nominated by the Speaker from time to time.

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi Division, General, Rural) : There is no reason why a member of the panel of chairmen should not be given these powers when even the Deputy Speaker is given these powers. Is there any reason why a person who after being elected to the panel of chairmen occupies the chair should not exercise the same powers as are exercised by the Speaker or the Deputy Speaker? It is a matter of accident that one happens to be elected at the beginning of the session and another happens to be elected a fortnight or a few weeks after. Any person who occupies the chair is expected to pass proper orders and he is entitled to the same respect as the Speaker. I do not want to make any distinction between the position of one member and another. After all respect is shown to the chair irrespective of the person who occupies the chair and we are not justified in making an invidious distinction of this sort.

Mr. E. Few (Anglo-Indian) : May I ask one question? If the Deputy Speaker when occupying the chair orders the exclusion of a member from this House but before the member has withdrawn the Speaker resumes the chair will he (the Speaker) be bound by the ruling of the Deputy Speaker?

Mr. Speaker : The question is hypothetical. I will decide the point when it arises.

Pandit Bhagat Ram Sharma (Kangra West, General, Rural) : Sir, I fully endorse the words of Dr. Sir Gokul Chand Narang. The whole purpose of enacting this measure is to maintain order in the chamber and I submit that there is no necessity of entrusting these powers to any member

of the panel of chairmen who may be occupying the chair only for a few minutes. My honourable friend, Rai Bahadur Mukand Lal Puri, has stated that there is no reason why there should be any distinction between the Speaker and the panel of chairmen in this matter. There is a lot of difference. The Speaker is not a party man. But the members of the panel of chairmen do not cease to be party men when they are nominated to the panel and as such they are apt to misuse the powers if they are given to them. With these words I fully endorse what has been stated by Dr. Sir Gokul Chand Narang in support of the amendment.

Dr. Sant Ram Seth (Amritsar City, General, Urban) (*Urdu*) : Sir, I hold the view that the extraordinary powers proposed to be exercised not only by the Speaker, but also by the Deputy Speaker and any member of the panel of chairmen, should be exclusively exercised by the Speaker. I cannot help making mention of the fact that last time as well as on other occasions the honourable Deputy Speaker abused the powers delegated to him.

Mr. Speaker : Order, order. Please withdraw the word "abused."

Dr. Sant Ram Seth : I withdraw the word.

Chaudhri Krishna Gopal Dutt : On a point of order. You have asked the honourable member to withdraw the remarks he made with regard to the Deputy Speaker. I want to ask one thing. The Deputy Speaker is now an ordinary member of the House. He is not occupying the chair. The honourable member was not attacking the Chair when he used those words. Are you within your rights to ask him to withdraw?

Mr. Speaker : The word was used with regard to the Deputy Speaker when he was in the chair.

Dr. Sant Ram Seth : Sir, I was submitting that I am definitely of the opinion that these special powers should vest in the Speaker alone and the Deputy Speaker or any member of the panel of chairmen, whoever presides over the Assembly temporarily, should not be allowed to exercise these powers.

Dr. Gopi Chand Bhargava (Lahore City, General, Urban) (*Urdu*) : Mr. Speaker, the amendment of which I have given notice, is more comprehensive than the one now before the House. When you will have permitted me to move that amendment, you will see that it seeks to vest in the Speaker all the powers proposed under this Bill, with the proviso that 'Speaker' as defined in section 65 of the Government of India Act, 1935, includes the Deputy Speaker if and when all the powers have been delegated to him by the Speaker. You will remember, Sir, that under section 65 of Government of India Act there is a provision to the effect that 'while the office of the Speaker is vacant, the duties of the office shall be performed by the Deputy Speaker or, if the office of the Deputy Speaker is also vacant, by such member of the Assembly as the Governor may in his discretion appoint for the purpose.' It is implicitly implied therein that the Deputy Speaker shall, in the discharge of his duties as Speaker, exercise the powers only if and when the same have been delegated to him by the Speaker. I am, therefore, definitely of the opinion that the definition of 'Speaker' should be restricted to the limits I have stated. I do not want it to go beyond that because the sub-clause as it stands, aims at empowering the members of the panel:

[Dr. Gopi Chand Bhargava.]

of chairmen as well as the Deputy Speaker, to exercise these powers during the time they preside over the deliberations of the Assembly. In this connection I should like to draw your attention to a few hypothetical situations which may arise in this august House and which may have arisen in other legislatures of India. For instance, a Speaker names an honourable member and orders him to withdraw from the House. But so far as I am aware of any convention, it is to the effect that the Speaker, before allowing things to come to such a pass, asks that member to withdraw the objectionable remarks. If the honourable member is adamant and refuses to withdraw his remarks and at the same time if the Speaker finds that he is unable to maintain order and dignity of the House in keeping with the rules of procedure, it is only then that he can order that member to quit the House. But if the member still defies the order, it will be open to the Speaker, in that case, to exercise the powers vested in him under the present Bill and order the Sergeant-at-Arms to exclude or remove that refractory member. Now suppose the Speaker is absent from the Assembly for a short while and the chair is occupied by Deputy Speaker or a member of the panel of chairmen nominated by him. If that chairman, without giving an opportunity to the member to withdraw those offensive remarks, names him and the member flouts his order, then a piquant situation will arise. The chairman will at once fall back to the powers proposed to be vested in the Speaker and requisition the services of the Sergeant-at-Arms to exclude that member from the House. Such cases call for the necessity of restricting powers. Then, Sir, it is possible that the chairman or the Deputy Speaker may not be fully conversant with the parliamentary practice or procedure of the House. He may misuse the powers to be vested in the Speaker. Now if he breaks that healthy convention, obviously the member is helpless. Hence it is all the more essential that we should be wary enough while vesting such powers in the Speaker as defined in sub-clause (vi), clause 2 of the Bill.

Besides, the Speaker is expected to be well versed in parliamentary practice observed in other legislatures and fully acquainted with the procedure of the House, so that no misgivings or doubts could be entertained that he would make use of the proposed powers in a manner contrary to the dignity of the House. In fact he would use these extraordinary powers very sparingly. If at all untoward situations arise, he would exercise them only to avoid their recrudescence. Again, I see no reason why the definition of Speaker should be made so wide as to include even the member of the panel of chairmen, who are very seldom called upon to take the chair and that too for a short while. They should not be allowed to exercise these extraordinary powers as it is possible that they may not be able to apply them judiciously. But we have no objection to the Deputy Speaker exercising these powers provided the same are delegated to him by the Speaker. With these words I close my remarks.

Diwan Chaman Lall : On a point of order, Mr. Speaker. I call your attention to a point of order in reference to this particular clause that we are discussing now. If you will be kind enough to turn to Rule 11 of our Rules of Procedure, you will find that it says—

11. The Deputy Speaker, any chairman of the Assembly or any person acting as Speaker, shall, when presiding over the Assembly, have the same powers as the Speaker when so presiding, and all references in the rules to the Speaker shall in these circumstances be deemed to be references to any person so presiding

Rule 11 is perfectly clear that a Speaker includes not only the Deputy Speaker but any person who may be presiding with the authority of the rules of the Legislature. I would like you to turn to Rules 108, 109 and 110 of our Rules of Procedure and I will then come back to section 65 of the Government of India Act and draw your attention to the actual point that I am raising before you. In Rules 108, 109 and 110 procedure is laid down regarding the amendment of rules and unless that particular procedure is adopted to amend the rules no other procedure is available. Rule 108 says that not less than fifteen clear days' notice is to be given. Rule 109 lays down the procedure that—

If not less than thirty members rise accordingly, the Speaker shall intimate that the member has the leave of the Assembly.

Rule 110 says that when leave has been granted, then he shall move that the draft be referred to a select committee and then further on the procedure lays down the type of select committee to which this matter shall be referred and of which the Speaker shall be the Chairman. I submit that this particular clause is an amendment of the rules in so far as it chooses to restrict the authority of the Speaker and the definition of the Speaker which is given in our Rules. For instance, according to sub-clause (iii) of clause 2, which we are considering, the words "*except for the purposes of sections 6, 7 and 8*"—

Mr. Speaker : It would be better if the honourable member refers to clauses 7 and 9, as clause 6 is proposed to be deleted.

Diwan Chaman Lall : Then we will take 7 and 9. Under 6 (2) the Speaker may frame rules for the purpose of carrying on the provisions of this Act. If we take that as the exact thing in point, then it means that the function of the Speaker is being sought to be restricted by sub-clause (2) of clause 6 and it cannot be restricted unless and until the rules are properly amended according to the procedure that is laid down. I submit that they want to restrict the power of the Speaker in the definition which has been laid down in Rule 11 of our Rules. You can only do so by amending the rules and adopting the procedure laid down in 'XIII.—Amendment of Rules' and not by means of this particular new procedure that is being adopted, namely, bringing in a Bill for this particular purpose. We are tied hand and foot in respect of the Rules which govern the procedure of this House. We are also tied hand and foot regarding the amendment of these Rules and we are tied hand and foot in respect of the procedure to be adopted in amending these rules and I submit that if there is going to be any variation of the definition of the word 'Speaker', that can only be done by means of procedure adopted in Rules 108, 109 and 110 of our Rules of Procedure and it cannot be done in the manner in which it is sought to be done. That procedure lays down that a select committee is to be appointed of which the Speaker is to be the Chairman. I submit that in view of this procedure, which is available to the House, it is not possible for my honourable friends to flout that procedure and come to the House wanting to restrict the functions of the Speaker by means of sub-clause (2) of this Bill and I submit that that is the point which is well worthy of your consideration and of your decision.

Mr. Speaker : The powers of a Speaker have to be exercised in two ways : First by *presiding over* the meetings of this House. Whosoever,

[Mr. Speaker.]

excepting the Speaker himself, occupies this chair temporarily, *acts as Speaker*. In the absence of the Speaker, the Deputy Speaker, in the absence of the Deputy Speaker, one of the members of the panel of chairmen, or in the absence of members of the panel of chairmen, anybody whom the House may determine may occupy the chair. It follows, therefore, that when a person, other than the Speaker himself, occupies this chair, he *acts as Speaker*, that is to say, he has the power to perform such duties only as the Speaker can perform when he occupies the chair, but not all duties of the *office* of the Speaker, inasmuch as the duties of the *office* of the Speaker can be performed *only by the Speaker* or when the office is vacant, i.e., when there is no Speaker, by the Deputy Speaker and when the office of the Deputy Speaker is also *vacant*, then by the person whom the Governor may appoint as Speaker for the time being. The following analysis of sub-sections (1) to (3) of section 65 of the Government of India Act, 1935, will make the position still more clear and intelligible :—

Analysis of sub-sections 1—3 of section 65 of Government of India Act, 1935.

1. Sub-section (1) relates to the election of the Speaker and Deputy Speaker (i) when the Assembly comes into *existence* ; and (ii) so often as the office of Speaker or Deputy Speaker becomes *vacant*.

2. Sub-section (2) provides the following 3 ways in which the Speaker or Deputy Speaker's office can be vacated :—

- (1) when he ceases to be a member of the Assembly ;
- (2) when he resigns his office ;
- (3) when he is removed from his office.

3. Sub-section (3) deals with—

(a) (1) performance of the *duties of the office of the Speaker* when it is *vacant* ; and

(2) authorising someone to act as Speaker (i.e., to preside over the Assembly) during the *absence* of the Speaker from any sitting of the Assembly ;

(b) During the *vacancy* of the Speaker's office the duties of that office shall be performed —

(1) by the Deputy Speaker ; or

(2) if the office of the Deputy Speaker is also *vacant*, by such member of the Assembly as Governor may in his discretion appoint for the purpose ;

(c) During the *absence* of the Speaker from any sitting of the Assembly the following persons shall act as Speaker :—

(i) the Deputy Speaker ;

(ii) if he is also *absent* one of the members of the panel of chairmen : :
or

(iii) if no such person is present such other person as may be determined by the Assembly.

4. The above analysis clearly shows that the power to perform the *duties of the Speaker's office* cannot be delegated. All that can be done is that in the event of the Speaker's inability, for any reason, to preside over the Assembly, the Deputy Speaker or one of the members of the panel of chairmen or any person chosen temporarily by the Assembly, may take the Chair.

I have read the sub-clause which is now before the House. In my opinion it is quite consistent with section 65 of the Government of India Act. It says—

"Speaker" includes a person acting as such under section 65 of the Government of India Act, 1935, or under the Rules of Procedure of the Assembly, except for the purposes of sections 6, 7 and 8.

The Deputy Speaker, a member of the panel of chairmen, or any other member, whom the House may elect in the absence of the Speaker, can act as Speaker, except for the purposes of clauses 6, 7 and 9 of the Bill. Now under clause 9 rules have to be made. The clause under consideration says that no one, who can only act as Speaker, that is to say, who can only preside over the Assembly under the Rules of Procedure or under section 65 of the Government of India Act, will exercise any power under clauses 6 and 9. So, the clause under consideration appears to be quite legal and unexceptional.

Dr. Sir Gokul Chand Narang : Of course that is very illuminative and elaborate. Cannot those rules on which Diwan Sahib relied be modified by the legislature?

Mr. Speaker : Strictly speaking the latter part of Dr. Gopi Chand's amendment is out of order, inasmuch as it is inconsistent with the Government of India Act, but that question does not arise. I may add that rule 9 empowers the Speaker to delegate certain powers to the Deputy Speaker, but that point is not before the House.

Dr. Gopi Chand Bhargava : As long as rule 9 is not declared *ultra vires*, my amendment is not out of order.

Mr. Speaker : That point is not before the House.

Dr. Gopi Chand Bhargava : It is quite in consonance with rule 9.

Dr. Sir Gokul Chand Narang : Sir, I am glad my amendment has been supported by my friend on this side. I feel sure that my friend on the left was not at all serious when he got up and opposed it and I do not believe that he could really seriously oppose an amendment of this kind. I think section 65 and the point of order raised by Diwan Chaman Lal about sub-clause (3) are concerned only with the definition of the word 'Speaker' in relation to this present Bill and not with respect to anything else, and it is for the purpose of this Bill that the definition of the 'Speaker' is given in sub-clause (3). My amendment simply means that for the purpose of this Bill 'Speaker,' although it may include the Deputy Speaker, shall not include any member of the panel of chairmen. I would not say that a gentleman who is called upon to preside in the absence of the Speaker would have any bad motive or would utilise that opportunity—

Mr. Speaker : Has the honourable member moved his amendment.

Dr. Sir Gokul Chand Narang : I am replying. All I want to say is that Mr. Puri was not at all serious in opposing it.

Mr. Speaker : The question is—

That for sub-clause. (iii), the following be substituted :—

(iii) 'Speaker' includes the Deputy Speaker but does not include any member of the panel of chairmen who may be nominated by the Speaker from time to time.

The Assembly divided : Ayes 40, Noes 71.

AYES.

Baldev Singh, Sardar.
Bhagat Ram Choda, Lala.
Bhagat Ram Sharma, Pandit.
Bhim Sen Sachar, Lala.
Chaman Lall, Diwan.
Chanan Singh, Sardar.
Dev Raj Sethi, Mr.
Duni Chand, Lala.
Duni Chand, Mrs.
Faqir Chand, Chaudhri.
Gokul Chand Narang, Dr. Sir.
Gopi Chand Bhargava, Dr.
Hari Lal, Munshi.
Hari Singh, Sardar.
Harjab Singh, Sardar.
Harnam Das, Lala.
Jugal Kishore, Chaudhri.
Kabul Singh, Master.
Kapoor Singh, Sardar.
Kartar Singh, Sardar.

Kishan Singh, Sardar.
Krishna Gopal Dutt, Chaudhri.
Lal Singh, Sardar.
Mazhar Ali Azhar, Maulvi.
Muhammad Hassan, Chaudhri.
Muhammad Iftikhar-ud-Din, Mian.
Muhammad Nurullah, Mian.
Mula Singh, Sardar.
Muni Lal Kalra, Pandit.
Partab Singh, Sardar.
Prem Singh, Mahant.
Raghubir Kaur, Shrimati.
Rur Singh, Sardar.
Sahib Ram, Chaudhri.
Sampuran Singh, Sardar.
Sant Ram Seth, Dr.
Satya Pal, Dr.
Shri Ram Sharma, Pandit.
Sohan Singh Josh, Sardar.
Sudarshan, Seth.

NOES.

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Abdul Rahim, Chaudhri (Gurgaon).
Afzaalali Hasnie, Sayed.
Ahmad Yar Khan, Chaudhri.
Akbar Ali, Pir.
Allah Bakhsh Khan, Khan Bahadur Nawab Malik.
Amjad Ali Shah, Sayed.
Anant Ram, Chaudhri.
Ashiq Hussain, Captain.
Badar Mohy-ud-Din Qadri, Mian.
Barkat Ali, Malik.
Bhagwant Singh, Rai.
Chhotu Ram, The Honourable Chaudhri Sir.
Dasaundha Singh, Sardar.
Dina Nath, Captain.
Faiz Muhammad Khan, Rai.
This Muhammad, Shaikh.

Farman Ali Khan, Subedar-Major Raja.
Fateh Jang Singh, 2nd-Lieutenant Bhai.
Fateh Muhammad, 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, Khan Bahadur Maulvi.
Ghulam Qadir Khan, Khan Bahadur.
Ghulam Samad, Khawaja.
Gopal Singh (American), Sardar.
Gurbachan Singh, Sardar Sahib-Sardar.

Habib Ullah Khan, Malik.
 Hans Raj, Bhagat.
 Jagjit Singh Bedi, Tikka.
 Jagjit Singh Man, Sardar.
 Khizar Hayat Khan Tiwana, The Honourable Nawabzada Major.
 Kishan Das, Seth.
 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 Gur-chani, Khan Bahadur Sardar.
 Muhammad Qasim, Chaudhri.
 Muhammad Sadiq, Shaikh.
 Muhammad Sarfraz Khan, Raja.
 Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.
 Muhammad Yasin Khan, Chaudhri.
 Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
 Nasir-ud-Din, Chaudhri.
 Nasir-ud-Din Shah, Pir.

Naunihal Singh Mann, Lieutenant Sardar.
 Nawazish Ali Shah, Sayed.
 Pir Muhammad, Khan Sahib-Chaudhri.
 Pohop Singh, Rao.
 Ranpat Singh, Chaudhri.
 Ripudaman Singh, Thakur.
 Roberts, Sir William.
 Sahib Dad Khan, Khan Sahib-Chaudhri.
 Shah Nawaz Khan, Nawab Sir.
 Sham Lal, Rai Bahadur Chaudhri.
 Sikander Hyat-Khan, The Honourable Major Sir.
 Singha, Diwan Bahadur S. P.
 Sohan Lal, Rai Sahib Lala.
 Sumer Singh, Chaudhri.
 Sundar Singh Majithia, The Honourable Dr. Sir.
 Suraj Mal, Chaudhri.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sardar.
 Wali Muhammad Sayyal Hiraj, Sardar.

Mr. Speaker : The question is—

That sub-clause (iii) of clause 2 stand part of the clause.

2 P.M.

The motion was carried.

Mr. Speaker : The question is—

That clause 2 as amended stand part of the Bill.

The motion was carried.

Clause 3.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) (*Punjab*) : I beg to move—

That in the beginning of the clause the following words be added :—

‘On the requisition of the Speaker of the Assembly elected as such under section 65 of the Government of India Act, 1935.’

Sir, this Bill has been under discussion for the last 3 or 4 days. But I am at a loss to understand as to why the Government is so anxious to get it hurriedly passed. My honourable friend Sardar Hari Singh had moved an amendment to the effect that this Bill should be circulated for eliciting public opinion thereon but the Government did not accept it.

Mr. Speaker : Will the honourable member please speak to the motion?

Sardar Kapoor Singh : Not a word this side or that ? That would be extremely difficult. It is a pity that all the amendments that were sought to be made in the Bill have been turned down by the Government. It is highly desirable and extremely advisable to obstruct the passage of every unpopular and obnoxious measure of the kind, but our object in moving these amendments was to improve upon the Bill. I fail to understand as to why the Government is so particular about the speedy enactment of a Bill which is not going to serve any useful purpose.

Mr. Speaker : Please speak to the motion.

Sardar Kapoor Singh : I am coming to the point, Sir. The object of the Government in moving this Bill is to appoint a Sergeant-at-Arms who would attend on the Speaker and remove those unruly members from the House who would flout his authority by refusing to withdraw from the Chamber when asked by the Chair to do so. But we do not find the reason as to why this Sergeant-at-Arms is being thrust upon the Speaker. We have yet to know whether the Speaker actually stands in need of his services or not. If the Speaker does not at all require his services then why is the Government so anxious as to create a new post which is definitely unnecessary and uncalled for ? I know it for certain that personally you do not require the services of such an officer. If by chance there happens to be some disorder in the House, your stentorian voice, I am sure, is sufficient to damp the zeal of any unruly members and make them silent. Besides, you have not expressed your desire in so many words that you really require the services of a Sergeant-at-Arms. It is extremely strange that here witness is more anxious than the complainant to bring matters to a head. So far as the members of this House are concerned you would very rarely have a recourse to the services of this officer, but the thing which really perturbs our mind is that he would always be hovering over the Chair with a huge mace. (*Laughter.*) And that is very dangerous indeed. I hope you would avail yourself of this opportunity and enlighten us as to whether you really require his services or not.

Mr. Speaker : The honourable members have made several attempts to draw me out ; but they have not succeeded so far. The desire of the House is my desire. If the House decides to appoint a Sergeant-at-Arms, I will not say, 'no.' If the House decides not to appoint one, I will not ask for one.

Dr. Sir Gokul Chand Narang : That at least makes one thing clear that you do not want it.

Mr. Speaker : May I quote to the honourable members the words of Speaker Lenthell of the House of Commons. "I have neither eyes to see nor tongue to speak but as the House is pleased to direct me." That is exactly my position. I have no desire or wish which is not the desire or wish of the House.

Dr. Sir Gokul Chand Narang : But the general impression is that the Bill is being brought forward for the protection of the Chair and that protection is now being thrust upon you.

Mr. Speaker : It is a very pertinent question to draw me out. (*Laughter.*)

Dr. Shaikh Muhammad Alam : In your case silence is not *neem raza* !

Mr. Speaker : The honourable member may think as he likes. I will say nothing.

Sardar Kapoor Singh : I believe that the acceptance of my amendment is highly essential with a view to ascertain whether the Speaker really requires the services of this officer or not. If he does not require his services it is neither wise nor desirable on the part of the Government to squander public money by creating such new posts. I would request the Government to desist from wasting the revenue which has been contributed to the state exchequer by the poor and starving kisans of the province. With these words, Sir, I commend my amendment for the acceptance of the House.

Mr. Speaker : Clause under consideration, amendment moved—

That in the beginning of the clause the following words be added :—

‘On the requisition of the Speaker of the Assembly elected as such under section 65 of the Government of India Act, 1935.’

Diwan Chaman Lall (East Punjab, Non-Union Labour) : The point has been very aptly put by my honourable friend Sardar Kapoor Singh. What he desires to suggest is this, that the power of appointment of the Sergeant-at-Arms should not be left solely in the hands of the Punjab Government, but that the Punjab Government should appoint only at the request of the Speaker. If the Speaker feels the necessity for the appointment of a Sergeant-at-Arms, then and then alone should the Punjab Government be approached by the Speaker himself in the matter of the appointment of the Sergeant-at-Arms. Unless that desire is expressed definitely by the Speaker, no steps should be taken by the Government to make this appointment. I take it that a legal difficulty might arise in regard to section 241 of the Government of India Act in regard to the appointment. It is because of that anticipated legal difficulty that my honourable friend, Sardar Kapoor Singh, has chosen this excellent method of getting over it by suggesting that only on the initiation of the Speaker himself should the step be taken. Otherwise, there are other amendments too in regard to this matter which suggest directly that the appointment should be made, if it is made at all, by the Speaker, himself. There may be two opinions about section 241 which says that appointment of all officers in the case of service of a province and those in connection with the affairs of the province shall be made by the Governor or such person as he may direct. I submit that even here there is a loophole. Through this loophole the difficulty can be got over as suggested by my honourable friend Sardar Kapoor Singh. I do not see what objection my honourable friend the Premier can have in accepting this amendment. After all it is not the Punjab Government that is going to requisition the services of the Sergeant-at-Arms. It is not because of anything desired by the Government that the services of the Sergeant-at-Arms or of any of his subordinates would be put into use. It is purely a matter which rests with the Speaker himself. Suppose the Speaker has no need for the services of a Sergeant-at-Arms. Nobody can compel the Speaker to call upon the Sergeant-at-Arms to take any action if the Speaker does not wish him to take it. Therefore the Sergeant-at-Arms should entirely

[Diwan Chaman Lal.]

be the creature of the Speaker and of nobody else. The Government can only be the appointing authority. Apart from being the appointing authority the Government has no further concern with the Sergeant-at-Arms. After the appointment it becomes entirely your concern whether to requisition his services into action or not. It is for you to direct him to take necessary action when there is disorder in the House. Therefore the existence of an active Sergeant-at-Arms is purely dependent upon your direction or order or sweet will. If that is so, then the active part of the Sergeant-at-Arms' duty depends entirely upon the instructions given by the Speaker. Why should then the Government not give the authority to make the appointment to the Speaker? By this method there would be no difficulty under section 241 of the Government of India Act. I do submit that if my honourable friend the Premier desires the independence of this House guaranteed, then he should leave the choice of the Sergeant-at-Arms to the Speaker; because, if he does not do so, then that particular servant becomes not the servant of this House or of the Speaker, but becomes the servant of the majority party in power. I am quite certain that the Honourable Premier would agree that everything possible should be done to avoid suspicion that partisanship is involved in the appointment or that the party in power has chosen a particular individual even against the wishes of the Speaker, much less the wishes of us who do not matter. I am sure the Honourable Premier would agree that it is desirable that no shadow of suspicion should be created in the mind of any member of the minority party in this House that a person is going to be appointed not with the consent and approval of the Speaker, but even over his head and at the sweet will of the majority party that happens to be in power for the time being. After all, the great dignity that attaches to your office, Sir, derives itself not from the power that you have to order the Sergeant-at-Arms to remove an honourable member from the House, but to the great sense of impartiality that rests upon your shoulders; because you can impress and it is the duty of the Speaker to impress on every member of the House that you do not belong to any party, that you are not a partisan, that you are above all parties and that you are utterly impartial. It is because of that that great dignity attaches to your office. If such great dignity which you derive from your sense of responsibility cannot extend to those subordinates who act under your instructions, I submit that it would be a great anomaly. It is not enough that the Speaker alone should be impartial, but every person who is acting under his instructions should give the House the impression of impartiality. Therefore the appointment should primarily rest with the Speaker who it is agreed by all sections of the House should be impartial. I ask, is the Chair not worthy of making this appointment? Is the Chair not responsible enough to make this appointment? Why then, should the Government take away the power which should legitimately rest with the Chair? I submit that there can be no two arguments in regard to this matter unless it be the argument of the majority. We consider this particular method of appointment to be the correct method. If on the contrary the attitude of my friends opposite is that it is the Government that should appoint this particular officer, then I submit that it would be a sorry state of affairs and not at all in consonance with the dignity either of the Chair or of this House. I submit that in view of this, my honourable friends will be well advised to accept the amendment that has been moved.

Mr. Speaker : May I draw the attention of the honourable member to amendment No. 8 to clause 3 ?

Diwan Chaman Lal : I am very grateful, Mr. Speaker, for drawing my attention to that amendment. It is in consonance with section 241 of the Government of India Act. That section says—

(1) (b) in the case of services of a province, and posts in connection with the affairs of a province, by the Governor or such person as he may direct.

Those are the very words which have been taken from section 241 of the Government of India Act. But why ? Why should an indirect power be still left in the hands of the Governor ? If the Government had got to the stage of recognising that the appointment can be made under the authority of section 241, namely, that it can appoint a person who may make this particular appointment, then why not go further and say, ' we consider that it is the Speaker who shall make this appointment ' ?

Mr. Speaker : May I point out that under section 241 of the Government of India Act, the power to appoint civil servants vests in the Governor or the person whom he may direct. Therefore, this House has no authority to legislate that this power shall not be exercised by the Governor but by the Assembly. That would be illegal.

Chaudhri Krishna Gopal Dutt : The amendment before the House is, " On the requisition of the Speaker of the Assembly elected as such under section 65 of the Government of India Act, 1935."

Mr. Speaker : That is a different aspect.

Diwan Chaman Lal : You are absolutely correct, Mr. Speaker, in regard to the construction of section 241. I myself referred to section 241. You are perfectly correct that there is first of all the power with the Punjab Government to appoint a particular individual, for instance, the Sergeant-at-Arms.

Mr. Speaker : Only the Governor.

Diwan Chaman Lal : ' Governor ' under the Government of India Act means legally the Punjab Government.

Mr. Speaker : Not in every case.

Diwan Chaman Lal : In this particular instance it means the Punjab Government. There is the power vested with the Punjab Government, that is, the Governor if it clarifies the issue. It is the Governor *simpliciter*, not the Governor in his discretion or the Governor in his individual judgment, it is the Governor who can appoint. Then there is the further provision in section 241 that the Governor can delegate that power to somebody else to make the necessary appointment. He can direct any other person to make the appointment. The amendment moved by my honourable friend, Sardar Kapoor Singh, is not that the Governor shall direct any other person to make the appointment, but that the Governor himself should not move in the matter until the Speaker first asks him to move. I submitted when I started my argument that there may arise a little difficulty regarding section 241 but that my honourable friend, Sardar Kapoor Singh, has very cleverly, very intelligently and very much to the

¹That in line 1, for the word ' Punjab Government shall ' the words ' Governor or such person as he may direct may ' be substituted.

[Diwan Chaman Lall.]

point, got rid of that particular difficulty that might arise under that section. May I ask my honourable friend, how is it difficult for my honourable friend to agree to this particular amendment? How is it difficult? Is there any legal difficulty? I submit that my honourable friend would agree with me that there is not the slightest chance of a legal difficulty arising—

Premier : I am afraid I do not agree with anything.

Diwan Chaman Lall : That is an attitude which I was deploring only a little while ago. "I do not agree with anything that members put forward from that side of the House."

Premier : With regard to this particular matter.

Diwan Chaman Lall : Yes, with regard to this particular matter. I am not talking about cabbages and kings or the chances of the Unionist party or of the Congress party. I am talking about this particular matter. I have made a very honest appeal. Why cannot my honourable friend agree to this particular proposition? If there is a legal difficulty, then there is my honourable friend, the Advocate-General, behind him. I would be very glad if my honourable friend would refer to the Advocate-General and take his opinion, whether there is any legal difficulty in the acceptance of this amendment moved by my honourable friend, Sardar Kapoor Singh. If there is no legal difficulty, let us see what other difficulty there is that confronts my honourable friend. Is it a difficulty that the power of appointing a Sergeant-at-Arms should not be exercised unless the Speaker, who is the only person who could utilise the services of the Sergeant and not the Government, so desires? It is an eminently reasonable demand. After all my honourable friend, the Premier, who is in charge of law and order, can exercise his fullest authority outside this chamber. Inside this chamber my honourable friend's functions cease. He cannot direct any policeman, let us say, or any person appointed by him, to take any punitive or penal action against any member of this House. That is correct. The only person who can do so is the Speaker after this Bill is passed. The only person authorised to do so under the Government of India Act is the Speaker if this Bill is passed. Therefore, if the only person who can utilise these powers is the Speaker, why cannot my honourable friend accept the proposition that the appointment of this particular individual who may be called upon by the Speaker to exercise certain powers, shall not be made unless the requisition is made by the Honourable Speaker. I submit that there is no difficulty even from that point of view. Then what difficulty remains? Is it to be considered that the appointment be made without even consultation with the Speaker or without even asking the Speaker whether he desires that such an appointment should be made, that if such an appointment is made that would be a desirable appointment or is it that my honourable friend considers that when an appointment of this kind is made by the Government, that person who is appointed will be in a better position to exercise the powers that are conferred under this Act upon the Speaker? No. I submit that in either case it is necessary that there should not be two positions; that there should be a Sergeant-at-Arms appointed under the authority of the Government but acting solely under the orders of the Speaker. I submit there should be a person who is not only appointed as a result of the requisition of the Speaker but acting under the orders of the

Speaker. There should be no such person here who takes orders, let us say, because he is appointed under the authority of the Government, from the Government, nevertheless who in his actual duties which he has to perform on the floor of this House has to take his orders from the Speaker. The anomaly that exists because of this particular procedure that is being adopted is there. I ask my honourable friend one question. Why cannot he accept this amendment that is being moved by my honourable friend, Sardar Kapoor Singh? What will be the result of the acceptance of this amendment? The Speaker may come to the conclusion that there is no necessity to appoint a Sergeant-at-Arms. It is only when such a necessity arises in view of the Speaker, who alone is the person who could keep law and order here, that that appointment would be made or that requisition would be made by the Honourable Speaker and the appointment thereafter made. Now I submit that there is one distinction which arises as a result of this amendment, a distinction in reference to what is being proposed by the Government. What the Government proposes is this: That the Government shall appoint a Sergeant-at-Arms or direct a particular person to make the necessary appointment. There is no waiting period. There is no chance left. Immediately this particular measure is passed, the appointment will be made. What is suggested in the amendment is that even if this measure is passed, the appointment shall not be made until the Speaker so discovers that it is so necessary that an appointment should be made.

Secondly, Mr. Speaker, another point of discussion that arises is this that if the Government's scheme is accepted then, as I have said, on the passing of this measure either the Government will make the appointment or direct somebody else to make this particular appointment, but if this particular amendment is passed, then the Speaker himself shall be the authority which shall refuse to make the appointment unless the appointment is satisfactory to the Speaker. It is a matter of very great importance as it is the Speaker who is authorised to consider all points of view. He considers the point of view of the majority as well as of the minority and in making the appointment, he will and, if this amendment is accepted, can compel the Government to see that he will accept this appointment only if a particular individual is appointed to this post. If the scheme of the Government is accepted, the Government may, as probably they will, as they did in Simla, get the services of a retired military officer and put him in the chair of the Sergeant-at-Arms and there will be no opportunity on the part of the Speaker who is to call for the services of the Sergeant-at-Arms to choose a particular person who shall sit in the chair of the Sergeant-at-Arms. This is very essential because the powers that are going to be given to this particular individual are not minor powers, are not powers that we can brush aside with indifference, they are powers of a very serious nature that is to say if the occasion should arise when these powers are to be exercised then this particular individual would be called upon to exercise force against honourable members who may be recalcitrant. Is it not necessary that the person who is so utilized should have not only the confidence of the Speaker but should have some confidence reposed in him by the people against whom these powers are to be exercised, that he should be not a policeman, as it might quite conceivably be, but a responsible

[Diwan Chaman Lal.]

official, a responsible person, a person with dignity, a person who can assert himself with dignity and behave with dignity? After all honourable members must realize that this authority that is going to be exercised is going to be exercised against their person, in case they come into conflict with the chair. Is it of no importance, I ask, that the personality of the person who is going to be appointed should be taken into consideration? And who is going to take it into consideration more impartially than the Speaker himself? It is quite true that the Government have no confidence in the Opposition and the Opposition have no confidence in the Government. That is the rule of all oppositions and all governments. Therefore it becomes all the more necessary that such serious powers should be exercised by an individual who is appointed by the Speaker himself and I submit that this choice is being sought to be restricted to the Speaker by the power that is being given by this amendment, namely, that the appointment shall be made only on the requisition of the Speaker of the Assembly. After all, if the Punjab Government desire to appoint a Sergeant-at-Arms, the Speaker can surely turn to the Government and say I shall not make the necessary requisition, unless you inform me before hand and take my sanction before hand as to the particular person that you are going to appoint to this job. I ask my honourable friends to consider the points that I have placed before them and not turn the usual deaf ear to the Opposition because this is not a matter of mild concern, it is a matter of serious concern to the dignity and the authority not only of the Chair but equally of this House and of each and every member of this Assembly (*hear, hear.*)

Khan Bahadur Maulvi Ghulam Mohy-ud-Din (Sheikhupura, Muhammadan, Rural): I have risen to submit that my honourable friend really is not in order when he proposes this amendment that Governor should not be in a position to make that appointment without the requisition of the Chair. Reading section 241 of the Government of India Act, you will be pleased to see that so far as provinces are concerned clause (b) says—that appointments will be made—

In the case of services of a province, and posts in connection with the affairs of a province, by the Governor or such person as he may direct.

My honourable friend means to add to this a proviso that the Sergeant-at-Arms shall not be appointed unless upon the requisition of the Honourable Speaker. My submission is, is it within the province of this House, however we may like to add to this section? It is really not within the province of this House. It shall be amending the Government of India Act by adding this proviso. What it comes to is this. The Bill before the House requires that under the terms of the Government of India Act, section 241, the Punjab Government shall appoint a Sergeant-at-Arms and may appoint one or more Deputy Sergeant-at-Arms. My honourable friend has been pleased to say that the Punjab Government really means the Governor. If we take that to be correct, then even this clause of the Bill is wrong. As I have submitted before, if we want to add this proviso, it shall be against the spirit of the Government of India Act.

Munshi Hari Lal (South Western Towns, General, Urban): It has been stated just now that the additional words proposed by my honourable friend Sardar Kapoor Singh will offend against the Government of India Act. I

submit that this is not the position. Sardar Kapoor Singh simply says that the appointment shall be made on the requisition of the Speaker of the Assembly elected as such under section 65 of the Government of India Act, 1935. The clause will thus read—

On the requisition of the Speaker of the Assembly elected as such under section 65 of the Government of India Act, 1935, the Punjab Government shall appoint a Sergeant-at-Arms.

Where the question of the appointment of a Sergeant-at-Arms is concerned the powers are not taken away from the Governor or the Punjab Government. The powers of the Governor in this respect remain intact. The amendment only means that the Governor is to exercise the powers of appointing the Sergeant-at-Arms when there is a requisition from the Speaker to the Governor to the effect that the appointment of the Sergeant-at-Arms be made. It is then that the Governor is to appoint or any other person authorised to do so by him is to appoint the Sergeant-at-Arms. No restriction is being placed on the powers of the Governor or upon the person whom he may direct to appoint the Sergeant-at-Arms. What is wanted by my honourable friend Sardar Kapoor Singh is that the question of appointment of the Sergeant-at-Arms should be considered and eventually effected by the Governor or by any other person acting under his authority only on the requisition of the Speaker. Thus there is no embargo on the powers of the Governor so far as the question of appointment is concerned and no constitutional difficulty would arise. The amendment that has been proposed by my honourable friend, therefore, does not in any way contravene the provisions of section 241.

Malik Barkat Ali (Eastern Towns, Muhammadan, Urban): In the course of the speeches that have been made, an accusation has been hurled at the Government that the intention of the Government is really to keep the Speaker clean out so far as the appointment of the Sergeant-at-Arms is concerned and so far as control over him is concerned. Now, it appears to me that this accusation is utterly unfounded. I will draw the attention of the House to clause 6, sub-clause (2) of the present Bill. Sub-clause (2) provides—

The conditions of service of any person so appointed shall, subject to the sanction of the Punjab Government in respect of any financial liability, be such as may be prescribed by the Speaker, who shall have power to suspend or remove any such person.

It becomes clear from the perusal of this sub-clause that so far as the suspension or the removal of subordinate officials of the Sergeant-at-Arms is concerned, the power vests entirely in you, Sir. The question is that the power of appointment of the Sergeant-at-Arms also should vest in you. So far as that is concerned, section 241 (1) (b) has been quoted on the part of the Opposition. It appears to me that section 241 (1) (b), as has been repeatedly stated, is a complete answer to that contention. Section 241 (1) (b) lays down that any appointment concerning the affairs of a province can only be made by the "Governor or such person as he may direct." Does it not occur to the benches on my right that that very person whom the Governor may direct to make the appointment may happen to be the Speaker? I cannot anticipate what the Honourable Premier may say, but I have not the least doubt in my mind that as soon as this Bill is passed, as a matter of

[Malik Barkat Ali.]

departmental direction, it is bound to be laid down by the Governor that the appointment shall be made on his behalf by the Speaker of this Assembly. Therefore, my respectful submission is this that so far as the amendment tabled by the Government is concerned, namely, "the Governor or the person whom he may direct", it is perfectly consistent with the view that the power of appointment ultimately should rest with you. Coming to this amendment in particular, so far as I can understand, this amendment has nothing to do with the question of appointment or control of the Sergeant-at-Arms by the Speaker, and it is only incidentally that I am referring to this question of his appointment or control in order that I might clear up the doubt which is being sought to be created, namely, that the Punjab Government wants to deprive you, Sir, of all kind of control over the Sergeant-at-Arms. Coming to this amendment itself, the amendment says that the appointment shall only be made "on the requisition of the Speaker of the Assembly." My objection to this amendment is this. Once this amendment is accepted, the inevitable result of the acceptance of this amendment will be that the Honourable Speaker, who is constitutionally impartial and above all parties, shall inevitably be drawn into the vortex of political controversy. As soon as you make a requisition of that kind, it may be that that requisition will be made the subject matter of some resolution or some adjournment motion objecting to that requisition. You will be pleased to see that since this Bill was introduced, it is being made the subject matter of a good deal of attack and any number of motives, rightly or wrongly, fairly and unfairly, are being attributed to the Punjab Government for introducing it. I respectfully submit that it would be perfectly incompatible with your position as the constitutional umpire and arbitrator above all parties to draw you within the vortex of political controversy. (*Premier: Hear, hear.*) You have been pleased to say any number of times that your wishes are the wishes of the majority of this House and if the majority of this House decides on a Sergeant-at-Arms, that will be virtually your wishes. Why should it be at all required that there should be a requisition on the part of the Speaker? We have got a Sergeant-at-Arms for the British House of Commons. Will my learned friends be able to quote a single provision of the Statute to the effect that the Sergeant-at-Arms will be appointed by the Crown on the requisition of the Speaker? The Sergeant-at-Arms in England is appointed by the Crown. The Sergeant-at-Arms is never appointed on the requisition of the Speaker. The Sergeant-at-Arms, after his appointment, can in England be removed on an address presented by the House of Commons and not by the Speaker (of course, his subordinates, viz., messengers, clerks or other attendants can be removed by the Speaker on complaint made). I may here draw your attention to the Act itself. I have got it. It is 52 George III, Chapter 11. I will read out to you the relevant portion of this Act. You will be pleased to see that the Sergeant-at-Arms long before the enactment of this Bill was appointed by the Crown to attend on the Speaker during the session of Parliament. So far as the removal of the subordinate officials of the Sergeant-at-Arms is concerned, clause 16 of this Act lays down:—

Provided always that if any complaint or representation shall at any time be made to the Speaker of the House of Commons, for the time being, of the misconduct or unfitness of any clerk, officer, messenger or other person attendant on the

House of Commons hereafter to be appointed by the Clerk of the House of Commons or Sergeant-at-Arms or admitted into their respective departments other than the Clerk Assistant, it shall be lawful for the said Speaker to cause an enquiry to be made into the conduct of fitness of such person and if thereupon it appears to the Speaker that such a person has been guilty of misconduct or is unfit to hold a situation, it shall be lawful for the Speaker to require that such persons should be suspended or removed, as the case may be, and such person shall be so suspended or removed accordingly.

You will be pleased to see that section 16 deals with the misconduct or unfitness of any clerk, officer, messenger or other person attendant on the House of Commons and so forth other than the Clerk Assistant and Deputy Sergeant-at-Arms. You will be pleased to see that although in the English Act the right is given to the Speaker on a complaint or representation made to him, our Bill is a little bit different. In the Bill, as originally drafted, the provision was taken word for word from section 16 of 52 George III but after the consideration of this matter by the select committee, clause 6 was worded as follows :—

6. (1) The Punjab Government may appoint such officers, messengers and other attendants on the Assembly as may be required to assist the Sergeant-at-Arms in the proper execution of his duties.
- (2) The conditions of service of any persons so appointed shall, subject to the sanction of the Punjab Government in respect of any financial liability, be such as may be prescribed by the Speaker, who shall have power to suspend or remove any such person.

Apparently this sub-clause (2) refers to such officers, messengers and other attendants on the Assembly as may be required to assist the Sergeant-at-Arms. In other words, the right to remove or suspend the Sergeant-at-Arms in clause 6 (2) does not belong to the Speaker. So far as the appointment of the Sergeant-at-Arms is concerned, I respectfully submit that the Sergeant-at-Arms like the Sergeant-at-Arms at home is to be appointed by the Governor or such other person as the Governor may appoint in this behalf. I respectfully submit that I oppose this amendment. I submit that it is really against constitutional propriety that on the requisition of the Speaker the appointment should be made. That would be really dragging the Speaker from his pedestal, on which he at present sits, into the realm of controversy and make him the subject matter of attack from all parts of the House.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : I shall be very brief. I was rather surprised to hear Khan Bahadur Maulvi Ghulam Mohy-ud-Din declaring on the floor of this House that this amendment was so to say *ultra vires* of this House and this House had no jurisdiction to frame such a provision.

Mr. Speaker : If the proposed amendment were inconsistent with or not justified by the Government of India Act, I would have ruled it out of order. The proposed amendment is not out of order ; so it may be discussed on its merits.

Dr. Sir Gokul Chand Narang : Yes, quite right. What Maulvi Sahib seemed to have in mind was sub-clause (b).

3 P.M.

Mr. Speaker : May I state for the information of the House that amendments Nos. 2—9 are out of order.

Dr. Sir Gokul Chand Narang : You are right. If this amendment was considered inconsistent with the Government of India Act you yourself would have ruled it out of order and as you have not ruled it out of order it means clearly that this amendment is not out of order and is not outside the jurisdiction of this House. My learned friend had not gone through section 241, section 1, sub-clause (b) which reads like this—

In the case of services of a province, and posts in connection with the affairs of a province, by the Governor or such person as he may direct.

From this he seems to conclude that it was the Governor or the person to be appointed by him who can have anything to do with making appointments. This argument, my submission is, is entirely out of point because the amendment proposed by Sardar Kapoor Singh does not say that the appointment should be made by you and this I think was pointed out by Munshi Hari Lal, the honourable member from Multan. That should be quite sufficient to meet the point raised by Maulvi Sahib.

Coming to the learned arguments of my honourable friend Malik Barkat Ali I would like to say a few words. He seems to be labouring under some misapprehension which arises, I am sure, from the lack of time which has not permitted him to go into the list of amendments which have been tabled including an amendment tabled by the Government itself. When he was making this point he said, well in sub-clause (2) of clause 6 you have been given power of laying down the conditions of services and of suspending and removing him. Well technically perhaps he was quite all right because the sub-clause still stands and he could have easily based his argument on it because for the time being it is there, though only for the time being. If he had looked at the list of amendments he would have seen that Government itself has tabled an amendment that this sub-clause be deleted. (*An honourable member :* The Speaker said he would declare it out of order.) He would not when this matter came up in an indirect manner but now that the amendment is there and we take it for granted that, unless the learned Advocate-General now changes his mind and advises the Premier to retain this sub-clause, this amendment has been seriously tabled by the Government and the Government does intend to move it and it is obvious that if the Government moves it, it will be carried. So that sub-clause (2) of clause 6 would disappear and with it would disappear the whole of the foundation on which the fabric of my learned friend's argument was based. You will have no power, absolutely no power when this sub-clause disappears. He made another point. He said that it is the Governor who makes the appointment or the person whom the Governor may direct in this behalf, and he said that the Governor may direct the Speaker to make appointment. It may or may not be. When we are making legislation and are discussing a Bill, which is to take the form of a statute, we cannot go on expectations, hopes and assurances of this kind unless my learned friend has been in touch with the Governor himself and has sounded him on this point previously and he has been given an assurance by His Excellency the Governor that the Speaker would be appointed by him, as the person whom he would direct to appoint the Sergeant. I think no argument could have been built on this point. You may or may not be asked and even if His Excellency the Governor is pleased to ask you we are not here permitted to take any judicial or legal notice of it and we must proceed on the regular lines and not content

ourselves with any hopes or surmises or expectations or even assurances, if any, have been privately given to the honourable member by the authority concerned. Then he said well look at the word Sergeant-at-Arms in England. The Speaker in British Parliament never asked for him. I am not sure if the Speaker never asked for the appointment of a Sergeant-at-Arms because the law he has quoted came later. The Sergeant-at-Arms had long been in existence and this law 52 George III, Chapter 11—I must confess I have not looked at it—did not create the office of the Sergeant-at-Arms and only made certain provisions with respect to his office...

Malik Barkat Ali : For the payment of his emoluments.

Dr. Sir Gokul Chand Narang : Yes, that is with respect to his emoluments : no legal provision existed before and his emoluments were placed on a definite legal basis by this law. Then, if I am not mistaken, this office came into existence in England sometime in the time of Elizabeth or even long before that. Well I never expected, Sir, that my honourable friend in the 20th century would like us to follow the precedent which really has become fossilized....

Malik Barkat Ali : It is still there....

Dr. Sir Gokul Chand Narang : Yes. Fossils continue to exist. There are fossils existing in our museum. But we are living in the 20th century. So it is the fossilized precedent to which the honourable member referred. Even the reign of George III is fairly ancient. If my memory serves me right I think George III came to the throne in 1760 and reigned upto 1820 and sometime during his reign this Act was passed.

Malik Barkat Ali : In 1812.

Dr. Sir Gokul Chand Narang : He was still ruling : he ruled up to 1820. That is fairly ancient. My submission is that this should not be any guide in this matter, and then, as I have said, there is no proof that the initiative did not come from the Speaker. My honourable friend based his argument on this by making a positive statement that the British Sergeant-at-Arms existed and he was not appointed at the instance of the Speaker : he cannot assume like that. All that I say is this that there is no warrant for that assumption unless he can quote any authority on the point that it was at the instance of the Speaker of those days, if we can go back to the 15th century for a constitutional precedent of this kind. I would not, therefore, build this argument on that hypothesis. He said one thing that seemed to have semblance of some force and that was that if this amendment were accepted, i.e., the appointment was not to be made until requisition came from the Speaker, he might be drawn into the vortex of political controversy which it is not desirable for the Speaker to do.

He should not be drawn into the vortex of political controversy. I entirely agree with him that ordinarily speaking the Speaker really should not speak at all. I do not know why a President of a Legislative House is called the Speaker. He is the last person to speak and he speaks the least. But probably he is called the Speaker because when he speaks then all others must be silent. His is the last word that must have preference and precedence over the words of others.

Mr. Speaker : Probably because there was a time when he used to 'speak' the views of the House of Commons in its contentions with the Crown about supplies and taxes.

Dr. Sir Gokul Chand Narang : Yes, you have supplied the information. That may be. He spoke on behalf of the House and he is cloaked with its authority and enjoys all the protection that the law can afford. That is perfectly right. That is only by the way.

Mr. Speaker : He used to speak on behalf of the House.

Dr. Sir Gokul Chand Narang : Very well. But he speaks the least in the House, and outside the House he may speak, but that does not affect the House. That is entirely different. I entirely agree so far as the theory of usual, habitual and conventional silence of the Speaker is concerned. But Sir, *prima facie* it is for the protection of the Speaker himself that a Sergeant-at-Arms is required, if at all. As I said the other day, we have now been in existence for the last 18 years or more and never was even a suggestion made, so far as I can recollect—I have been here for the last 15 or 16 years, except the first Council, I have been here all this time—never was a suggestion made by anyone that this House required a Sergeant-at-Arms who should be armed with a sort of *danda* to frighten the members or to drag them out when required by the Speaker to do so. It was only the incident which occurred recently that has put that idea in the head of some members of the Government. I have gathered from the casual remarks which have fallen from the Chair that the initiative did not come from the Chair. So, the initiative comes from the executive authority and the executive Government. My submission is that if the Speaker himself does not require the appointment of any Sergeant-at-Arms, the Government should not thrust one upon him. I would not repeat what I said the other day, but I would simply say that the appointment of an officer like this is certainly a disrespect to the House and it is also a disrespect to the Chair. To the House because it implies that the House consists of or contains some people who are unruly and who are rowdies and they require a man with a staff or a mace in his hand to keep them in order. Well, they are no longer people in the elementary class of a school that they should be subjected to master's ferule or cane. It is also a reflection on the Chair because it will show that the Chair or the Speaker in this province is so weak or commands such little respect at the hands of the members that he cannot carry on his official duties without the help of a Sergeant-at-Arms. Therefore, although that argument of my honourable friend had, technically speaking, some force, there is not so much force in that argument that the amendment moved by the honourable member over there should be rejected on that ground. It would not involve the Speaker into the vortex of political controversy because I am sure—and I draw the attention of my honourable friend to this particularly,—that the Speaker will not ask for the appointment of the Sergeant-at-Arms in ordinary cases and when a real case has occurred and the case has been made out for the appointment of a Sergeant-at-Arms, then no one would blame the Speaker and only those members would be blamed who force the Speaker to make a requisition in that behalf. Therefore, no one will be in a position to drag the Speaker into the vortex of political controversy. In fact, if such occasion arises, the people who give

rise to such an occasion by their conduct, would be the persons to be blamed and not the Speaker. With these words I support the amendment which has been moved.

Dr. Gopi Chand Bhargava (Lahore City, General, Urban) (*Urdu*): Sir, I do appreciate the ability with which my learned friend Malik Barkat Ali has dwelt upon the matter now before the House. He has taken his stand on section 6 of the Bill. He has been pleased to remark that the intention of the Government is clear beyond doubt. Under section 6 as it originally stood, Sergeant-at-Arms was given authority to appoint any messengers, etc. And the Speaker was expected to report to Government for suspension or removal. Now, under section 6 as amended by the select committee, Punjab Government can appoint these persons and conditions of service are to be defined by Speaker who can remove them. This section, therefore, dealt with the assistants and messengers, etc., not with Sergeant-at-Arms. Further Government has tabled an amendment that sub-clause (2) of clause 6 as amended by select committee be deleted and therefore, that right even is taken away. Therefore it is quite clear that Government does not explicitly give any power to Speaker. No doubt the words "Governor and such other person as he may direct" are going to be substituted in place of Punjab Government. But it does not necessarily mean that it shall be the Speaker who will be delegated these powers.

My honourable friend opposite has also referred to the Act passed by the House of Commons in 1812. But I know that it is not provided therein that the Sergeant-at-Arms would be appointed by the Speaker, but appointment of such an officer only rests with the Crown. I do not remember the exact year but anyhow it was in the 15th century that the first Sergeant-at-Arms was appointed to attend upon the Speaker of the House of Commons during the sittings of the Parliament. In those days 6 or 8 Sergeants-at-Arms were appointed to attend on the King but during the session of the Parliament one or two of them were deputed to attend on the Speaker in the House. But the thing which particularly requires your notice, is that the Act of 1812 as referred to by the honourable member opposite does not contain any provision whatsoever with regard to the appointment or dismissal of a Sergeant-at-Arms but here our Bill deals with such appointment. Thus I do not see any reason as to why a reference has been made to that Act. I may tell him that the object in moving the Bill of 1812 was to place all the salaries, fees and emoluments, which would have been due and payable to any Sergeant-at-Arms, into the hands of the Commissioners appointed for the purpose of carrying that Act into execution. Thus our present Bill and the Act of 1812 are not on all fours.

Now, Sir, I would like to draw your attention to the incident that took place in 1937 at Simla. If we were to go through the statement made by the Honourable Premier on the occasion of the appointment of a Marshal for the House, we are sure to find that you required the services of an assistant for carrying your papers and files. He said, Sir, that you asked the then Governor and also the Premier for the appointment of a Marshal and the Premier complied with your wishes. But when a person was actually appointed as a Marshal without consulting this side of the House, we vehemently protested against his presence in the Chamber. So the man was afterwards directed by you, Sir, to withdraw from the House. Later on, I remember

[Dr. Gopi Chand Bhargava.]

a committee was appointed to define the duties and functions of a Marshal. I can submit without fear of contradiction that the Governor was pleased to remark that you need not ask him to appoint any person as a Marshal as it was the duty of the Punjab Government to supply you with one. Similarly here in the present Bill it has been provided that the Punjab Government shall appoint a Sergeant-at-Arms but the amendment which has been presently moved by the Government empowers the Governor in the matter and leaves the question of appointing any Sergeant-at-Arms to his discretion. This amendment aims at substituting the words "Governor or such person as he may direct" for the words "Punjab Government shall". In a nutshell this amendment has changed the whole Bill into a permissive law. You have always remarked that your opinion is the opinion of the majority of the House and you have to act in accordance with the dictates of the House, but we want you to nominate or appoint the officer in question. We do not like to place the matter of his appointment in the hands of the Governor. Even now with the exception of the posts of the Secretary and the Deputy Secretary the rest of the staff of the Assembly office is under your absolute control. The question of appointment, removal or dismissal of any member of your staff entirely rests with you. At present the general practice is that whenever you want to create any new post in your office you do it in consultation with the Honourable Minister of Finance, but in case of filling any vacancy thus created you do not and need not consult anybody else. Probably the Governor has given these powers to you. Similarly the post of the Sergeant-at-Arms should be filled on your express desire and by your nominee. If the question of the appointment of the officer in question was placed in the hands of the Governor, the person so appointed would be looked upon as a high officer. And that is what we want to avoid by means of this amendment. I would, therefore, submit that if this amendment were accepted the sting of the clause would definitely be exterminated.

Premier (The Honourable Major Sir Sikander Hyat-Khan): Sir, I submit that technically the point raised by my honourable friend has some force because it would appear that if we add the words which my honourable friend suggests, we might be fettering the discretion of the Governor, which is absolutely unfettered under section 241 of the Government of India Act. I do not think we need go into that aspect of the question as you have ruled that it is out of order. But let us assume for a moment that it is in order, and that this proviso added on to that amendment will not in any way be technically objectionable. The point which my honourable friends seem to have overlooked is this. It was mentioned by my friend Diwan Chaman Lall a little while ago that we should see to it that the Chair should be absolutely independent so that no kind of suspicion or doubt could possibly be cast on the Chair. I entirely agree with him. That is one of the reasons why I consider that the Chair should have absolutely nothing to do with the appointment of the Sergeant-at-Arms. As my honourable friend Malik Barkat Ali pointed out, in England it is the Crown who appoints the Sergeant-at-Arms, and as a matter of fact originally the appointment of Sergeant-at-Arms was made as a gesture of goodwill and respect towards the House of Commons, and the King deputed one of his own senior officers to the House of Commons to wait upon the

Speaker and there the question of appointment of Sergeant-at-Arms by the Speaker did not arise. I venture to suggest that if the Speaker of the House of Commons can remain independent and without any slur being cast on him when the Sergeant-at-Arms is appointed by the King, I do not see how my honourable friends can reasonably argue that it is necessary for the dignity and independence of the Chair that the appointment of the Sergeant-at-Arms should be made by the Speaker. As you pointed out during the course of the discussion there is another amendment on the list of business in the name of a Government member which we hope will be passed by the House. This amendment seeks to give discretion to the Governor to use his powers under section 241 to delegate his powers to someone else to make the appointment of Sergeant-at-Arms. To whom that power will be delegated is a matter for consideration. We will see whether it would be desirable to delegate that power to the Chair. If we come to the conclusion that it would be in the interest of the dignity of the Chair to delegate that power to the Speaker, then there should be no difficulty in requesting the Governor to delegate that power to the Speaker.

At the moment, however, I am not satisfied that the Speaker should be brought into the vortex of politics. What will be the duties of the Sergeant-at-Arms? His duty will be to wait on the Speaker as a glorified officer merely to enhance his prestige, taking the analogy of the House of Commons. The Sergeant-at-Arms has other duties as well, to which my honourable friend referred. But I confess that I was surprised at Diwan Chaman Lal's argument that the person appointed as Sergeant-at-Arms should have the confidence of each section of this House and in particular his section of the House which according to him was more likely to be affected. I was surprised that he should have assumed that action would be necessary against that section of the House only. Action may be necessary against any member who disobeys the Chair irrespective of whether he belongs to this or that section of the House. I for one am not prepared to assume that my honourable friends opposite must necessarily be the only party to disobey the Chair. Some honourable members on this side also may take it into their heads to disobey the Chair. Therefore, my honourable friend's assumption is wholly unjustified. I do not for a moment wish to be a party to the suggestion that my honourable friend's section of the House is more particularly concerned with the appointment of Sergeant-at-Arms, because they alone will court action.

Now, as I have pointed out, some of the duties of the Sergeant-at-Arms would undoubtedly be unpleasant. When you order him to show a member out of the Chamber, naturally he will have to do so, and if a member refuses to obey the order, the Sergeant-at-Arms may have to use force which will be a very unpleasant function. I have every hope that no occasion will arise for him to use force, as I trust that no honourable member of this House would in future even think of disobeying the Chair. As I have already said, we are now satisfied that the tone of the House is better and my honourable friend will agree with me that nothing untoward will happen. Therefore, there are several people on this side including myself who think that it will be a sheer waste of money to appoint an officer whose salary, though it may not be much, will still be a burden on the provincial exchequer. Now, if my honourable friends had that in view

(Premier.)

it would not have been necessary for us to initiate this Bill. My friend, Dr. Narang, asked, on whose initiative this Bill was brought before the House. Not on my initiative. It was at the instance of that section of the House. (*Interruption.*) I may remind honourable members opposite that when this unfortunate incident took place, my friends there said that the Speaker could not take any action until special legislation was passed for that purpose. (Dr. Sir Gokul Chand Narang : You mean that they have been the cause of this Bill, and not that the initiative came from them.)

Premier : They suggested that an Act should be passed before the Speaker could take action.

Diwan Chaman Lall : Nobody suggested from this side of the House that an Act should be passed. What we said was this : When the Deputy Speaker took the step of ordering a member of the Watch and Ward to take action against an honourable member of this House we said that it was illegal and that action could not be taken under the power vested in the Deputy Speaker. That does not mean that we suggested that in order to take action of this nature we ask you to initiate legislation.

Premier : Perhaps owing to my faulty English I did not convey what I wanted to do. What I meant to say was that my honourable friends challenged the Chair at that time and said that the Speaker had no legal authority to ask anybody to turn a member out of the House. That is what they suggested. They also suggested that for that purpose special legislation was necessary giving the Speaker the necessary power. So we have brought forward this legislation in order that the difficulty experienced at that time may not recur. (*Interruption.*) But why should my honourable friend assume that unless there is another instance of refusal to withdraw, the Speaker should not make a requisition for this appointment? As a matter of fact the Speaker should have all the weapons in his armoury. I do not for a moment suggest that my honourable friends on that side or on this side will defy the Chair or will do anything which would necessitate action on the part of the Chair. But as I submitted the Sergeant-at-Arms must be there in case of necessity. It is only as a preventive measure. It may not be necessary for the Chair to make use of his services at all but he would be a dignified official attending on the Speaker of the House. I also hope that so far as this appointment is to be made by the Governor, it would be a gesture of good-will and respect to the House.

There is one other point which I ought to suggest to my honourable friend and that is this : if he brings in the Speaker, it is quite possible in the unfortunate event of the Speaker having to order the Sergeant-at-Arms under clause 4 of this Bill that the Sergeant may exceed his powers. We have made a provision that if he exceeds his powers he may be prosecuted in a court of law by any member against whom he takes that action and exceeds his legitimate powers. Further, it has been provided that the Sergeant-at-Arms may be prosecuted with the sanction of the Speaker. Now, my friend must concede that if we also give the power of appointment to the Speaker it will be putting too much burden on him. Human nature being what it is, if I appoint somebody and later on if you ask me to give permission for his prosecution, naturally I may hesitate because he is my nominee. Similarly, if the Speaker is to appoint the Sergeant, some section of the House may complain that

the Speaker is withholding sanction for the prosecution for the mere reason that this person is the nominee of the Speaker. Why should the Speaker be reduced to that position? As I have already suggested I do not for a moment rule out the suggestion that the Governor may decide to consult the Speaker before making the appointment or even delegating the power of appointment to him if he considers it advisable that the power should vest in the Speaker. As my honourable friends would have noticed from the amendment of which I have given notice that the appointment is discretionary and not incumbent on the Governor. We have used the word 'may' deliberately so that if the atmosphere of the House remains calm it may not be necessary to appoint the officer. (Dr. Gopi Chand Bhargava : It is like the sword of Damocles.) This is merely meant for an emergency. My honourable friend must agree with me that in case of an emergency we cannot possibly rush through this Bill. My honourable friend, Sardar Kapoor Singh, said that Government wants to rush through this Bill. We have not rushed through this Bill. We gave notice of this Bill long ago. It went to the select committee and it came back from the select committee. My honourable friends have been discussing it for the last three days and this is the fourth day and we have passed only two clauses. And yet he has the audacity to say that we are rushing through this Bill. I submit my honourable friend should not press the amendment. If they want to show that they are very considerate towards the Speaker they are welcome to do so and give expression to their feeling. We here are not behind anybody else in maintaining the dignity and prestige of the Chair and the independence of the Chair. All of us, whether we belong to this side or that side do not want to undermine the dignity and prestige of the Chair.

Mr. Speaker : Question is—

That in the beginning of the clause the following words be added :—

"On the requisition of the Speaker of the Assembly elected as such under section 65 of the Government of India Act, 1935."

The Assembly divided : Ayes 44 ; Noes 87.

AYES.

Abdul Rab, Mian.
Balbir Singh, Rao Bahadur Captain
Rao.
Baldév Singh, Sardar.
Bhagat Ram Choda, Lala.
Bhagat Ram Sharma, Pandit.
Bhim Sen Sachar, Lala.
Chaman Lall, Diwan.
Chanan Singh, Sardar.
Dev Raj Sethi, Mr.
Duni Chand, Lala.
Gokul Chand Narang, Dr. Sir.
Gopi Chand Bhargava, Dr.

Hari Lal, Munshi.
Hari Singh, Sardar.
Harjab Singh, Sardar.
Jalal-ud-Din Amber, Chaudhri.
Jugal Kishore, Chaudhri.
Kabul Singh, Master.
Kapoor Singh, Sardar.
Kartar Singh, Chaudhri.
Kartar Singh, Sardar.
Kishan Singh, Sardar.
Krishna Gopal Dutt, Chaudhri.
Lal Singh, Sardar.
Mazhar Ali Azhar, Maulvi.

Muhammad Abdul Rahman Khan,
Chaudhri.
Muhammad Hassan, Chaudhri.
Muhammad Hussain, Sardar.
Muhammad Iftikhar-ud-Din, Mian.
Muhammad Nurullah, Mian.
Mukand Lal Puri, Rai Bahadur Mr.
Mula Singh, Sardar.
Muni Lal Kalra, Pandit.
Partab Singh, Sardar.

Prem Singh, Mahant.
Raghubir Kaur, Shrimati.
Rur Singh, Sardar.
Sahib Ram, Chaudhri.
Sampuran Singh, Sardar.
Sant Ram Seth, Dr.
Shri Ram Sharma, Pandit.
Sita Ram, Lala.
Sohan Singh Josh, Sardar.
Sudarshan, Seth.

NOES.

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Abdul Rahim, Chaudhri (Gurdas-
pur).
Abdul Rahim, Chaudhri (Gurgaon).
Afzaal Ali Hasnie, Sayed.
Ahmad Yar Khan, Chaudhri.
Akbar Ali, Pir.
Ali Akbar, Chaudhri.
Allah Bakhsh Khan, Khan Bahadur
Nawab Malik.
Amjad Ali Shah, Sayed.
Anant Ram, Chaudhri.
Ashiq Hussain, Captain.
Badar Mohy-ud-Din Qadri, Mian.
Balwant Singh, Sardar.
Barkat Ali, Malik.
Bhagwant Singh, Rai.
Chhotu Ram, The Honourable
Chaudhri Sir.
Dasaundha Singh, Sardar.
Dina Nath, Captain.
Faiz Muhammad Khan, Rai.
Faiz Muhammad, Shaikh.
Farman Ali Khan, Subedar-Major
Raja.
Fateh Jang Singh, 2nd-Lieutenant
Bhai.
Fateh Muhammad, Mian.
Fazl Ali, Khan Bahadur Nawab
Chaudhri.
Fazl Din, Khan Sahib Chaudhri.
Fazal Karim Bakhsh, Mian.
Ghazanfar Ali Khan, Raja.
Ghulam Mohy-ud-Din, Khan Baha-
dur-Maulvi.
Ghulam Qadir Khan, Khan Baha-
dur.

Gopal Singh (American), Sardar.
Gurbachan Singh, Sardar, Sahib
Sardar.
Habib Ullah Khan, Malik.
Haibat Khan Dahan, Khan.
Hans Raj, Bhagat.
Hari Chand, Rai Sahib Rai.
Het Ram, Rai Sahib Chaudhri.
Indar Singh, Sardar.
Jafar Ali Khan, M.
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.
Mubarak Ali Shah, Sayed.
Muhammad Akram, Khan, Khan
Bahadur Raja.
Muhammad Amin, Khan Sahib
Shaikh.
Muhammad Ashraf, Chaudhri.
Muhammad Azam Khan, Sardar.
Muhammad Faiyaz Ali Khan,
Nawabzada.
Muhammad Hayat Khan Noon,
Nawab Malik Sir.
Muhammad Hussain, Chaudhri.
Muhammad Jamal Khan Leghari,
Nawab Sir.
Muhammad Nawaz Khan, Major
Sardar.
Muhammad Qasim, Chaudhri.
Muhammad Saadat Ali Khan, Khan
Bahadur Khan.
Muhammad Sarfraz Khan, Raja.
Muhammad Yasin Khan, Chaudhri.

Muhammad Yusaf Khan, Khan.	Ripudaman Singh, Thakur.
Mushtaq Ahmad Gurmani, Khan Bahadur Mian.	Roberts, Sir William.
Muzaffar Khan, Khan Bahadur Captain Malik.	Sahib Dad Khan, Khan Sahib Chaudhri.
Muzaffar Khan, Khan Bahadur Nawab.	Shah Nawaz Khan, Nawab Sir.
Nasir-ud-Din, Chaudhri.	Sham Lal, Rai Bahadur Chaudhri.
Nasir-ud-Din Shah, Pir.	Sikander Hyat-Khan, The Honourable Major Sir.
Nasrullah Khan, Rana.	Singha, Diwan Bahadur S. P.
Naunihal Singh Mann, Lieutenant Sardar.	Sohan Lal, Rai Sahib Lala.
Nawazish Ali Shah, Sayed.	Sumer Singh, Chaudhri.
Pir Muhammad, Khan Sahib Chaudhri.	Sundar Singh Majithia, The Honourable Dr. Sir.
Pohop Singh, Rao.	Suraj Mal, Chaudhri.
Pritam Singh Siddhu, Sardar.	Tara Singh, Sardar.
Ram Sarup, Chaudhri.	Tikka Ram, Chaudhri.
Ranpat Singh, Chaudhri.	Ujjal Singh, Sardar Bahadur Sardar.

Minister for Finance (The Honourable Mr. Manohar Lal) : I beg to move—

That in line 1, for the words 'Punjab Government shall' the words 'Governor or such person as he may direct may' be substituted.

The motion was carried.

Munshi Hari Lal (South Western Towns, General, Urban) : I beg to move—

That in lines 2-3, between the words 'Sergeant-at-Arms' and 'and' the words 'not below the rank of Deputy Superintendent of Police' be inserted.

I submit that the officer to be appointed as Sergeant-at-Arms of the Assembly must be an officer of rank. The House of Commons precedent is there. In the House of Commons they have a naval or a military commissioned officer. Here what I am proposing is that the Sergeant-at-Arms should not be a man of ordinary rank. He should be an officer in consonance with the dignity of the Assembly and should be a person of some rank. I am, therefore, proposing that the man should not be below the rank of a Deputy Superintendent of Police. The Sergeant-at-Arms would be asked to remove members as well from the precincts of the Assembly. The person, therefore, who is ordered to do this work should be a person of some rank. I, therefore, submit that he should not be of a rank of less than Deputy Superintendent of Police. He may be any naval or military officer, but if he is to be taken from the police, he must not be below the rank of a Deputy Superintendent of Police.

Mr. Speaker : Clause under consideration, amendment moved is—

That in lines 2-3, between the words 'Sergeant-at-Arms' and 'and' the words 'not below the rank of Deputy Superintendent of Police' be inserted.

Pandit Bhagat Ram Sharma (Kangra West, General, Rural) (*Urdu*) : Sir, the object of my amendment is this that a person who is going to be appointed as Sergeant-at-Arms should be a man of high status. Supposing the Honourable Speaker asks an honourable member to withdraw and he does

[Pandit Bhagat Ram Sharma.]

not withdraw and then Honourable Speaker orders the Sergeant-at-Arms to exclude or remove that honourable member from the Assembly Chamber, in such cases, I would say, most of the responsibility regarding that honourable member's removal lies on the Sergeant-at-Arms. He, therefore, should be a man of some military rank who could feel the responsibility of his duty very well. To be more brief, I would like to submit that the Sergeant-at-Arms should not be below the rank of a military officer holding commission. I do not want to dilate upon this point. My submission is that the Sergeant-

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at-Arms should be a man of high rank and high status because the nature of the work that will be entrusted to him is most serious. I request the Honourable

House to accept my amendment.

Mr. Speaker : Question is—

That in lines 2-3, between the words 'Sergeant-at-Arms' and 'and' the words 'not below the rank of Deputy Superintendent of Police' be inserted.

The motion was lost.

Pandit Bhagat Ram Sharma : I beg to move—

That in line 5, between the words 'Sergeant-at-Arms' and 'and' the words 'not below the rank of a military commissioned officer' be inserted.

Mr. Speaker : Question is—

That in line 5, between the words 'Sergeant-at-Arms' and 'and' the words 'not below the rank of a military commissioned officer' be inserted.

The Assembly divided . Ayes 35, Noes 90.

AYES.

Bhagat Ram Choda, Lala.
Bhagat Ram Sharma, Pandit.
Bhim Sen Sachar, Lala.
Chaman Lall, Diwan.
Chanan Singh, Sardar.
Dev Raj Sethi, Mr.
Duni Chand, Lala.
Gopi Chand Bhargava, Dr.
Hari Lal, Munshi.
Hari Singh, Sardar.
Harjab Singh, Sardar.
Harnam Das, Lala.
Jugal Kishore, Chaudhri.
Kabul Singh, Master.
Kapoor Singh, Sardar.
Kartar Singh, Sardar.
Kishan Singh, Sardar.
Krishna Gopal Dutt, Chaudhri.

Lal Singh, Sardar.
Mazhar Ali Azhar, Maulvi.
Muhammad Abdul Rahman Khan Chaudhri.
Muhammad Hassan, Chaudhri.
Muhammad Iftikhar-ud-Din, Mian.
Muhammad Nurullah, Mian.
Mukand Lal Puri, Rai Bahadur Mr.
Mula Singh, Sardar.
Muni Lal Kalia, Pandit.
Partab Singh, Sardar.
Prem Singh, Mahant.
Rur Singh, Sardar.
Sahib Ram, Chaudhri.
Sampuran Singh, Sardar.
Shri Ram Sharma, Pandit.
Sohan Singh Josh, Sardar.
Sudarshan, Seth.

NOES.

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable
Mian.

Abdul Rahim, Chaudhri (Gurdas
pur).
Abdul Rahim, Chaudhri (Gurgaon).

Ahmad Yar Khan, Chaudhri.	Muhammad Ashraf, Chaudhri.
Akbar Ali, Pir.	Muhammad Azam Khan, Sardar.
Ali Akbar, Chaudhri.	Muhammad Faiyaz Ali Khan,
Amjad Ali Shah, Sayed.	Nawabzada.
Anant Ram, Chaudhri.	Muhammad Hassan Khan Gurehani,
Ashiq Hussain, Captain.	Khan Bahadur Sardar.
Badar Mohy-ud-Din Qadri, Mian.	Muhammad Hayat Khan Noon,
Balwant Singh, Sardar.	Nawab Malik Sir.
Barkat Ali, Malik.	Muhammad Hussain, Chaudhri.
Bhagwant Singh, Rai.	Muhammad Jamal Khan Leghari,
Chhotu Ram, The Honourable	Nawab Sir.
Chaudhri Sir.	Muhammad Nawaz Khan, Major
Dasaundha Singh, Sardar.	Sardar.
Dina Nath, Captain.	Muhammad Qasim, Chaudhri.
Faiz Muhammad Khan, Rai.	Muhammad Raza Shah Jeelani,
Faiz Muhammad, Shaikh.	Makhdumzada Haji Sayed.
Faqir Hussain Khan, Chaudhri.	Muhammad Saadat Ali Khan, Khan
Farman Ali Khan, Subedar-Major	Bahadur Khan.
Raja.	Muhammad Sadiq, Shaikh.
Fateh Jang Singh, 2nd-Lieutenant	Muhammad Sariraz Khan, Raja.
Bhai.	Muhammad Shafi Ali Khan, Khan
Fateh Muhammad, Mian.	Sahib Chaudhri.
Fazl Ali, Khan Bahadur Nawab	Muhammad Wilayat Hussain
Chaudhri.	Jeelani, Makhdumzada Haji
Fazal Din, Khan Sahib Chaudhri.	Sayed.
Fazal Karim Bakhsh, Mian.	Muhammad Yasin Khan, Chaudhri.
Ghazanfar Ali Khan, Raja.	Muhammad Yusuf Khan, Khan.
Ghulam Mohy-ud-Din, Khan Baha-	Mushtaq Ahmad Gurmani, Khan
dur Maulvi.	Bahadur Mian.
Gopal Singh (American), Sardar.	Muzaffar Khan, Khan Bahadur
Gurbachan Singh, Sardar Sahib	Captain Malik.
Sardar.	Muzaffar Khan, Khan Bahadur
Habib Ullah Khan, Malik.	Nawab.
Haibat Khan Daba, Khan.	Nasir-ud-Din, Chaudhri.
Hans Raj, Bhagat.	Nasir-ud-Din Shah, Pir.
Hari Chand, Rai Sahib Rai.	Nasrullah Khan, Rana.
Het Ram, Rai Sahib Chaudhri.	Naunihal Singh Mann, Lieutenant
Indar Singh, Sardar.	Sardar.
Jafar Ali Khan, M.	Nawazish Ali Shah, Sayed.
Jagjit Singh Man, Sardar.	Pir Muhammad, Khan Sahib
Joginder Singh Man, Sardar.	Chaudhri.
Karamat Ali, Shaikh.	Pohop Singh, Rao.
Khizar Hayat Khan Tiwana, The	Pritam Singh Siddhu, Sardar.
Honourable Nawabzada Major.	Ram Sarup, Chaudhri.
Kishan Das, Seth.	Ranpat Singh, Chaudhri.
Manohar Lal, The Honourable Mr.	Roberts, Sir William.
Mubarak Ali Shah, Sayed.	Sahib Dad Khan, Khan Sahib
Muhammad Akram Khan, Khan	Chaudhri.
Bahadur Raja.	Shah Nawaz, Mrs. J. A.
Muhammed Amin, Khan Sahib	Shah Nawaz Khan, Nawab Sir.
Shaikh.	Sham Lal, Rai Bahadur Chaudhri.

Sikander Hyat-Khan, The Honourable Major Sir.

Singha, Diwan Bahadur S. P.

Sohan Lal, Rai Sahib Lala.

Sumer Singh, Chaudhri.

Sundar Singh Majithia, The Honourable Dr. Sir.

Suraj Mal, Chaudhri.

Tara Singh, Sardar.

Tikka Ram, Chaudhri.

Ujjal Singh, Sardar Bahadur Sardar.

Diwan Chaman Lall : Sir, I formally move—

That in lines 3—8, the words ‘and…… Punjab’ be deleted.

The motion was lost.

Premier : Sir, I beg to move—

That in line 3, the words “may appoint” be omitted.

The motion was carried.

Premier : Sir, I beg to move—

That in lines 5—8, the words “and may…… Punjab” be omitted.

The motion was carried.

Mr. Speaker : The amendment of Munshi Hari Lal proposes to give to the Speaker the power of dismissal which appears to be against the provisions of section 242 of the Government of India Act.

Munshi Hari Lal : Sir, I beg to move—

That at the end of clause 3 the following sub-clause be added :—

‘(2) The Speaker shall have full control over Sergeant-at-Arms and his deputies and shall have full powers to suspend, reduce, dismiss and fine any such person for any misconduct, insubordination, indiscipline, breach of duty and for any reasonable cause.’

Sir, I move this amendment on the ground that though the appointment of the Sergeant-at-Arms rests with the Punjab Government or the Governor or any person whom the Governor may direct—

Premier : May I submit that the word “reduce” is meaningless and if it has any meaning it is *ultra vires* ?

Diwan Chaman Lall : Reduction is usually employed in reference to grade. If we are having a Sergeant-at-Arms, and a Deputy Sergeant-at-Arms, it means that a Sergeant-at-Arms can be reduced to the grade of a Deputy Sergeant-at-Arms.

Premier : No authority can inflict that punishment. Therefore it is *ultra vires*, unless it means reduction in weight. (*Laughter.*)

Mr. Speaker : Section 240 (2) reads thus—

No such person as aforesaid shall be dismissed from the service of His Majesty by any authority subordinate to that by which he was appointed.

The Act is silent as to other punishment.

Diwan Chaman Lall : May I draw attention to sub-section (8) also. It reads thus—

No such person as aforesaid shall be dismissed or reduced in rank until he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

Premier : My point is, you can only reduce a person if he belongs to a cadre, from one grade to a lower grade or a lower appointment in the cadre. Here he will be a solitary person : You will reduce him to what ?

Mr. Speaker : The honourable member has moved his amendment, so, he may speak on it.

Munshi Hari Lal : I was going to explain it. Sir, if you look at the draft of this Bill, you will find that it does not provide that the Sergeant-at-Arms is to be under the Speaker. We have been often referred to the statute that was passed in the time of George III in 1812. There it is expressly provided that the Sergeant-at-Arms is to work under the Speaker.

Mr. Speaker : Will the honourable member please read clause 5 ? It says—

The duties of the Sergeant-at-Arms and his deputies, if any, shall be to attend on the Speaker....

Munshi Hari Lal : Yes, Sir, it says—

The duties of the Sergeant-at-Arms and his deputies, if any, shall be to attend on the Speaker, to keep the doors of the Assembly building and to execute the orders given by the Speaker under section 4, for which purposes they may enlist to their aid such servants of the Crown or of the Assembly as they may consider necessary.

But where is it said that if the Sergeant-at-Arms commits an act of insubordination he is to be punished by the Speaker or if he is guilty of any breach of the rules or of any misconduct, then it is the Speaker who is to deal with him ? He is only to attend on the Speaker. Attendance on the Speaker does not give the right to the Speaker to deal with him for any breach of the rules or for any misconduct or for any act of insubordination or indiscipline. The only question is that he is to attend on the Speaker, (Premier : No.) The Honourable Premier says, 'No'. I will read the words to the House and I leave those words to be interpreted by the House. The words as they stand are as clear as anything and they give no power to the Speaker to deal with him for any act of insubordination. The Bill is a masterpiece of bad drafting. It was referred to the select committee where the honourable members had an opportunity to look into the Act known as George III, 52 which has been cited so often on the floor of this House. Clause 6 reads as follows :—

- (1) The Punjab Government may appoint such officers, messengers and other attendants on the Assembly as may be required to assist the Sergeant-at-Arms in the proper execution of his duties.
- (2) The conditions of service of any persons so appointed shall, subject to the sanction of the Punjab Government in respect of any financial liability, be such as may be prescribed by the Speaker, who shall have power to suspend or remove any such person.

The clause gives the powers to the Speaker with regard to messengers officers and other attendants of the Assembly as may be required to assist the Sergeant-at-Arms. Though the appointment is by the Punjab Government, the Bill is silent as to who is to deal with the Sergeant-at-Arms and with his deputies. I have looked into this Bill and I have read it word by word and I have read every sentence of it but I do not at all find how, if a Sergeant-at-Arms commits any act of insubordination or misconduct, he is to be tackled and handled. The Assembly may approach the Governor and may request him to take action against him, it may be by a petition, it may be by a request or it may be through you, but neither the Speaker nor the House can punish him. This is an anomaly in the Bill.

[Munshi Hari Lal.]

in the House of Commons it is under the Speaker that the Sergeant-at-Arms is to work. I invite your attention to page 178 of the 'Proceedings of the House of Commons by Redlich' wherein it is laid down—

The Sergeant-at-Arms, who has always been appointed by the Crown, was also for a long time paid by fees. Certain fines were also payable to him. He has always been the executive organ of the House, assigned to it by the Crown, and placed immediately under the Speaker.

Now, Sir, when I move this amendment, I want that the Speaker be armed with powers to punish the Sergeant-at-Arms or his deputies for any misconduct.

Mr. Speaker : Can a Sergeant-at-Arms be punished by the Speaker in the House of Commons ?

Munshi Hari Lal : The Act places the Sergeant-at-Arms under the Speaker. Here even a person who is subordinate cannot be dealt with by you as the Bill at present stands.

Mr. Speaker : There also he cannot be dealt with by the Speaker alone. All he can do is that for a misconduct of the Sergeant-at-Arms he can invite the attention of the House and the House may deal with him.

Munshi Hari Lal : Then where is this provision in this Bill that the House can deal with him ?

Mr. Speaker : I do not want to argue. The honourable member may continue his speech to-morrow.

HOURS OF SITTING.

Premier : Sir, I beg to move—

That on Tuesday, 18th April 1938, the Assembly shall meet at 12 noon and the Speaker shall adjourn the Assembly at 4-30 P.M. on that day without question put.

The motion was carried.

The Assembly then adjourned till 12 Noon on Wednesday, 12th April, 1939.

PUNJAB LEGISLATIVE ASSEMBLY.
FIFTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Wednesday, 12th April, 1939.

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

STARRED QUESTIONS AND ANSWERS.

PRIMARY AND MIDDLE SCHOOLS IN THE KANGRA DISTRICT.

***4621. Rai Bahadur Lala Gopal Das :** Will the Honourable Minister for Education be pleased to state—

- (a) the number of primary schools in Kangra district at present ;
- (b) the number of middle and high schools in the district at present ;
- (c) the number of primary and middle schools for girls in the district at present ;
- (d) whether any proposal for extending educational facilities in the Kangra district are under the consideration of Government ?

The Honourable Mian Abdul Haye : (a) 298 (235 for boys and 63 for girls).

(b) 107 middle schools (99 for boys and 8 for girls) 9 high schools (8 for boys and 1 for girls).

(c) 63 primary schools and 8 middle schools.

(d) Yes.

Chaudhri Muhammad Hassan : Is it a fact that the people of the Kangra district have made several representations to the Honourable Minister to the effect that schools are insufficient for the education of the Kangra population ?

Minister : Schools are insufficient all over the province.

Chaudhri Muhammad Hassan : I am asking only about the Kangra district. Have the people of that district made representations to the Honourable Minister that schools in that district are insufficient for the education of their boys ?

Minister : No such representation has been received.

MATERNITY FACILITIES IN KANGRA DISTRICT.

***4622. Rai Bahadur Lala Gopal Das :** Will the Honourable Minister for Education be pleased to state—

- (a) what steps Government have so far taken to provide trained dais in the Kangra district ;
- (b) any other maternity facilities so far provided or intended to be provided in future in the district ?

The Honourable Mian Abdul Haye : (a) Of the 31 dispensaries in the Kangra district 26 are provided with a trained dai each and all these dais tour in villages within a radius of 5 miles of their respective headquarters. Moreover there is a fully equipped health centre at Kangra, which was opened in 1930 under a qualified Health Visitor. Since then 87 dais have qualified and 47 are under training at present. Besides this Government have awarded 3 scholarships—two for training as nurse dais at Rs. 15 per mensem each for two years and one for training as a trained dai at Rs. 10 per mensem for one year to women from the Kangra district. They are under training at present. The question of awarding more scholarships from the 1st April, 1939, is under consideration.

(b) There are 3 women's hospitals in the Kangra district at (i) Dharamsala, (ii) Garli and (iii) Pirsaluhi, and also a female section attached to the hospital at Nurpur. In addition there are good Mission hospitals for women at Kangra and Palampur. The necessary provision for the appointment of a woman sub-assistant surgeon to Dehra Gopipur has been made in the current year's budget and the question of appointing a woman sub-assistant surgeon to Hamirpur is under contemplation.

WITHDRAWAL OF PERMISSION GRANTED TO SITA RAM FOR
APPEARING PRIVATELY IN VERNACULAR FINAL
MIDDLE EXAMINATION.

***4632. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Education be pleased to state—

- (a) whether Sita Ram, son of Lala Daulat Ram of Jujjan, district Shahpur, was permitted to appear as a private student in Vernacular Final Middle Examination in February, 1939 ;
- (b) whether this permission was subsequently withdrawn on the ground that he had been studying in a recognised school ;
- (c) whether Muhammad Saeed, son of Khanun of Jujjan, Shahpur district, whose application was sent through the same Head Master, Middle School, Jujjan, as that of Sita Ram, was also permitted to appear in Vernacular Final Middle Examination by the Registrar, Departmental Examinations, in February, 1939 ;
- (d) if so, whether his permission was also withdrawn on the same ground, if not, why not ;
- (e) whether there were any other students of the same village who applied for permission but through other institutions ; if so, will he please state their names and also whether permission of any of them was withdrawn ; if so, why ?

The Honourable Mian Abdul Haye : (a) Yes.

(b) Yes, because it was subsequently discovered that he had been studying in an unrecognised institution which was not permitted by the Divisional Inspector of Schools in March, 1938, to send up its boys for the vernacular final and middle school examination of 1939.

(c) Yes.

(d) No, as his identity had to be established. His admission was, however, made provisional and his result will be cancelled as soon as it is proved that he is ineligible.

(e) None.

Dr. Gopi Chand Bhargava : Is it a fact that both of them submitted their applications through the same headmaster ?

Minister : Most probably.

Dr. Gopi Chand Bhargava : If so, then why was one of them granted permission to appear in the examination while the other was denied it ?

Minister : The former candidate has been only provisionally admitted. I may submit here that the authorities had discovered a discrepancy in his and his father's names. It seems that the candidate had himself changed those names. At present the matter is under consideration and the department concerned has not arrived at a definite decision in the matter as yet. As I have already stated, his result will be cancelled and he will be debarred from appearing in the examination as soon as his identity is found doubtful.

ADMISSION OF GIRLS IN VILLAGE WELFARE CIRCLE TRAINING SCHOOL, LAHORE.

***4643. Lala Duni Chand :** Will the Honourable Minister of Development be pleased to state—

- (a) the terms and conditions on which about 40 girls have been admitted in the Village Welfare Circle Training School at Lahore for service in rural areas ;
- (b) whether it is a fact that their signatures have been obtained on a prescribed form with a view to take certain undertaking from them and if so, the nature of that undertaking ;
- (c) whether he will be pleased to place on the table of the House a copy of the said prescribed form ;
- (d) the number of these girls community-wise ;
- (e) the proposed grades of service to which they will be appointed after they have completed the training period ?

The Honourable Chaudhri Sir Chhotu Ram : (a) There are only 82 women under training at the Domestic Training School, out of which 80 have been allowed a stipend of Rs. 10 per mensem each besides free board and lodging while two are receiving training without any stipend. The candidates will have to serve for a period of three years after completing their training for nine months.

(b) *First part.*—Yes.

Second part.—The undertaking is that they will have to serve Government for at least three years after passing the course.

[Minister of Development.]

(c) A copy of the form is laid on the table.

(d)					Stipendiary students.	Others.
Muslims	..	..	..	..	21	1
Hindus	..	..	..	..	3	..
Sikhs	..	..	..	..	4	1
Christians	..	..	..	..	2	..

(e) Rs. 40 per mensem each *plus* free quarters or house rent at Rs. 5 per mensem.*Agreement by the students of the Domestic Training School for Village Women.*

Memorandum of agreement made this day of _____, 1938, between the Commissioner, Rural Reconstruction, Punjab, and (name of student) _____ age _____, daughter of _____, resident of _____, District _____, now pupil Lady Welfare Worker in the 'Domestic Training School for Village Women'.

It is hereby agreed and declared that after completion of the course at the said School, and after having obtained the Lady Welfare Workers training she _____ (the said student) is prepared to work in the Punjab for a period of 3 years in the post to which she is nominated by the Commissioner, Rural Reconstruction, Punjab. It is also hereby agreed and declared that in case the said student refuses to accept the post offered to her or whose continued employment as a Lady Welfare Worker in the Punjab is considered by the Commissioner, Rural Reconstruction, Punjab, to be undesirable, she will refund the whole amount of stipend received by her and other expenditure incurred on her as a student of the said school.

(Signature of candidate.)

Commissioner, Rural Reconstruction, Punjab.

Witness _____

Designation _____

Witness _____

Designation _____

CALLING OF MEETINGS OF THE MEMBERS OF THE ASSEMBLY AND
LOCAL BODIES BY CIVIL SURGEONS IN THE PUNJAB.

*4644. **Lala Duni Chand**: Will the Honourable Minister of Education be pleased to state—

(a) whether according to a notification of the Punjab Government every civil surgeon in a district is required occasionally to hold meetings of the members of the Assembly belonging to the district to which the civil surgeon may have been posted and of the representatives of the district boards and municipalities in that district, to secure their co-operation with a view to improve the working of the provincialized hospitals in each district;

(b) how many such meetings were arranged by each of the civil surgeons in the Punjab and held during the year 1938;

- (c) whether it is a fact that according to the same notification, members of the Legislative Assembly are expected to be invited to inspect the working of the provincialized hospitals and dispensaries within their respective constituencies and if so, how many members of the Assembly were invited by each of the civil surgeons in the Punjab during the year 1938 for the purpose?

The Honourable Mian Abdul Haye : (a) Yes, a visiting committee for each provincialized civil hospital has been constituted in every district of the province. The civil surgeon of the district, who is president of the committee, is required to hold quarterly the meeting of the committee, which consists of members of the Punjab Legislative Assembly who represent on the Assembly the district or part of the district for which the committee has been constituted and representatives of the district boards and municipal committees, as also nominees of Deputy Commissioners.

(b) In all 21 meetings were held during the year 1938 in the districts named below :—

(1) Sialkot district	..	..	..	3
(2) Muzaffargarh district	..	..	..	2
(3) Gurdaspur district	..	..	..	2
(4) Kangra district	..	..	..	1
(5) Mianwali district	..	..	..	1
(6) Gujrat district	..	..	..	1
(7) Shahpur district	..	..	..	1
(8) Karnal district	..	..	..	2
(9) Jhelum district	..	..	..	1
(10) Rawalpindi district	..	..	..	1
(11) Sheikhupura district	..	..	..	1
(12) Amritsar district	..	..	..	1
(13) Attock district	..	..	..	2
(14) Gurgaon district	..	..	..	1
(15) Montgomery district	..	..	..	1

Many a time notices were issued to the members of the committees but meetings could not be held for want of quorum.

(c) The meetings of the committee are called by the honorary secretary of the committee, who gives due notice of the date and time of meetings to the members. The committee as a whole or any of its members may visit the hospital at any time during the day and also at night after giving previous notice to the medical officer in charge of the institution concerned.

Lala Duni Chand : The Honourable Minister for Education has not been pleased to answer how many members of this House have had opportunities to inspect the provincialized hospitals or dispensaries?

Minister : The opportunities are already there. It is for the members to go and inspect.

Lala Duni Chand : How many inspections have been made by them?

Minister : I have no information. It is for them to say that.

Lala Duni Chand : May I know why it is that the information has not been collected when it was specifically wanted ?

Minister : My submission is that information cannot be collected. Unless the members go and leave a record, no material is available to Government.

Lala Duni Chand : The information that was required was as to how many members of the Assembly were invited by each of the civil surgeons in the Punjab to inspect the provincialized hospitals and dispensaries ?

Minister : The civil surgeon is not required to send out invitations. According to the rules it is open to the honourable members to pay a visit to these institutions whenever they like and they should not wait for the invitation.

Chaudhri Muhammad Hassan : Is it a fact that the civil surgeons in those districts in which the meetings have not been held are afraid of the criticisms about the working of the hospitals in their charge ?

Minister : That is a very uncharitable remark and I repudiate it.

Munshi Hari Lal : May I know if any meeting was held in Multan ?

Minister : Multan is not included in the list.

Lala Duni Chand : Why is it that meetings were held only in a few districts and not in others ?

Minister : I already stated that in some cases meetings were summoned, but they could not be held for want of quorum. That shows how the honourable members who are invited are keen and zealous about attending these meetings.

Lala Duni Chand : Will the Honourable Minister please say why the instructions contained in the Government circular in this respect have not been respected and carried out ?

Minister : I am perfectly willing to ginger up matters.

Chaudhri Sumer Singh : Is it permissible for any one to inspect a hospital in day time without notice.

Minister : Evidently it is permissible.

Chaudhri Sumer Singh : Is the Honourable Minister prepared to issue instructions to that effect ?

Minister : The instructions are already there.

Chaudhri Sumer Singh : The language of the instructions is not clear and so this question arises.

Dr. Gopi Chand Bhargava : Are there any districts where no meetings were summoned by the civil surgeons ?

Minister : I am not in a position to answer that question.

Dr. Gopi Chand Bhargava : Is the Honourable Minister in a position to say why no meetings were held in those districts ?

Minister : I am perfectly willing to make an enquiry.

Chaudhri Muhammad Hassan : Has the Honourable Minister asked the civil surgeons to keep a book in which members may record their suggestions ?

Minister : The books are even to-day kept there.

Lala Duni Chand : Has the Honourable Minister not so far found out why honourable members were not invited for meetings by the civil surgeons in certain districts ?

Minister : I have nothing to add to my answer.

Munshi Hari Lal : May I know why meetings were not held in Multan ?

Minister : I am not in a position to say why no meeting was summoned at Multan by the civil surgeon, but as I have already said in reply to a supplementary question by the Honourable Leader of the Opposition I am prepared to follow up this matter and make relevant enquiries and to impress upon the civil surgeons the dire necessity of observing Government rules and calling these meetings very frequently.

Munshi Hari Lal : May I know whether any enquiry was made as to why no meetings were held in Multan ?

Minister : I am not in a position to answer that question.

Lala Duni Chand : Is it a fact that the civil surgeons say that unless the members of the committees are prepared to collect money for the hospitals no meetings will be held ?

Minister : I have had no such information. But if the honourable member has got any such information I shall be obliged if he communicates it to me with all the details and giving the name of the civil surgeon so that I may take proper action.

MUSLIMS IN THE HIGHER GRADE OF SUBORDINATE SERVICES IN
EDUCATION DEPARTMENT.

***4649. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister of Education be pleased to state whether it is a fact that the number of Muslims in the higher grade of subordinate services in the Education Department specially in the Anglo-Vernacular section, is smaller than that of the sister communities ; if so, what action the Government intend to take to make up this deficiency ?

The Honourable Mian Abdul Haye : I must decline with regret to answer questions which savour of communalism on the floor of this House, but if the honourable member puts an unstarred question, I shall be glad to answer.

ARRANGEMENTS FOR SUPPLY OF DRINKING WATER IN ILAQA BET
MANSWAL, TAHSIL GARHSHANKAR.

***4654. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister of Public Works be pleased to state whether it is a fact that through letter No. 4895-S., dated 17th July, 1937, from Personal Assistant to Superintending Engineer, Public Health Circle, Punjab, the inhabitants of Ilaga Bet Manswal of Garhshankar tahsil were informed that arrangements for the supply of drinking water would be made ; if so, what steps have so far been taken in this connexion ; if no steps have been taken, reasons for the same ?

Parliamentary Secretary (Shaikh Faiz Muhammad): A detailed scheme for Bet Naga water supply, which also includes Manawal village, has been prepared and has since received revised administrative approval of the Sanitary Board at an estimated cost of Rs. 6,88,864. The Project is now awaiting technical sanction. As soon as the technical sanction is accorded, execution of the work will be taken in hand. The borings at the Head Works site have been made.

—
**DRAMA PLAYED IN GIRLS' GOVERNMENT HIGH SCHOOL,
 JULLUNDUR.**

***4655. Chaudhri Muhammad Abdul Rahman Khan:** Will the Honourable Minister of Education be pleased to state—

- (a) whether it is a fact that a drama was played on the 20th February, 1939, under the directorship of the headmistress, Girls' Government High School, Jullundur;
- (b) whether it is a fact that the Muslim mistresses and girl students were asked to take part in the performance in which singing and dancing, etc., were chief items;
- (c) whether it is a fact that girls of this institution also take part in athletic contests;
- (d) if the answers to (a), (b) and (c) above be in the affirmative, whether it is a fact that the Muslims of Jullundur in a public meeting passed a unanimous resolution against all the matters mentioned above as a protest; if so, the action the Government intend to take in the matter, if no action is intended, the reasons for the same?

The Honourable Mian Abdul Haye: (a) Yes.

(b) Those who took part did so of their own free will.

(c) Yes, with the permission, in writing, of their parents.

(d) Government has no information.

Chaudhri Muhammad Hassan: Does the Honourable Minister find it convenient and beneficial for Muslim girls to take part in these dramas?

Minister: I am not supposed to give my personal or private opinion on this matter.

—
**AWARD ROLL OF SCHOLARSHIPS OF DISTRICT BOARD HIGH
 SCHOOL, GURGAON.**

***4663. Chaudhri Sumer Singh:** Will the Honourable Minister of Education be pleased to state—

- (a) the circumstances under which the award roll of scholarships relating to the District Board High School, Gurgaon, to be awarded from the 1st April, 1938, has been sent by the Inspector of Schools, Ambala division, as late as in the month of March, 1939, and approved by the District Board, in the general meeting on the 15th March, 1939;

- (b) the list of students with full particulars who could not avail of these scholarships because of the award being delayed by 11½ months beyond expectations ;
- (c) how does the Government intend to compensate the loss of the poor students referred to in (b) ;
- (d) what action does the Government propose to take against the officers responsible for this delay and the action Government intends to take to stop the repetition of such delays in future ?

The Honourable Mian Abdul Haye : The procedure for the award of high school scholarships, as laid down in the Punjab Education Code is that on receipt of the list of candidates successful in the Departmental Vernacular Final Examination the divisional inspector prepares a provisional award list and furnishes a copy thereof to each school in his division from which pupils have won scholarships. On receipt of the award roll the head of the institution intimates to each successful pupil the fact of his having been awarded a scholarship and supplies him with a certified extract from the award roll. The scholar has no claim to the payment of the scholarship unless within a month of the date of the issue of the award roll he joins a recognised school in which the scholarship is tenable. He has to hand over the certified extract from the award roll to the head of the institution to which he is admitted.

On the expiration of a month from the date of issue of the award roll the head of each institution to which scholars have been admitted prepares lists of scholars who have joined the school within the appointed time and forwards them to the inspectors of the divisions in which the scholarships have been awarded. On receipt of the list the inspector prepares the final award roll.

The award of the scholarships from district board funds is taken up after the award of the scholarships from provincial revenues and in this case also the same procedure as outlined above is followed.

In some cases scholars to whom scholarships are awarded in the first instance or subsequently do not satisfy the necessary conditions and in such circumstances the scholarships award lists have to be amended again and again. This procedure of necessity entails considerable correspondence and delays the issue of the final award roll.

The delay in the award of the scholarships is not peculiar to Gurgaon but occurs in all the districts of the province.

- (b) Murli Dhar, Roll No. 1053 of Pirthla School.
- (c) Does not arise.
- (d) Government does not propose to take any action as no officer is to blame.

It has been decided to reconsider the procedure for the award of these scholarships with a view to accelerating the award and to eliminate all avoidable delay.

***4670. Cancelled.**

INTERMEDIATE COLLEGE, GUJRAT.

***4687. Mian Sultan Mahmud Hotiana:** Will the Honourable Minister of Education be pleased to state—

- (a) the names of the Principals posted to the Intermediate College, Gujrat, since the time it was established with the period for which each of them remained posted to that college;
- (b) the number of boys who were either expelled from the college or who left it during its life before completing the course in the college giving the number, names and addresses of boys separately who were expelled or who left the college before completing their course during the year 1938-39?

The Honourable Mian Abdul Haye :

- | | |
|---------------------------------------|--|
| (a) 1. Vacant | From 1st May, 1924, to 7th May, 1924. |
| 2. R. B. Man Mohan, M. A. | From 8th May, 1924, to 31st May, 1924. |
| 3. Sardar Prem Singh, M.Sc. | From 1st June, 1924, to 26th November, 1924. |
| 4. Chaudhri Abdul Hamid, M.A. | From 27th November, 1924, to 30th April, 1926. |
| 5. Lala Sri Krishan, M.A. | From 11th May, 1926, to 2nd January, 1932. |
| 6. Hakim Muhammad Hussain, M.A. | From 3rd January, 1932, to 22nd July, 1936. |
| 7. Khwaja Abdul Hamid, M.A. | From 23rd July, 1936, to 26th March, 1937. |
| 8. Hakim Muhammad Hussain, M.A. | From 27th March, 1937, up to date. |

(b) The time and labour involved in the collection of this information will be incommensurate with any gain that may accrue therefrom.

COST INCURRED ON SPECIAL SESSION OF ASSEMBLY HELD IN JANUARY, 1939.

***3979. Lala Duni Chand:** Will the Honourable Premier be pleased to state the amount of cost incurred on holding the special session of the Assembly which commenced on the 9th January, 1939, and the urgency for holding this special session?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh): Rs. 54,640. It has been necessary to have this session because the House was unable in the autumn session to complete the very moderate programme of business laid before it.

SHARE OF GOVERNMENT SERVICE BY THE INHABITANTS OF BHARAULI, DISTRICT SIMLA.

***3983. Lala Duni Chand:** Will the Honourable Premier be pleased to state—

- (a) the share of the inhabitants of *ilaga* Bharauli, Simla district, in all kinds of Government services;
- (b) the number of and nature of Government appointments held by them?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : (a) and (b) It is regretted that the information asked for is not readily available and the labour involved in its collection would hardly be commensurate with any public advantage to be gained.

Lala Duni Chand : The Parliamentary Secretary must be aware that this is a very small ilaqa consisting of a very small population. Why should it be difficult for him to ascertain the information asked for ?

Parliamentary Secretary : As I said the information is not easily available. Another thing is that recruitment is not made on any territorial basis.

Lala Duni Chand : Is it true that people of this part really have got no share in any kind of service under Government ?

Parliamentary Secretary : Suitable persons from all ilaqa get equal opportunities for recruitment in various services.

Lala Duni Chand : Is it the idea that ever since the British rule in this province no suitable candidates have become available from this ilaqa ?

Parliamentary Secretary : It is not for me to reply to that question, but I may say that equal opportunities are given to people of all ilaqa.

INVESTIGATION INTO CASES OF CORRUPTION IN ILAQA VIDYALA
SINDHUWAN, DISTRICT SIALKOT.

***4072. Lala Duni Chand** : Will the Honourable Premier be pleased to state whether it is a fact that several months ago, on the complaint of respectable and responsible men, investigation into many cases of corruption such as taking of bribery in the ilaqa of Vadyala Sindhuwan, in Sialkot district, was ordered and the Revenue Assistant in the said district was deputed to make the inquiry, if so, the result of the inquiry and the action taken after that inquiry ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : Yes. On a complaint of corruption against a certain zaildar by one Muhammad Hussain and five other persons the Collector of Sialkot ordered an investigation to be made by the Revenue Assistant. The Collector ultimately found that no case was proved against the zaildar and the papers were filed.

Lala Duni Chand : May I know if the report of the Revenue Assistant was to the effect that bribery had been rampant in that part of the Sialkot district ?

Parliamentary Secretary : That may or may not be ; but the Collector had satisfied himself that there was no proof against the zaildar for which action could be taken against him.

Lala Duni Chand : Is the Parliamentary Secretary aware that the officer to whom the enquiry was entrusted found that the complaint had been substantiated ?

Parliamentary Secretary : I am not aware of it.

Pandit Shri Ram Sharma : May I know how many witnesses were examined ?

Parliamentary Secretary : If the honourable member will give notice I shall get the information.

Lala Duni Chand : Does the Parliamentary Secretary know that about 100 witnesses were produced by the people concerned against the zaildar and others ?

Mr. Speaker : The honourable member is giving information.

STRICTURES PASSED BY SESSIONS JUDGE, AMBALA IN DERA
HAMIDPUR RIOT CASE.

***4129. Khawaja Ghulam Samad :** Will the Honourable Premier be pleased to state—

(a) whether his attention has been drawn to the strictures passed against certain officers by the Sessions Judge, Ambala, in his judgment in the Dera Hamidpur riot case acquitting all the persons accused ;

(b) if so, the action taken or intended to be taken against the officers on whom the strictures have been passed ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : Government have seen the Sessions judgments. No strictures have been made in them against any officer, and no question of action seems to arise.

Khawaja Ghulam Samad : May I know if the passage in the judgment of the Sessions Judge that the trying magistrate passed over lightly the most important question of investigating the matter regarding and recording evidence whether the Qurbani was ever offered in the past in the village Dera, does not amount to any stricture ?

Parliamentary Secretary : If the honourable member were to quote from that judgment then I will be in a position to say whether it does amount to a stricture or not. My information is that no strictures were passed.

RESOLUTION BY MUSLIMS OF AMBALA CITY FOR STOPPING CONGRESS
AND MAHASABHA FROM DOING PROPAGANDA AGAINST
HYDERABAD STATE.

***4131. Khawaja Ghulam Samad :** Will the Honourable Premier be pleased to state whether he has recently received any resolution passed by a mass gathering of Muslims of Ambala city requesting him to take some effective steps to stop the Congress and Mahasabha of the Punjab from taking any undesirable action and making false propaganda against the Hyderabad (Dn.) State ; if so, the action taken by the Government on that resolution ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :
First part.—No.

Second part.—Does not arise.

Pandit Shri Ram Sharma : May I know whether the Government have made enquiries to find out that there was no ground for the complaints against the Congress ?

Parliamentary Secretary : The question was whether Government has received any resolution and my reply is 'no'.

Pandit Shri Ram Sharma : May I know whether the Government made any enquiries whether the Congress committee of Hyderabad had anything to do with Hyderabad Arya *Satyagraha*?

Mr. Speaker : That does not arise.

Khawaja Ghulam Samad : Did the Government not receive any resolution passed by a mass gathering of the Muslims of Ambala in a meeting held in Juma Masjid at the Juman prayer under my presidency?

Parliamentary Secretary : That is exactly what I stated, that the Government have received no resolution.

MAHAJAN SADR SABHA, LAHORE.

***4239. Dr. Gopi Chand Bhargava :** Will the Honourable Premier be pleased to state whether he has received a copy of resolution passed by the Working Committee of the All India Mahajan Sadr Sabha, Lahore, at their meeting held at Amritsar on 11th December, 1938, regarding the difficulties they have to live under; if so, what action does he propose to take in the matter?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : No.

COMMUNAL RIOTS IN THE PROVINCE.

***4260. Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to state—

(a) the number of communal riots that took place in the province during the last year;

(b) the steps the Government have taken or propose to take to prevent the recurrence of these unfortunate happenings in future?

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

(b) The attention of the honourable member is drawn to part (f) of the answer to starred Assembly Question No. 3391,¹ asked by Lala Duni Chand in the November Session of the Legislative Assembly last year.

Lala Duni Chand : May I enquire if the main cause of the riot is that the Government is pursuing a policy of setting one community against another?

Mr. Speaker : The honourable member is supplying information.

Lala Duni Chand : On a point of order. In asking for further information some inkling into it has to be given. Otherwise how is it possible to get any information by keeping mum? Sometimes you yourself did not allow supplementary questions on the ground that they are not complete. I only give such information as is necessary to elicit further information. My object is to get further information.

Mr. Speaker : According to Parliamentary Practice, as given on page 128 of *Campion*, a question should not be in effect a short speech or an argument or limited to giving information or framed so as to suggest its own answer or convey a particular point of view.

Lala Duni Chand : I will leave it to you to judge whether my question falls under any of these categories. May I know if among other causes one cause of the communal riots is the policy of setting up one class of people against another class ?

Premier : I believe the main cause of these communal riots is the rather mischievous attitude of some individuals who exploit communalism for their own nefarious ends.

Sardar Sohan Singh Josh : May I know whether the Government have taken any steps to put a stop to the recurrence of these unfortunate happenings in future ?

Premier : Yes, not only have the Government taken steps but they have held many conferences and meetings also. But I may submit that the leaders of my friends over there have called all these activities of the Government as frauds.

Sardar Sohan Singh Josh : May I know whether the Government have now realized that the holding of meetings and conferences was a mere fraud and that whatever our leaders stated was right ?

Premier : You may please your fancy.

Sardar Sohan Singh Josh : May I know what steps the Government have taken to prevent the recurrence of these communal riots ?

Premier : What possible steps should Government take ?

Sardar Sohan Singh Josh : May I know whether the Government cannot do anything ?

Premier : What is it that the Government have not done so far to prevent the recurrence of these communal riots ?

Pandit Shri Ram Sharma : May I know whether the communal representation has anything to do with the communal troubles ?

Premier : The communal representation existed previously as well and even now it is being given effect to in the United Provinces and other provinces of India.

Pandit Shri Ram Sharma : Has it anything to do with the communal riots or not ?

Premier : Absolutely not.

Sardar Sohan Singh Josh : May I know whether the number of communal riots exceeds that of 1938 ?

Sardar Kabul Singh : In how many riots had the police a hand ?

Premier : I cannot say that the police had any hand in these riots. but this much I can say that I know the names of the persons who caused the riots.

Sardar Sohan Singh Josh : Who are they ?

Premier : I cannot give out their names.

Sardar Sohan Singh Josh : Let us have their names. They may be of some use ?

Premier : My honourable friend may be better informed than myself in this respect.

Lala Duni Chand : May I know the reasons as to why, in spite of the establishment of the nationalist Government in the province since the last two years as claimed, riots have been on the increase ? I want to be enlightened as to what the reasons are.

Premier : I am afraid I do not admit that the riots have increased. Riots have been engineered in some cases by interested mischief-mongers who want to exploit them for their nefarious ends.

Sardar Sohan Singh Josh : What action has the Government taken to put down the mischief-mongers who foment these troubles ?

Dr. Gopi Chand Bhargava : If, as he said, the Honourable Premier knows the persons who are the mischief-mongers who foment the communal riots, what action has been taken by the Government against them ?

Premier : If my honourable friend would give me those powers, I will stop these riots within a few weeks, not months. Unfortunately I cannot go outside the legal limits.

Dr. Gopi Chand Bhargava : May I know whether the Honourable Premier is aware of the fact that a resolution was adopted by this House in 1937 for stopping these communal riots and then when a request was made for such powers, though I was not in favour of them, the Honourable Premier said that he did not stand in need of any extraordinary powers but that he had sufficient powers with him to deal with the situation ? May I know whether he now feels that he needs those extraordinary powers ?

Premier : Yes, for the simple reason that those people who pull the strings from behind the scenes cannot be caught under the existing law. Unless I have got proof for it, it is very difficult to get hold of such persons. But if my honourable friends give me further powers so that even on suspicion such persons might be roped in, I am sure that within a few weeks I can uproot this canker of communalism in the province.

Dr. Gopi Chand Bhargava : May I know whether you have got powers to detain people for an unlimited period on mere suspicion that they being political workers are carrying on subversive activities ?

Premier : We have the power to proceed against those who preach violence against the State, but unfortunately we have no such power to deal with this particular malady. That is why I ask for that power. Give me that power and I think I will be able to stop this mischief.

Dr. Gopi Chand Bhargava : May I understand that the power which he has got to take action against political workers does not authorise him to proceed against those communalists who foment riots ?

Premier : Unfortunately not. The power that exists at the moment is only meant for political workers. It is meant to be used against those people who want to create an atmosphere of violence against the State.

Sardar Hari Singh : What action have you taken against Maulana Zafar Ali ?

Khan Sahib Chaudhri Sahib Dad Khan : Is the Premier aware that some Government servants are responsible for these communal riots in some cases to some extent ? What action has he taken against them ? (*Hear, hear.*)

Premier : Government would deal drastically with such officials only if my honourable friend would furnish me with proof.

PUNITIVE POLICE POSTS IN GURDASPUR DISTRICT.

***4264. Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to state—

- (a) the names of villages in the Gurdaspur district where punitive police posts were set up in the year 1938 ;
- (b) the reasons for setting up these posts ; and
- (c) the amount of money so far realized and the amount to be realized from these villages on account of such posts there ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : The only additional police post located in the Gurdaspur district during 1938 was that in the Chima Khudi area. Particulars regarding this were given on the 18th March, in replying to questions *4069¹ and *4182².

Sardar Sohan Singh Josh : May I know for how long these posts have been fixed there ?

Parliamentary Secretary : These posts have been stationed there for two years from the 1st of August, but the period can be curtailed provided the people of the ilaqa behave better.

Sardar Rur Singh : Have the residents of these villages made a representation that they cannot bear the burden of this taxation ?

Parliamentary Secretary : I am not aware but they may have made some representation. No body willingly pays any tax if he can help it.

Sardar Rur Singh : What is the manner of assessing the tax ?

Parliamentary Secretary : The expenses of this post will be realized from the villagers and only those people will be exempted who are poor to the satisfaction of the Deputy Commissioner.

Sardar Rur Singh : Are those people exempted who have no hand in the mischief responsible for the imposition of the post ?

Parliamentary Secretary : People who are innocent to the satisfaction of the Deputy Commissioner are exempted.

Sardar Rur Singh : Is it a fact that no one is exempted and if anyone is left out it is the *badmashes* ?

Parliamentary Secretary : No, it is not a fact.

Premier : How can you prove that those people are innocent ?

¹Volume VIII, page 66.

²Volume VIII, page 81.

BOOKS AND PERIODICALS BANNED IN PROVINCE.

***4309. Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to state—

- (a) the number and names of books and periodicals banned in the province during the year 1938 ;
- (b) the reasons for banning them ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : If the honourable member wants information about the books and periodicals proscribed in this province, the answer is 11 books and 27 issues of a periodical. It is not in the public interest to disclose names. These publications contained matter of the nature described in section 4 (1) of the Indian Press (Emergency Powers) Act, 1931.

Sardar Sohan Singh Josh : Has the *Changiani* been proscribed ?

Parliamentary Secretary : I cannot give names, I have already said that. I am therefore not in a position to answer this question.

Sardar Sohan Singh Josh : Why has the *Kirti Lahr* been proscribed ?

Mr. Speaker : I disallow the question.

CORRUPTION AND HIGHHANDEDNESS OF SUBORDINATE POLICE OFFICERS IN KARNAL.

***4324. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

- (a) whether the Superintendent of Police, Karnal, received a complaint about corruption and highhandedness of the subordinate police officers in district Karnal, forwarded by me in the third week of December last, if so, the result of departmental inquiry, if held into the complaint made ;
- (b) whether the aggrieved persons in this case were asked to substantiate the allegations made and, if so, the evidence they produced to substantiate the charges made against the police officers ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : This seems to refer to the same two applications mentioned in the answer given to the honourable member's question *643¹. I have nothing to add to the reply then given.

Pandit Shri Ram Sharma : May I know if the Parliamentary Secretary knows the details of the complaints ? Who was complained against ?

Parliamentary Secretary : The honourable member knows very well himself. I do not think he requires any information from me.

Pandit Shri Ram Sharma : Is it within the knowledge of the Government ? That is my question. I know so many things which the Government does not know.

Parliamentary Secretary : I am replying to the question which my honourable friend has asked and I am referring to this complaint which was submitted by my honourable friend himself.

Pandit Shri Ram Sharma : Can you give me the names of those people who appeared as witnesses in this departmental enquiry?

Parliamentary Secretary : I am afraid I cannot supply this information.

Pandit Shri Ram Sharma : My question is there. It was 'if so, the evidence produced'. I want to know what statements were made by these witnesses.

Parliamentary Secretary : I have nothing to add to the answer given by me. The complete answer was given in the previous question referred to above.

Chaudhri Muhammad Hassan : Does the Superintendent of Police belong to the Campbellpur district?

Parliamentary Secretary : I am not aware.

Premier : Is he your old friend?

Chaudhri Muhammad Hassan : Or your old favourite?

Pandit Shri Ram Sharma : Did they refuse to produce any evidence or was the evidence of an unsatisfactory nature?

Parliamentary Secretary : When the Superintendent of Police approached the complainants they refused to produce any evidence. Then the Deputy Superintendent of Police was sent and even then no evidence was produced although one of the complainants had promised that he would produce one.

REDUCTION IN THE NUMBER OF CHOWKIDARS IN VILLAGE PORKHAS, SONEPAT.

***4325. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

(a) whether it is a fact that the zamindars of village Porkhas, Sonapat, represented to the Deputy Commissioner, Rohtak, repeatedly on 16th May, 1938, 27th June, 1938, 16th October, 1938 and then on 27th January, 1939, for the reduction in the number of Jamadars and Chowkidars, numbering four in all, the expenses of whom are borne by less than two hundred owners of houses in that village that is nearly Re. 0-14-0 per house;

(b) whether any action was taken on these repeated representations, if so, what and if no action was taken, the reasons therefor?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : Applications were made to the Deputy Commissioner on two occasions that the number of watchmen in Porkhas Dhiran be reduced by one. The Deputy Commissioner found on inquiry that the present number was not in excess of the scale mentioned in rule 3 of the Chaukidara Rules, and was not too large for the requirements of the village. The applications were accordingly rejected.

COMMUNAL RIOTS AT MULTAN.

***4354. Munshi Hari Lal :** Will the Honourable Premier be pleased to state the number of reports lodged with the Police in connexion with the last communal riots in October, 1938, at Multan as to (i) Arson, (ii) Grievous hurt, (iii) Simple hurt, (iv) Theft, (v) Receiving stolen property; and in how many cases the offenders were traced out?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a)

(i) Arson	..	..	..	..	32
(ii) Grievous hurt	..	..	..	..	2
(iii) Simple hurt	..	..	..	..	58
(iv) Theft	..	..	..	..	27
(v) Receiving stolen property	..	..	..	..	2
(vi) Arson with theft	..	..	..	..	40

(b) Offenders were traced in two cases under sections 411/454, Indian Penal Code.

USE OF KHADDAR BY PUBLIC SERVANTS.

***4355. Munshi Hari Lal :** Will the Honourable Premier be pleased to state whether there are any orders or instructions issued by Government prohibiting or discouraging the use of hand woven and hand spun *khaddar*, by public servants; if so, the reasons therefor?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :
No such orders have been issued by Government.

AMENDMENT TO SECTION 126 OF GOVERNMENT OF INDIA ACT.

***4374. Sardar Hari Singh :** Will the Honourable Premier be pleased to state—

- whether the Punjab Government has recently received any intimation from the Central Government regarding proposed amendment to section 126 of the Government of India Act; if so, the wording of the proposed amendment;
- whether the Punjab Government has been asked to express its views on the said amendment;
- if the answer to (b) above be in the affirmative, the views communicated or proposed to be communicated by the Punjab Government to the Central Government in the matter?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :
The honourable member's information is not very accurate but I regret I am not able to satisfy his curiosity.

Sardar Hari Singh : What does he mean thereby?

Parliamentary Secretary : I mean what I have stated.

Sardar Hari Singh : Does he mean to say that it is not in public interest to give the information?

Parliamentary Secretary : I say, the honourable member's information is not accurate.

ACTION TAKEN AGAINST SUB-INSPECTOR OF POLICE, JHAJJAR.

***4382. Pandit Shri Ram Sharma :** With reference to the answer to my starred question No. 3434¹, asked on 9th January, 1939, will the Honourable Premier be pleased to state—

- (a) whether it is a fact that case filed under section 186 of the Indian Penal Code by the Sub-Inspector of Police, Jhajjar, against Rao Mangli Ram, President, Jhajjar Municipal Committee, has failed and, if so, whether the said Sub-Inspector has been asked and has actually paid the expenses incurred by the Government on his behalf in the said case and, if so, the amount of expenses paid by him ;
- (b) the number of such private cases filed by Government servants in Rohtak district during the last five years in which such conditional help was given by the Government and if no such help was given to any during the period, the special reason for which financial help was given to the said Sub-Inspector of Police ;
- (c) whether any further action is also intended to be taken by the Government against the said Sub-Inspector of Police on the Sessions Judge holding in the case mentioned above that the first citizen of the town was thrust in the lock-up by the Sub-Inspector without any justification ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a) Rao Mangli Ram was convicted in the trial court. On appeal the conviction was set aside, the Sessions Judge being doubtful whether the obstruction had been caused "voluntarily" within the meaning of the section. The complaint having been filed by the Sub-Inspector in his official capacity, the case was prosecuted as a Crown case and no question of expenses arises.

(b) (*First Clause*). So far as can be traced, there have been no similar cases in Rohtak during the last five years.

(*Second Clause*). In view of the reply given to part (a), this does not arise.

(c) The Sessions Judge did not come to any such conclusion. On the contrary, the court which heard the cross-complaint filed by Rao Mangli Ram discharged the Sub-Inspector and an application by Rao Mangli Ram for the revision of the order was dismissed in the Sessions court.

Pandit Shri Ram Sharma : Does the honourable Parliamentary Secretary remember his answer which he gave regarding this particular matter that only conditional help was given to the said Sub-Inspector by the Government and the condition was this that he shall have to bear the expenses of the suit on the failure of conviction.

Parliamentary Secretary : The court did uphold the Sub-Inspector's case but the case was dismissed on technical grounds only.

Pandit Shri Ram Sharma : I mean to say that with reference to the answer given by him to the effect that help given to the said Sub-Inspector was conditional, may I take that answer to be correct or this answer in which he has contradicted his previous answer, that no conditional help was given.

Parliamentary Secretary : I cannot recollect exactly what I replied in answer to a supplementary question of my honourable friend but if he gives notice, I shall certainly reply to it.

Sardar Sohan Singh Josh : The memory of gentlemen occupying those benches is generally short.

Parliamentary Secretary : Not more than those benches.

Premier : On that side there is no memory at all. (*Laughter.*)

Pandit Shri Ram Sharma : Will the honourable Parliamentary Secretary be pleased to state the reasons on which the Government has given help to that Sub-Inspector against Rao Mangli Ram while no help of such nature had been given to any other officer during the last 5 years? Is this the reason of giving help to the Sub-Inspector that Rao Mangli Ram is a Congressman?

Parliamentary Secretary : My honourable friend has not followed me. I said that no case of a similar nature has arisen during the last five years. Had any similar case arisen, the Government would certainly have helped that officer.

Pandit Shri Ram Sharma : What is meant by "a similar case"?

Parliamentary Secretary : That an officer should have been obstructed in the performance of his public duties.

Pandit Shri Ram Sharma : Is it true that in respect of this case expenses have been incurred by the Government?

Parliamentary Secretary : I have stated that no similar case has arisen previously, i.e., no officer in the past was obstructed in the performance of his official duties and in this particular case that Sub-Inspector was obstructed by a gentleman in the performance of his public duties and that is why the Government helped him.

Pandit Shri Ram Sharma : Will the Parliamentary Secretary be pleased to state whether it is a fact that the Sessions Judge, in respect to this particular case, has remarked to the effect that the Sub-Inspector has not been obstructed, in the discharge of his duties at all and the accused has therefore been honourably acquitted?

Parliamentary Secretary : I have replied that the Sessions Judge has only dismissed the case and accepted the appeal on a technical ground and he has not passed any other strictures.

Pandit Shri Ram Sharma : What are those technical grounds on which he has been released?

Parliamentary Secretary : The technical ground is whether the obstruction had been caused 'voluntarily' within the meaning of the section.

Pandit Shri Ram Sharma : Is it a fact or not that the Sub-Inspector of Police according to the judgment has not been interfered with in this case ?

Mr. Speaker : If the honourable member has got a copy of the judgment he may produce it to contradict the Parliamentary Secretary.

Dr. Sir Gokul Chand Narang : Both agree without understanding each other.

Pandit Shri Ram Sharma : May I know whether the Parliamentary Secretary has gone through the judgment of the Sessions Judge ?

Parliamentary Secretary : I have only read the relevant portion of it. I have not read the whole judgment.

Pandit Shri Ram Sharma : Will the honourable Parliamentary Secretary be pleased to state the relevant portion of the judgment ?

COMPLAINTS AGAINST SUB-INSPECTOR OF POLICE, ARIFWALA.

***4466. Sardar Hari Singh :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that many theft cases have occurred in the last two or three months in Arifwala town, district Montgomery, and that in all these cases the Sub-Inspector of Police refused to register the reports ;
- (b) whether it is also a fact that the merchants of the Mandi in the said town once in the beginning of January, 1939, went to the police station with a thief and the goods stolen by him and requested that a case of theft be registered against him, but the Sub-Inspector did not register the case nor did he take any step against the thief ;
- (c) whether it is also a fact that the residents of the town made a number of representations to the Superintendent of Police, Montgomery, and also to the Deputy Superintendent of Police, Pakpattan, against the said Sub-Inspector of Police, whereupon the Deputy Superintendent of Police recorded the statement on 14th February, 1939, of a number of residents to find out the truth of the allegations made ; if so, what action has been taken or is intended to be taken against the said Sub-Inspector of Police ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :
(a) No.

(b) The facts are that on or about the 7th January, 1939, some persons from the Mandi went to the police station with a person who was alleged to be a thief and some cotton which he was alleged to have stolen. The station house officer did not register a case because the value of the alleged stolen property was insignificant and the case was in his opinion covered by section 95 of the Indian Penal Code.

(c) Yes. Representations have been received and inquiries are being made.

SUBORDINATE CIVIL JUDICIAL SERVICE.

***4470. Khawaja Ghulam Samad :** Will the Honourable Premier be pleased to state, whether his attention has been drawn to the Punjab Government notification No. 7929-L-2643-S. G.-38/33386, dated 8th October, 1938, published in the *Punjab Government Gazette*, dated 14th November, 1938; if so, the steps and measures adopted by the Government so far to ensure the applicability of that notification in order to give the under-represented classes their due share in the Subordinate Civil Judicial Service of the province?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : The notification quoted by the honourable member contains the regulations framed by the Punjab Government under sub-section (2) of section 255 of the Government of India Act, 1935—the concluding sentence of that sub-section. They will be applicable on all occasions when appointments are being made to the Judicial Branch of the Punjab Civil Service. They have indeed been used on one occasion already. This was in November last, when eleven candidates were selected by Government for appointment to the service.

INTERNSMENTS.

***4518. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Premier be pleased to lay on the table of the House a statement showing separately (a) the names of persons interned each year since the introduction of provincial autonomy, (ii) the places to which they originally belonged, (iii) the duration of their internment, (iv) the amount of allowances, if any, given, and (v) the names of each of them who have been given no allowances with their means of livelihoods?

The Honourable Major Sir Sikander Hyat-Khan : I regret that I am not prepared to collect this information on the chance of its being of interest to the honourable member. If he will bring to my notice any particular case of hardship, I shall be glad to look into it.

EXTENSION GRANTED TO MEMBERS OF P. C. S.

***4520. Dr. Gopi Chand Bhargava :** Will the Honourable Premier be pleased to state—

(a) whether extension has been granted to any member of P. C. S. (Judicial or Executive Branches) after 1st April, 1937; if so, to whom and for what period;

(b) whether any applications for extension are still pending; if so, how many and of whom and the action the Government proposes to take in the matter?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a) A statement is laid on the table.

(b) No.

Statement.

	Name of the officer.	Period of extension given after 1st April, 1937.
P. C. S. (Executive Branch)	1. Sardar Bahadur Sardar Ganda Singh. 2. Khan Bahadur Sheikh Khurshaid Muhammad.	1st July, 1937, to 30th November, 1937. 7th January, 1938, to 10th April, 1939.
P. C. S. (Judicial Branch)	Khan Bahadur Sheikh Din Muhammad.	16th March, 1939, to 15th March, 1940.

ARREARS REGARDING PUNITIVE POLICE POST AGAINST RESIDENTS OF MAHLA KALAN IN FEROZEPUR DISTRICT.

***4530. Dr. Gopi Chand Bhargava :** Will the Honourable Premier be pleased to state—

- whether there are any arrears of Punitive Police Tax standing against the residents of Mahla Kalan in district Ferozepore; if so, what is the amount and since when it is in arrears;
- whether the arrears above-mentioned are being realised now; if so, what methods are being adopted for their realization;
- whether he has for their realisation received any complaint against these methods; if so, what action, if any, does he propose to take in the matter?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : (a) Sums totalling Rs. 278-11-6 are outstanding against the inhabitants of Mahla Kalan on account of the additional police located in this and sixty-five other villages in 1938—35.

(b) Action is being taken to recover by process against the immovable property of the defaulters.

(c) No complaints have been received.

Dr. Gopi Chand Bhargava : May I know whether the honourable Parliamentary Secretary thinks that owing to the lack of rains these people are not in a fit condition to pay the arrears?

Parliamentary Secretary : I do think that the condition of zamindars is not that of prosperity that they may be able to pay any tax but since these arrears are due from them, it is only fair that they should pay the amount.

Premier : Like gentlemen.

ANONYMOUS LETTERS RECEIVED BY SARDAR GIAN SINGH, HEALTH OFFICER, MUNICIPAL COMMITTEE, MULTAN.

***4560. Munshi Hari Lal :** Will the Honourable Premier be pleased to state—

- whether it is a fact that Sardar Gian Singh, Health Officer of Municipal Committee, Multan, has been complaining in 1938-39 to the authorities of Multan District that he has been

receiving anonymous letters threatening injury to his property, his life and the lives of the members of his family and that he is being put to annoyance and trouble at the hands of unknown miscreants ;

(b) if so, what action has been or was taken by the authorities to trace out the miscreants ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : (a) Yes.

(b) Inquiries have been made under the orders of the Superintendent of Police but so far without definite result.

AMOUNT OF MONEY WITH DEPUTY COMMISSIONER, LUDHIANA,
FOR DISCRETIONARY GRANTS.

***4576. Sardar Lal Singh :** Will the Honourable Minister of Development be pleased to state—

(a) the total amount available to the Deputy Commissioner, Ludhiana, in the year 1988-89, for the purpose of discretionary grants to schools or to other persons or for improvement of rural areas ;

(b) to what persons or institutions were those grants given ?

The Honourable Chaudhri Sir Chhotu Ram : (a) Rs. 500.

(b) A list giving the required information is laid on the table.

Chaudhri Muhammad Hassan : Is it a fact that an amount out of this money was spent on the reception of the Honourable Ministers in Ludhiana ?

Minister : I have absolutely no information beyond that already given.

Chaudhri Muhammad Hassan : Is it a fact that a certain amount of money was given to a member of the district board ?

Minister : I do not know.

*List of the institutions which were awarded prizes, for good rural
Reconstruction Work.*

Serial No.	Name of the village.	Name of the person to whom the prize was handed over.	Amount of prize.
1	Chhandar	President of Better Living and Village Farmer's Association, Chhandar.	Rs. 75
2	Sahnawal Khurd	Ditto	75
3	Kulyewal	Ditto	75
4	Sireh	Lambardars of Sireh	30
5	Manakwal	President of Better Living Society and Village Farmer's Association, Manakwal.	30
6	Kheri	Dafadar Thakar Singh	10
7	Ramgarh School	Headmaster of Primary School, Ramgarh.	5

List of persons who were awarded prizes for their good houses.

Serial No.	Name of the village.	Name of person.	Amount of prize.
1	Mehrbani	1. Muhammad Bakhsh ..	Rs. 5
		2. Nur Muhammad ..	2
		3. Fazla, son of Jamiat ..	3
2	Khawjke	1. Ghulam Muhammad ..	4
		2. Shah Muhammad ..	3
		3. Jalal Din ..	2
		4. Wilayat Khan ..	1
3	Hawas	1. Abdul Qadir ..	5
4	Ghaunagarh	1. Hakim Aladad ..	5
		2. Khan Muhammad, son of Abdullah ..	2
		3. Nasir Din, Lambardar ..	2
		4. Chaudhri Sher Muhammad ..	3
5	Mangat	1. Sher Muhammad, son of Buta, Jat ..	5
6	Sireh	1. Manzur Ahmad, Rajput ..	5
		2. Allah Ditt, son of Jhanda, Arain ..	3
		3. Ali Muhammad, Awan ..	2
7	Butara	1. Chanda Singh ..	5
		2. Nihal Singh, Lambardar ..	3
8	Manakwal	1. Magh Singh, son of Tabu ..	5
		2. Ghawinda, son of Bhagwana ..	3
9	Sherpur Kalan	1. Ismail, son of Ali Bakhsh, Awan ..	5
		2. Ismail, Lambardar, for Khurhi Muhammad ..	3
		3. Muhammad Rafiq, son of Khalil ..	3
10	Pawa Khakat	1. Sardar Natha Singh, Lambardar ..	5
		2. Sardar Bagga Singh, ex-Soldier ..	3
11	Nandpur	1. Sardar Arjan Singh for Babu Isher Singh ..	5
		2. Sader Din, son of Bhallu, Weaver ..	3
12	Sahnawal Khurd	1. Jamadar Kartar Singh ..	5
		2. Sardar Nahr Singh ..	5
		3. Sardar Ala Singh ..	5
		4. Sardar Bakhtawar Singh ..	3

Serial No.	Name of the village.	Name of person.	Amount of prize.
			Rs.
12	Bhanor	1. Mussammat Hukam Kaur ..	5
		2. Hawildar Chanan Singh ..	3
		3. Mussammat Rali Chamar ..	2
		4. Mehnga Khan	2
14	Bhattian	1. Muhammad Khalil, Rajput ..	5
		2. Ibrahim, Nai	3
		3. Nathu, Jat	2
15	Jamalpur	1. Sharaf Din, son of Shamas Din, Awan.	5
		2. Muhammad Ibrahim, son of Karam Ilahi, Awan.	3
		3. Muhammad Ishaq, son of Wazir Ali	2
		4. Mian Nur Muhammad ..	2
16	Kulyewal	1. Kaka, son of Nizam Din ..	5
		2. Babu Farzand Ali ..	3
		3. Asghar Ali, son of Nawab Din ..	3
		4. Jan Muhammad, son of Rahmat Ali.	2
		5. Muhammad Ali, son of Imam Ali.	2
17	Ramgarh	1. Harnam Singh	5
		2. Kartar Singh	3
		3. Indar Singh	2
18	Chhandar	1. Sardar Nahr Singh ..	5
		2. Pritam Singh, son of Chanan Singh	3
		3. Labh Singh, son of Gurdit Singh..	2
		4. Teja Singh, son of Hazura Singh..	2
19	Nurwala	1. Chaudhri Fazal Muhammad, Sufed-posh.	3
20	Bhegpur	1. Chaudhri Ghulam Ghaus ..	5
21	Dhandari Kalan ..	1. Sardar Shamsher Singh ..	3
22	.. ..	1. Giant Waryam Singh ..	5

SELECTION OF TWO SIKHS FOR P. C. S. (JUDICIAL
BRANCH).

***4610. Sardar Jogindar Singh Mann :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that two candidates have been selected as a result of the examination held last year for the P. C. S. (Judicial) to represent the Sikh community; if so, whether before making this selection it was ascertained that these two gentlemen were genuine Sikhs and, if not, why not;
- (b) what action Government intend to take in the matter?

The Honourable Major Sir Sikander Hyat-Khan : The candidates selected for appointment to the Judicial Branch of the P. C. S. on the results of the examination held in February 1938 include two Sikhs. In each case the candidates made a declaration in the terms prescribed in section 2 (9) of the Sikh Gurdwaras Act, 1925. Suggestions have since been made that the candidates adopted the Sikh faith only a short time ago in the hope of improving their chances of appointment to Government service, and enquiries are now being made to determine whether there is any truth in this.

The policy of Government in this matter was explained in a *communiqué* issued to the press in 1935. A copy of this is laid on the table.

Press Communiqué.

Government have, from time to time, received representations from responsible Sikh associations to the effect that individuals have in the past been accepted as Sikhs for purposes of appointment to Government service, who, though they may have signed a declaration that they are Sikhs, are in fact not Sikhs by conviction, but are persons who have professed this religion in the hope that their chances of appointment will thereby be improved, and that there is nothing to prevent this mal-practice from continuing to the detriment of the Sikh community.

Once an officer has been appointed, Government are not prepared to go behind his own reply to an inquiry about the faith which he professes. But when a non-Sikh, for purpose of worldly gain, professes himself as a Sikh only a short time previous to his effort to obtain Government employment, Government will not hesitate to rule him out as ineligible for consideration on the score that he is not by conduct or character a person fitted for Government service. The various authorities who are empowered to make appointments to the public service have been warned to refuse to employ such persons and, in giving effect to these orders, to satisfy themselves about the facts. This bar will, of course, only operate when there is no reasonable ground for doubt that the change in faith has been recent and made for the purpose of securing employment. It must, however, be clearly understood that it is not the intention of Government to make any distinction between a Sehjdari or a Keshadhari Sikh. These orders are only applicable to the case of non-Sikhs who, shortly before applying for a vacancy for which Sikh only are eligible, have changed their professed faith for the purpose of worldly gain.

Appointing authorities have been asked, in making appointment in which communal considerations have to be given weight and a Sikh candidate is involved, to be at these orders carefully in mind.

GURU SINGH SABHA PROCESSION AT VILLAGE POSSI.

***4616. Sardar Harjab Singh :** Will the Honourable Premier be pleased to state—

- (a) whether he is aware of the fact that the police has banned the Guru Singh Sabha procession at village Possi, district Hoshiarpur, under section 30 of the Police Act;

- (b) if so, what were the reasons for banning the said procession ;
- (c) when the notice banning the said procession will terminate ?

The Honourable Major Sir Sikander Hyat-Khan : (a) and (b) The procession has not been banned. But in view of the strained relations between the Rajputs and Bedis of Possi and the imminent danger of a breach of peace, the promoters of the procession were required under section 80 of the Police Act to obtain a licence.

(c) As soon as the relations between the local fractions improve, the notice will automatically be withdrawn.

SHRIYUT KARTA RAM OF VILLAGE SATNAUR, TAHSIL GARH-
SHANKAR.

***4620. Chaudhri Kartar Singh :** Will the Honourable Premier be pleased to state—

- (a) when Shriyut Karta Ram of village Satnaur, tahsil Garhshankar, was expelled from the Punjab ;
- (b) whether Government is aware of his whereabouts at present ;
- (c) whether the Punjab Government is ready to accord him permission to come back to India ?

The Honourable Major Sir Sikander Hyat-Khan : (a) Karta Ram was not expelled from the Punjab, but left the country many years ago.

- (b) No.
- (c) In view of answer to part (a), does not arise.

REPRESENTATION MADE BY THE SECRETARY, PUNJAB MOTOR
UNION, AGAINST SUB-INSPECTOR, POLICE, MANAWAN.

***4634. Maulvi Mazhar Ali Azhar :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether Shaikh Din Muhammad, Sub-Inspector of Police, Manawan, district Lahore, engaged lorry No. P.-2822-C., on the 6th August, 1938, to take foot constable Allah Dad, Mota Singh, Zaildar and other suspects to Amritsar from Manawan and to bring them back, in connexion with the investigation of First Information Report No. 85 to recover stolen property ;
- (b) whether after finishing the inquiry at Amritsar on the same day, he engaged lorry No. P.-6768-C., to bring back the said persons to Manawan ;
- (c) if the answers to (a) and (b) above be in the affirmative, whether any fare was paid to the driver or owners of the said lorries ; if not, why not ;
- (d) if the answers to (a) and (b) above be in the negative, the conveyance obtained and used by the said Sub-Inspector for recovery of stolen property and bringing the suspects and accused from Amritsar ;

[Maulvi Mazhar Ali Azhar.]

- (e) whether the General Secretary, Amritsar-Gurdaspur Motor Union, submitted a bill of Rs. 26-8-0 as fare of two lorries engaged by the said Sub-Inspector of Police, to the Superintendent of Police, Lahore, for payment and it was rejected; if so, reasons for the same;
- (f) whether the Secretary, Punjab Motor Union (Registered), Lahore, made any representation to the Government for further investigations in the matter, on the 20th January, 1939; if so, with what result?

The Honourable Nawabzada Major Khizar Hayat Khan Tiwana : (a), (b) and (d) The Sub-Inspector and his party did not engage the whole of any lorry or lorries but travelled as ordinary passengers to and from Amritsar.

(c) The fare was paid in the usual way.

(e) Yes. The charges contained in the bill were not considered to be justified.

(f) An enquiry was instituted and is still proceeding. Its completion has been delayed by the failure of one of the Motor Union witnesses to appear before the officer making the enquiry.

ALLEGATION MADE AGAINST SHAIKH DIN MUHAMMAD, SUB-INSPECTOR, POLICE, MANAWAN.

***4635. Maulvi Mazhar Ali Azhar :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that the Senior Superintendent of Police, Lahore, ordered Chaudhri Ram Singh, District Superintendent of Police, Lahore, to inquire into the allegations made against Sheikh Din Muhammad, Sub-Inspector, police station Manawan, district Lahore, by the Punjab Motor Union (Registered), Lahore, through press in September, 1938; if so, with what result;
- (b) whether it is a fact that the Punjab Motor Union (Registered), Lahore, produced daily registers of "Azad Bus Service," Lahore, before the District Superintendent of Police, showing the dates and number of lorries on which the said Sub-Inspector himself, his relatives and many other police officials travelled free of charge during the months of July, August and September, 1938, and the registers remained with the Deputy Superintendent of Police, more than three months;
- (c) if the answer to part (b) above be in the affirmative, the names of police officials, whose names and designations were found entered in the registers of "Azad Bus Service", Lahore, for having travelled free?

The Honourable Nawabzada Major Khizar Hayat Khan Tiwana : (a) Yes. The facts were given in the reply to question *4124¹ put by the honourable member for Kangra and Northern Hoshiarpur (Sikh—Rural) a few days ago.

(b) Certain registers maintained by the employees of the Azad Bus Service were produced during the inquiry.

(c) No record of these particulars was kept.

COMPLAINT AGAINST BACHAN SINGH, CONSTABLE NO. 603, BY THE
SECRETARY, PUNJAB MOTOR UNION (REGISTERED),
LAHORE.

***4636. Maulvi Mazhar Ali Azhar :** Will the Honourable Minister of Public Works be pleased to state—

(a) whether it is a fact that one Bachan Singh, constable No. 603, Kotwali police, Amritsar, challaned Gopal Singh, Motor Driver, lorry No. P-1040-C., and while impounding his license issued him a chit, on a piece of paper with Kotwali Stamp, in the month of September, 1938, instructing the driver to appear in the Court of Mian Rattan Singh, Magistrate, Amritsar, on 25th November, 1938 ;

(b) whether it is a fact that driver Gopal Singh got back his license from the constable before appearing in the court and the chit was torn off by the constable ;

(c) whether the matter was brought to the notice of the Assistant Inspector-General of Police (Traffic) through the Punjab Motor Union (Registered), Lahore, along with a photo. copy of the real chit ;

(d) whether it is a fact that some torn pieces of the chit pasted on a piece of paper were handed over to the Police Sergeant, Amritsar, by the Secretary, Punjab Motor Union (Registered), Lahore, in proof of the matter ;

(e) if the answers to parts (c) and (d) above be in the affirmative whether an inquiry has been instituted, and, if so, the report and result of the inquiry may be laid on the table of the House ?

The Honourable Nawabzada Major Khizar Hayat Khan Tiwana : (a), (b) and (e). A complaint to this effect was made to the Assistant Inspector-General of Police (Traffic), and inquiries were at once begun by the Superintendent of Police, Amritsar. All efforts to secure the attendance of the aggrieved driver Gopal Singh have so far proved unsuccessful and the inquiries have in consequence been infructuous.

(c) and (d) Yes.

DACOITIES COMMITTED IN VILLAGE RAMNAGAR, DISTRICT
GUJRANWALA.

***4650. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Premier be pleased to state—

- (a) the number of dacoities committed in village Ramnagar, district Gujranwala, in the month of January, 1937, and the approximate amount of loss thus caused to the inhabitants of the said village ;
- (b) the extent to which the police succeeded in its investigation in these dacoities, the number of dacoits arrested and the number of dacoits who are still at large ;
- (c) whether the stolen property was recovered and whether anybody was convicted ; if not, the reasons for the same ?

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

(b) and (c) Do not arise.

SELECTIONS FOR P. C. S. (EXECUTIVE BRANCH).

***4651. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Premier be pleased to state whether it is a fact that selection for the I. C. S. and P. C. S. (Judicial Branch) is made according to the proportions fixed for each community and that these proportions are lost sight of when making selections for the P. C. S. (Executive Branch) ; if so, why and whether it is intended to do away with this differentiation in making selections for the two categories of services ?

The Honourable Major Sir Sikander Hyat-Khan : Recruitment to the I. C. S. is made by the Secretary of State for India. No communal proportions have been fixed for recruitment to this service. An arrangement, however, exists whereby communal inequalities created as result of the competitive examinations held in India are redressed by nomination.

Recruitment to the P. C. S. (Judicial Branch) is made on communal basis, proportions for which have been fixed by Government.

In the case of the P. C. S. (Executive Branch) there is no specific provision regarding communal proportions in the existing rules for recruitment to this service. At the time of recruitment, however, Government have been giving considerations to the due representations of various communities in this service, and will continue to do so in future also.

RELIEF TO SUFFERERS IN MULTAN RIOTS.

***4665. Rai Bahadur Binda Saran :** Will the Honourable Premier be pleased to state—

- (a) the total number of claim applications received to date for relief to the sufferers in the last Multan riots ;
- (b) the number of such applications, community-wise ;

- (c) whether any compensation or relief has so far been given to any of the sufferers, if so, the extent of relief granted;
- (d) whether it is a fact that a number of such applications is still pending with the authorities;
- (e) whether the Government are taking any steps to expedite their disposal?

The Honourable Major Sir Sikander Hyat-Khan: (a) 78.

- (b) Muslims : 8.
Hindus : 75.
- (c) No.
- (d) and (e). Enquiries are being made into all pending applications as expeditiously as possible.

M. GHULAM MURTAZA, SUB-INSPECTOR OF POLICE.

***4676. Mr. Dev Raj Sethi:** Will the Honourable Premier be pleased to state—

- (a) whether a copy of the judgment of a Criminal Appeal, *Asa Singh versus Crown* decided by Mr. C. N. T. Henry, Additional Sessions Judge, Lahore, on the 1st December, 1938, was communicated to the Senior Superintendent of Police, Lahore, by the aforesaid court;
- (b) whether the aforesaid appellate court remarked that the conduct of M. Ghulam Murtaza, investigating Sub-Inspector of Police, calls for strict inquiry regarding the fracture of the accused's arm;
- (c) if the answers to (a) and (b) above be in the affirmative, (i) whether any inquiry was made by the Senior Superintendent of Police; (ii) if so, when and where the evidence against the Sub-Inspection of Police was recorded, and (iii) what was the result of this inquiry?

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

- (b) Yes.
- (c) Orders for the institution of a departmental inquiry were given some time ago, but the taking of evidence could not be begun as the judicial files were not available. These have now been obtained and it is hoped to proceed with the inquiry without further delay. The case is in the hands of the Deputy Superintendent of Police at Kasur.

PUNITIVE POLICE AT JIA BAGGA, LAHORE TAHSIL.

***4680. Sardar Partab Singh:** Will the Honourable Premier be pleased to state—

- (a) whether Government proposes to establish punitive police post in the village Jia Bagga, tahsil Lahore, district Lahore; if so, the strength of police force to be posted there along with the approximate expenditure to be incurred by the villagers concerned in that connexion;

(Sardar Partab Singh.)

- (b) the cultivated area of the villages where the punitive police is proposed to be quartered ?

The Honourable Major Sir Sikander Hyat-Khan : (a) A body of additional police consisting of one assistant sub-inspector, four head constables and sixteen foot constables has been quartered for a period of two years with effect from the 1st March 1939, in an area comprising the villages of Jia Bagga, Khudpur and Jhedu in the Lahore district at a total cost of Rs. 18,410-1-2 (Rs. 9,642-8-7 for the first year and Rs. 8,767-8-7 for the second).

(b) The cultivated area involved amounts to 8,918 acres : 3,349 in Jia Bagga, 4,202 in Khudpur and 1,367 in Jhedu.

PUNITIVE POLICE POST AT RAJA JANG IN LAHORE DISTRICT.

***4681. Sardar Partab Singh :** Will the Honourable Premier be pleased to state—

- (a) the annual expenditure estimated to be incurred on the punitive police posted at Raja Jang in Lahore district ;
- (b) the number of persons in the locality ordered to bear these expenses and the number of persons excused from this burden and the grounds for this differential treatment ?

The Honourable Major Sir Sikander Hyat-Khan : (a) The estimated annual cost comes to Rs. 9,907-12-0 for the first year and Rs. 9,332-12-0 for the second year.

(b) The landowners of one of the eight pattis in the village, with the exception of one family, have been exempted from liability, together with fifteen persons from the other pattis who are known to have remained aloof from the disputes in the village or to have taken an active part in assuaging ill-feeling between the communities. With these exceptions all the inhabitants will be liable to pay a part of the cost according to the District Magistrate's judgment of their respective means.

TAKING OF FORCED LABOUR FROM SUNKE RAM BY SUB-INSPECTOR OF POLICE OF HARIPURA POLICE STATION.

***4686. Pandit Bhagat Ram Sharma :** Will the Honourable Premier be pleased to state whether it is a fact that on 9th January, 1939, the Sub-Inspector of Police, incharge of Haripura police station, tahsil Dehra, district Kangra, went to village Dhaneta and forced a *Jhewar* boy named Sunke Ram of the said village to work for him without any remuneration ; if so, the action intended to be taken against the said Sub-Inspector of Police ?

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

LOSS OF LIFE AND PROPERTY DURING RIOT AT AMRITSAR.

***4697. Dr. Sant Ram Seth :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that a riot broke out at Amritsar on 2nd March, 1939, during the *Taxia* procession;
- (b) the total number of deaths and the total number of persons injured community-wise during the riot;
- (c) the total number of shops looted and burnt community-wise on this occasion?

The Honourable Major Sir Sikander Hyat-Khan :

¹(a) Yes.

	Hindus.	Muslims.	Sikhs.	Total.
(b) (1) Total number of deaths ..	1	1	..	2
(2) Total number of persons injured ..	25	15	7	47
(c) (1) Total number of shops alleged to be looted.	4	..	..	4
(2) Total number of shops burnt ..	No shop was burnt. Only some leaves of a <i>bahi</i> (ledger) belonging to a shopkeeper of Pashamwala Bazar were burnt.			

PARLIAMENTARY AND PRIVATE PARLIAMENTARY SECRETARIES.

***4712. Subedar Major Raja Farman Ali Khan :** Will the Honourable Premier be pleased to state—

- (a) the total number of Parliamentary and Private Parliamentary Secretaries in the Province and the nature of duties entrusted to them;
- (b) whether any territorial allotment has been made for each secretary to work and, if so, the territories allotted to each such secretary;
- (c) whether there exists any arrangement for the secretaries to submit a weekly or a monthly report about the work done by them in the discharge of their duties; if not, why not, and whether Government now intends to make any arrangement for checking the work done by these secretaries in their official capacity?

The Honourable Major Sir Sikander Hyat-Khan : (a) Eight Parliamentary and eight Parliamentary Private Secretaries. They are required to perform public duties.

(b) and (c). The functions and duties of Parliamentary Secretaries are enumerated in the statement a copy of which is laid on the table. The Parliamentary Secretaries are required to work under the orders of the Honourable Ministers and they submit reports whenever necessary or called upon to do so by the Ministers concerned in the discharge of their duties.

¹This answer was laid on the table.

(Premier)

Parliamentary Secretaries and Parliamentary Private Secretaries.

PARLIAMENTARY SECRETARIES.

As their very name indicates, the duties of these Secretaries lie in the general parliamentary field and their functions are in the main limited to the Assembly. They do not directly concern administration and they are not a part of the normal administrative Secretariat. Bearing this general principle in mind, their main duties will be to keep in close touch with their appropriate Ministers during the Assembly Session. These duties may be divided as follows :—

(1) *Questions in the Assembly.*—The Secretaries must familiarize themselves with questions and answers proposed thereto. They will have copies of these furnished to them by the Administrative Departments concerned. In connection with these questions, the Secretaries will study what possible supplementary questions can be asked and prepare appropriate answers to these supplementary questions. In particular they will see that where certain supplementary questions are asked which might leave an erroneous impression in the House, further supplementary questions in elucidation so as to remove any doubts about the Government's exact position are duly asked. This would mean that the Secretaries are on the alert when supplementary questions are asked.

(2) *Resolutions.*—The Secretaries will be furnished with Memoranda prepared by the Administrative Departments concerned on the subject matter of resolutions and the general position of the Government regarding them. Besides studying these, it will be their duty—

- (i) to call the attention of the Minister to all other relevant matters touching these resolutions ;
- (ii) to prepare an adequate speech to represent, under instructions from the Minister Government's position regarding the resolutions ; and
- (iii) to secure all necessary support in the House for Government.

It follows that the Secretaries will consider all technical and procedural points that may arise in the course of the discussion of any resolution.

(3) *Bills.*—The Secretaries are expected—

- (i) to familiarize themselves with legislative measures brought before the House by Government or private members. In this connection they will study all relevant literature, particularly any Memoranda prepared by the Administrative Departments concerned. They will also study the history of similar legislations if any passed, both in the Punjab and in the Central Legislature as also possibly in other Provincial Legislatures ;
- (ii) to prepare an adequate speech on all questions on the merits and on procedure arising out of the provisions of the legislative measure ; and
- (iii) as in the case of resolutions to secure all necessary support in the House for Government.

(4) An important part of the function of the Secretaries must be to act, wherever possible, as means of communication between the Members of the Assembly and the Ministers. It must be recognized that while the Secretaries will form useful intermediaries, direct access to Ministers by Members wishing to see them is not discouraged in any manner.

(5) Secretaries will deal with such correspondence between the Members of the Legislative Assembly and the Ministers as is entrusted to them, and similarly conduct references with the Administrative Departments at the particular desires of the Ministers.

(6) Under the general direction of the Ministers it will be the duty of the Secretaries to be in close touch with constituencies in their own districts as regards general Government policy. They may be asked to visit other parts of the province for the same purpose.

(7) As closely associated with Ministers and as concerned with particular subjects, the help and advice of the Secretaries will be available at all times to the Ministers for parliamentary and political work.

PARLIAMENTARY PRIVATE SECRETARIES.

The general principle that their functions are exercised in the House and are in the main limited to the parliamentary sphere applies to them as to Parliamentary Secretaries. It is to be further noted that while Parliamentary Secretaries are assigned definite subjects, the Parliamentary Private Secretaries are not so tied down. It is expected that the Parliamentary Private Secretaries will be continuously at the disposal of the Ministers during the session of the Assembly. They are expected so far as possible to interview members of the public and Members of the Legislature on behalf of the Ministers but as in the case of the Parliamentary Secretaries direct access of Members of the Legislature to Ministers is not to be discouraged in any manner.

GRIEVANCES OF SHIA OFFICIALS WITH REGARD TO THEIR PARTICIPATION IN RELIGIOUS FUNCTIONS IN MUHARRAM.

***4713. Shaikh Karamat Ali :** Will the Honourable Premier be pleased to state—

- (a) whether Government is aware that important religious functions in connexion with "Muharram" begin on the morning of 7th and end only on the night of 10th of Muharram ;
- (b) whether it is also a fact that owing to there being only 3 holidays (8th to 10th of Muharram) it is difficult and inconvenient for the Shia officials of Government, who have to go to their home districts to participate in the religious ceremonies on the 7th of Muharram and then to come back to attend to their duties on the 11th Muharram ; if so, what action does Government propose to take in this matter ?

The Honourable Major Sir Sikander Hyat-Khan : It is doubtless true, at any rate so far as some of the towns in the province are concerned, that certain important ceremonies do take place on the 7th day of the month, but it has never been the practice of the Punjab Government to notify more than three holidays in connection with Muharram, and I can hold out no hope of any change in this respect. The number of public holidays is already so large as to be a subject for criticism, and it is not the policy of Government to increase it.

The actual dates for the three holidays are settled each year in consultation with the Anjuman-i-Himayat-i-Islam, Lahore.

SHORT NOTICE QUESTIONS AND ANSWERS.

DAMAGE TO CROPS BY HAILSTORMS.

Sardar Hari Singh : Will the Honourable Minister of Revenue be pleased to state the amount of damage to standing crops, reported from a part of Sheikhpura district by a recent hurricane and hailstorm and the action proposed to be taken by the Government to afford relief to those affected by the calamity ?

The Honourable Dr. Sir Sundar Singh Majithia : The attention of the honourable member is invited to the *Press Communiqué* issued on the 17th March, 1939, and to the reply given to the short notice Assembly question¹ by Dr. Satya Pal regarding damage to crops by recent hailstorm in certain villages of the Sialkot district. Copies of these are placed on the table.

Press Communiqué.

Further reports about damage to crops by hailstorms have been received from several districts of the Punjab since the issue of the last *Communiqué* on the subject on March 4 last.

Another storm attacked Amritsar district on the 28th February, 1939. On this occasion 24 villages were affected in three tahsils Amritsar, Ajnala and Tarn Taran. In three villages of the Ajnala tahsil the damage was considerable, and the worst affected village was in Tarn Taran. In the other villages the damage was not so heavy. A special *girdawari* is being carried out in all these villages, and *taccavi* loans for fodder will be given where required.

(Minister for Revenue)

Gurgaon suffered again from a hailstorm on 22nd February, 1939. In this district in all 92 villages were affected—75 canal irrigated and 17 barani. In 28 canal irrigated villages of Palwal tahsil crops were totally destroyed and the other villages were all partly affected. Fodder *taccavi* is being freely distributed and in Palwal tahsil test works have been opened for the benefit of those whose crop in kharif, 1938, was Re. 0-4-0 or less.

In Lyallpur a hailstorm occurred on the 28th February, 1939. One hundred and thirty-five villages of Lyallpur, Jaranwala and Samundri tahsils were affected while information about Toha Tek Singh tahsil is not yet available. The storm was severe near Samundri, and on the edge of the district, near Sheikhupura where wheat, gram and fodder were totally destroyed. In other villages partial damage was caused. A special *girdawari* is being carried out.

Sheikhupura was visited twice by hailstorms, first on 16th February, 1939, and again on 28th February, 1939. On the first occasion only 7 *chaks* were affected, and the damage was not extensive. On the second occasion the storm was more severe and affected 13 *chaks*. In three there was serious damage. Local inspection is being carried out, and, as elsewhere, remission of land revenue and *abiana* will be given where necessary.

Montgomery also had a hailstorm on the 28th February, 1939, which reached 60 villages. Partial damage up to fifty per cent. of the crops occurred in ten of them and a special *girdawari* is going on.

Multan was attacked by a hailstorm on the 28th February which affected 99 villages in Khanewal tahsil. In ten of these villages crops were totally destroyed, and in 20 villages the damage is estimated at fifty per cent. or more, while in the remaining 69 villages the damage is less than one-fourth. An inspection is being carried out by the local revenue and canal officers. Immediate relief is unnecessary, but the true condition of the crops in many of the *chaks* will not be known for some days.

Reports of hailstorms have also been received from Karnal, Rohtak, Hissar and Sialkot but further details are not yet known.

No. 701.

LAHORE :

Dated the 17th March, 1939.

NUR AHMAD,

Director, Information Bureau, Punjab.

DAMAGE TO CROPS BY HAILSTORMS.

Mahant Girdhari Dass : Will the Honourable Minister of Revenue be pleased to state whether any damage to standing crops has been done by the hailstorm on 28rd March, 1939, in the tahsils of Khanewal and Mailsi in the Multan district and if any damage has been done, the action which Government proposes to take for relieving the distress of the zamindars concerned ?

The Honourable Dr. Sir Sundar Singh Majithia : It is regretted that a hailstorm occurred in the Mailsi, Multan and Khanewal tahsils on the evening of the 28rd March, 1939. Present reports show that there was severe damage in 7 villages in Mailsi tahsil, and that 13 villages were affected in Multan tahsil. Three *chaks* were badly damaged in the Qureshiwala area of Khanewal tahsil and partial damage was caused in 15 others, while in 8 *chaks* the loss was less than 4 annas. Of the total number of *chaks* affected 15 had unfortunately already been damaged by hail on February, the 28th.

2. The Deputy Commissioner visited the worst areas on the 26th and 27th and the local staff immediately started the carrying out of a special *girdawari* for remission of land revenue and *abiana*. *Taccavi* is also being given where required. Details of this relief, which is on the lines adopted in 1987, will only be known when the special *girdawari* is completed.

DAMAGE TO CROPS BY HAILSTORMS.

Sardar Partab Singh : Will the Honourable Minister of Revenue be pleased to state whether Government has received any information with regard to the damage done to standing crops in villages Thatta, Sirhali Kalan, Thatian Mahatan Chaudhri Wala, Bhathal Bhaikhi, Kishan Garh, Yiriahu and Dhotian of police station Sirhali Kalan, district Amritsar, by the recent hailstorm ; if so, the approximate damage done ?

The Honourable Dr. Sir Sundar Singh Majithia : Some damage to crops by recent hailstorms in certain villages of the Amritsar district has been reported.

A thorough inspection of the area damaged is being carried out by the local revenue and canal officers and when the results of the special girdawari are known, it would be possible to determine the approximate damage done.

ADJOURNMENT MOTIONS.

LATHI CHARGE BY POLICE AT BEHRAMPUR.

Mr. Speaker : As to the adjournment motion of Lala Duni Chand, may I know if the Honourable Premier is in possession of official information ?

1 P.M.

Premier : No, Sir. I have got no information either through the press or officially.

Mr. Speaker : For a matter to be definite the following conditions must be satisfied :—

It must not be based on uncorroborated report, and further, official information must be available. (*Campion*, page 133, items (d) and (e)).

As the official information is not available and the question is not based on a corroborated report, I am sorry, I cannot allow the adjournment motion.

Lala Duni Chand : I have got written information in my possession so far as I am concerned. I do not know whether the Government has got that information. I understand the Leader of the House saw you in your room—

Mr. Speaker : He has not seen me.

Lala Duni Chand : I said that the Leader of the Opposition saw you.

Mr. Speaker : I see !

Lala Duni Chand : I propose to read out my adjournment motion and after that I will see what orders you are pleased to pass on it.

Mr. Speaker : All right.

Lala Duni Chand : It is not a small matter. It is a serious matter. My adjournment motion runs as follows :—

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 wanton and unprovoked attack in the form of a lathi charge by the police force assembled at Behrampur, police station Ruper, district Ambala, on the 10th April, 1930, upon a number of men supposed to be Congress workers or Congress sympathisers who were present there in the public meeting to be addressed by the Honourable the Minister for Development with the result that Lala Pran Nath, Pleader, Doctor Krishan, Doctor Babu Ram and several other respectable men received injuries and the hair and beards of some of them were pulled.

(Lala Duni Chand)

I want to point out that if the Government want time—

Mr. Speaker : I hold the motion to be out of order, inasmuch as it is not based on a corroborated report and further, if it is based on a corroborated report, the official report is not available.

Lala Duni Chand : Can I hand it over—

Mr. Speaker : Why?

Lala Duni Chand : I want to submit one thing.

Mr. Speaker : Under which rule can the honourable member make a speech?

Lala Duni Chand : I am entitled to ask for leave under Rule 48 and it is up to me to give you the reasons as to why I ask for leave.

Mr. Speaker : The honourable member can only make a motion without any speech.

Dr. Gopi Chand Bhargava : I want to know whether, after having corroborated it, if my honourable friend gives notice of an adjournment motion on this point, it shall not be disallowed on the ground of urgency?

Mr. Speaker : When that question arises I shall consider it on its merits.

Pandit Shri Ram Sharma (Urdu) : On a point of order. May I ask if it is not necessary that before the final decision is taken the adjournment motion should be read out?

Mr. Speaker : It was read out by Lala Duni Chand.

Pandit Shri Ram Sharma (Urdu) : I ask how was it that I was not allowed even to read out my motion the other day?

Mr. Speaker : Because the honourable member had discussed it with me and I had given him all reasons personally against its admissibility, while Lala Duni Chand had not discussed his motion with me. Consequently I allowed him to ask leave to move his motion.

Lala Duni Chand : On a point of order. While the Assembly is in session, the Honourable Speaker is not merely the custodian of the rights and privileges of the House but he is also the protector of the people of the Punjab. So, it is for the Honourable Speaker to listen to me.

Mr. Speaker : The Hon. Member is requested to resume his seat.

Diwan Chaman Lall : On a point of order. May I make an enquiry from my honourable friend in regard to this matter? This is for the first time since the new Assembly was constituted that this particular point has arisen, that is your ruling regarding lack of information. May I ask my honourable friend as to whether any steps are to be taken by the Government to get the necessary information in order to enable my honourable friend on my right to table his adjournment motion later on, and if so, when and how soon my honourable friend will be in a position to get the necessary information?

Mr. Speaker : A short notice question is one way for collecting information and when under the old rules an adjournment motion could be taken up the next day, I remember several cases in which the Leader of the House was requested by the House to collect information by telephone.

Diwan Chaman Lal : My own experience has been that it takes longer to answer a short notice question than to answer an ordinary question. My submission is as to how soon the Honourable Premier will be in a position to get the information.

Premier : I am afraid I cannot indicate any definite time, but I will try to get the information as quickly as possible. It has to be collected from the local officers.

FAMINE AND DISTRESS IN THANA DEHLON, LUDHIANA DISTRICT.

Sardar Lal Singh (Ludhiana Central, Sikh, Rural) : 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 state of distress and famine prevailing in about fifteen villages of Thana Dehlon, district Ludhiana, due to the total destruction of their standing crops by a hailstorm of an unprecedented intensity on 30th ultimo and due to the failure of the Government to give relief and to respond to the numerous telegrams and representations and the deliberate attempt of the Government to suppress the magnitude of the calamity by not responding even to the short notice questions on the subject.

What I want to bring to your notice is the fact that it is now eleven days that this hailstorm occurred and not only the short notice questions have not been answered, no steps have been taken to do anything else. I hold a bundle of telegrams and registered letters which were put before the Honourable Minister for Revenue and the situation is that those people have not got anything to eat nor have their cattle. Eleven days have elapsed no relief has been given and therefore I beg for leave to make the motion of adjournment.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : As a matter of fact I have not been able to understand the motion. My honourable friend is talking of the state of distress and famine. Famine cannot prevail immediately after hailstorm. It is rather a protracted process of drought and other factors which constitute a famine eventually. It is not possible that famine should prevail immediately after a hailstorm. Then my honourable friend says that he has given notice of a short notice question.

Sardar Lal Singh : My friend Pandit Muni Lal Kalia has given notice of a short notice question and I have given notice of one. Two of us gave notice about nine or ten days ago.

Premier : Was it before or after my honourable colleague the Revenue Minister made a statement with regard to Ludhiana ?

Sardar Lal Singh : The short notice question was tabled before that information.

Premier : The information which was available was communicated to him. The Honourable Revenue Minister, I understand, personally communicated the information to my honourable friend.

Sardar Lal Singh : Am I to understand that there was a statement made on the floor of this House ?

Premier : A general statement was made of the damage done in the province including Ludhiana.

Sardar Lal Singh : The Honourable Premier is absolutely wrong in saying that any statement was made regarding damage done to the crops in Ludhiana, and he is asking whether we gave notice of short notice questions before or after that.

Premier : My friend the Revenue Minister says that he made a general statement including Ludhiana. Any way what is it that is worrying my honourable friend ? I can assure him that where damage has been done, the fullest possible relief will be given.

Sardar Lal Singh : None has been given so far.

Premier : My honourable friend says it has not been given in Ludhiana. It has not been given in Lyallpur either, although there has been damage there.

Diwan Chaman Lal : It appears to be a matter of great public interest. Therefore may I submit that my honourable friend may consider the advisability of the discussion taking place on the adjournment motion ?

Premier : My honourable friend will realise that it is no use wasting the time of the House which is valuable. My honourable friend says that eleven days have elapsed and nothing has happened. He knows perfectly well that it takes time to make *girdawari* to find out the extent of damage and the area in which damage has been done. There has been damage in Lyallpur, also, but my honourable friend knows that *girdawari* has to be completed first. There are standing instructions that if there is a calamity of that kind anywhere, immediate action must be taken by revenue and canal officers to assess the damage done.

Sardar Lal Singh : This is exactly what I wanted to discuss on the floor of this House. Government has information and my Honourable friend the Premier is harping on the word 'famine'. I do not know what he means. There is absolute scarcity. There is no standing crop, there is not the slightest hope of a crop. It is a complete wash-out. There is not a straw left for the cattle, and not a single grain either for the cattle or for man. Now Government says that *girdawari* will take time.

Mr. Speaker : The honourable member must know that an adjournment motion must relate to one matter ; while he wishes to discuss several matters of alleged urgent public importance, namely, the state of distress and famine prevailing in about fifteen villages of thana Dehlon, district Ludhiana ; and the total destruction of their standing crops by a hailstorm of an unprecedented intensity on 30th ultimo. I need not mention other matters. May I ask if any administrative responsibility of Government is involved in these matters ?

An honourable member : Yes.

Mr. Speaker : None, so far as I can see.

The honourable member also says in his motion 'due to the failure of Government to give relief and to respond to the numerous telegrams and representations and the deliberate attempt of the Government to suppress the magnitude of the calamity by not responding even to the short notice questions on the subject.' This also is one of the matters which he wishes to discuss.

Diwan Chaman Lall : I would submit that so far as the matter is concerned, there is only one urgent matter and that is the state of distress and famine that is prevailing. What the honourable member has stated next is the reason how that distress has been caused.

Mr. Speaker : Let him word his motion properly. The motion as worded is clearly out of order.

Premier : May I state that an enquiry into the extent of damage and the area which has been affected is going on. It will serve no useful purpose to discuss the matter now. The information is being collected and a general statement was made by my honourable colleague the Revenue Minister that not only in Ludhiana but everywhere where there has been a calamity of this kind and crops have been damaged, the officers concerned have been instructed to make an immediate enquiry, so that Government can assess the damage. We have not received the result of the enquiry, but when we receive that result and know what damage has been done, fullest possible relief will be given to those who have suffered the damage.

Dr. Gopi Chand Bhargava : I beg to submit that so far as tabling of short notice questions is concerned, the experience of many of us on this side is that we do not get information as to whether our short notice questions are accepted or not for a very long time. The second point I want to bring to your notice is that last time there were several adjournment motions tabled regarding famine conditions prevailing in different parts of the province. I also tabled a short notice question and even wanted time for the discussion of the measures that were adopted by Government to relieve the distress ; but that time was not given to us. Then, I tabled an adjournment motion and it was ruled out of order simply because I used the word 'famine' and that word was taken to be a technical term by the Deputy Speaker who was then in the Chair. Therefore, I submit that if the Honourable Premier says that he has not got sufficient information, let him at least accept a short notice question and give a reply to it. If the reply is satisfactory we will not table an adjournment motion.

Mr. Speaker : The honourable member is welcome to table a short notice question. But in view of the statement made by the Honourable Premier the question of adjournment motion should not be discussed further.

Sayed Amjad Ali Shah : I myself tabled a short notice question about the hailstorm on the 30th March in the adjoining district and I understand that Government is collecting information.

Sardar Lal Singh : I am afraid that proper procedure is not being followed. My motion is being suppressed.

Mr. Speaker : No, the motion is not being suppressed. I think the Honourable Premier has clarified the position by his statement to the

(Mr. Speaker)

effect that he is collecting information and that everything that is humanly possible will be done at the earliest possible opportunity.

Sardar Lal Singh : I am very thankful to the Honourable Premier for his statement, but my motion aims at criticising the conduct of the Government.

Mr. Speaker : The honourable member may give notice of a properly-worded motion.

Sardar Lal Singh : I have already given notice.

Premier : There is one remark which the Honourable Leader of the Opposition has made with regard to which I think I should make a brief statement in this House. That is with regard to the delay in accepting short notice questions. Let me assure him that every possible effort is made to have a reply as quickly as possible, but he will agree with me that it is not possible for the Minister concerned to give a reply off-hand until necessary information is available or until he is satisfied that it will become available in time to answer the short notice question. If the information can be made available quickly so as to serve the purpose for which the question is put, then it is accepted, otherwise not. May I, in this connection, request my honourable friend and the other friends also to try to discriminate between short notice question which is meant to elicit information which is of immediate importance and those which seek to elicit information which is not of immediate importance and not to take shelter behind a short notice question to ask a question which can be put after giving notice in the ordinary course. I have personally noticed several questions which could have been given notice of in the ordinary way because they related to incidents which happened several weeks ago, but apparently because the members overlooked them or did not get an opportunity of putting questions on those incidents in the ordinary way they sent notice of short notice questions on those incidents. In such cases I invariably refuse to accept short notice of the question. It is neither in the interest of the House nor of my honourable friends to try this device to get information. But where matters of immediate public importance are concerned, we make every possible effort to ascertain whether the information is available and if it is available the question is accepted and the information given.

Dr. Gopi Chand Bhargava : My complaint was that we did not get information whether our short notice questions were accepted by the Ministers concerned or not. If the Honourable Premier considers that the question does not relate to a matter of immediate importance he is quite welcome to say so and refuse to accept the question on that ground. But my grievance is that we do not get any information at all as to whether our short notice questions are accepted or not.

Mr. Speaker : I hope the Honourable Ministers will say in future whether they accept the short notice questions or not.

Premier : I may add that even when a question is not legitimately a short notice question we try to accommodate honourable members and ask the heads of departments concerned whether the information is available. Of course this enquiry must take a day or two. We always try to do our best to accommodate honourable members in the matter of short notice questions.

Mr. Speaker : The Assembly will now resume discussion on the Legislative Assembly (Offices) Bill.

Munshi Hari Lal (South Western Towns, General, Urban) : Yesterday while I was in possession of the House I moved the following amendment—

That at the end of clause 3 the following sub-clause be added—

- (2) The Speaker shall have full control over Sergeant-at-Arms and his deputies, and shall have full powers to suspend, reduce and fine any such person for any misconduct, insubordination, indiscipline, breach of duty and for any reasonable cause.

My point is that the Speaker should have full powers to deal with the Sergeant-at-Arms and deal out punishment for his failings. The amendment does not require any further comment than what I have already made.

Mr. Speaker : Question is—

That at the end of clause 3 the following sub-clause be added :—

- (2) The Speaker shall have full control over Sergeant-at-Arms and his deputies, and shall have full powers to suspend, reduce and fine any such person for any misconduct, insubordination, indiscipline, breach of duty and for any reasonable cause.

The Assembly divided : Ayes 42, Noes 72.

AYES.

Ajit Singh, Sardar.
Baldev Singh, Sardar.
Bhagat Ram Choda, Lala.
Bhagat Ram Sharma, Pandit.
Bhim Sen Sachar, Lala.
Chaman Lall, Diwan.
Chanan Singh, Sardar.
Dev Raj Sethi, Mr.
Duni Chand, Lala.
Duni Chand, Mrs.
Faqir Chand, Chaudhri.
Gokul Chand Narang, Dr. Sir.
Gopi Chand Bhargava, Dr.
Hari Lal, Munshi.
Hari Singh, Sardar.
Harjab Singh, Sardar.
Harnam Das, Lala.
Jalal-ud-Din Amber, Chaudhri.
Jugal Kishore, Chaudhri.
Kabul Singh, Master.
Kapoor Singh, Sardar.
Kartar Singh, Chaudhri.

Kartar Singh, Sardar.
Kishan Singh, Sardar.
Krishna Gopal Dutt, Chaudhri.
Lal Singh, Sardar.
Mazhar Ali Azhar, Maulvi.
Muhammad Abdul Rahman Khan, Chaudhri.
Muhammad Hassan, Chaudhri.
Muhammad Iftikhar-ud-Din, Mian.
Mula Singh, Sardar.
Partab Singh, Sardar.
Prem Singh, Mahant.
Ragbir Kaur, Shrimati.
Rur Singh, Sardar.
Sahib Ram, Chaudhri.
Sampuram Singh, Sardar.
Santokh Singh, Sardar Sahib Sardar.
Sant Ram Seth, Dr.
Shri Ram Sharma, Pandit.
Sohan Singh Josh, Sardar.
Sudarshan, Seth.

NOES.

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

Ali Akbar, Chaudhri.
Allah Bakhsh Khan, Khan Bahadur Nawab Malik.
Amjad Ali Shah, Sayed.
Anant Ram, Chaudhri.

Badar Mohy-ud-Din Qadri, Mian.
 Balwant Singh, Sardar.
 Barkat Ali, Malik.
 Bhagwant Singh, Rai.
 Chhotu Ram, The Honourable
 Chaudhri Sir.
 Dasaundha Singh, Sardar.
 Dina Nath, Captain.
 Faiz Muhammad, Shaikh.
 Faqir Hussain Khan, Chaudhri.
 Farman Ali Khan, Subedar-Major
 Raja.
 Fateh Muhammad, Mian.
 Fazl Ali, Khan Bahadur Nawab
 Chaudhri.
 Fazl Din, Khan Sahib Chaudhri.
 Fazal Karim Bakhsh, Mian.
 Ghazanfar Ali Khan, Raja.
 Ghulam Mohy-ud-Din, Khan Baha-
 dur Maulvi.
 Ghulam Qadir Khan, Khan Baha-
 dur.
 Ghulam Samad, Khawaja.
 Gopal Singh (American), Sardar.
 Gurbachan Singh, Sardar Sahib
 Sardar.
 Hans Raj, Bhagat.
 Hari Chand, Rai Sahib Rai.
 Indar Singh, Sardar.
 Jafar Ali Khan, M.
 Jagjit Singh Man, Sardar.
 Karamat Ali, Shaikh.
 Khizar Hayat Khan Tiwana, The
 Honourable Nawabzada Major.
 Kishan Das, Seth.
 Manohar Lal, The Honourable Mr.
 Muhammad Akram Khan, Khan
 Bahadur Raja.
 Muhammad Ashraf, Chaudhri.
 Muhammad Azam Khan, Sardar.
 Muhammad Faiyaz Ali Khan,
 Nawabzada.

Muhammad Hassan Khan Gurchani,
 Khan Bahadur Sardar.
 Muhammad Qasim, Chaudhri.
 Muhammad Saadat Ali Khan, Khan
 Bahadur Khan.
 Muhammad Sadiq, Shaikh.
 Muhammad Yasin Khan, Chaudhri.
 Muhammad Yusuf Khan, Khan.
 Mushtaq Ahmad Gurmani, Khan
 Bahadur Mian.
 Muzaffar Ali Khan Qizilbash,
 Sardar.
 Muzaffar Khan, Khan Bahadur
 Nawab.
 Nasir-ud-Din, Chaudhri.
 Naunihal Singh Mann, Lieutenant
 Sardar.
 Nur Ahmad Khan, Khan Sahib
 Mian.
 Pir Muhammad, Khan Sahib
 Chaudhri.
 Pohop Singh, Rao.
 Prem Singh, Chaudhri.
 Pritam Singh Siddhu, Sardar.
 Ranpat Singh, Chaudhri.
 Riasat Ali, Khan Bahadur Chaudhri.
 Roberts, Sir William.
 Sahib Dad Khan, Khan Sahib
 Chaudhri.
 Shahadat Khan, Khan Sahib Rai.
 Shah Nawaz Khan, Nawab Sir.
 Sikander Hyat-Khan, The Honour-
 able Major Sir.
 Sultan Mahmood Hotiana, Mian.
 Sumer Singh, Chaudhri.
 Sundar Singh Majithia, The Honour-
 able Dr. Sir.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sardar.
 Wali Muhammad Sayyal Hiraj,
 Sardar.

Mr. Speaker : Question is—

That clause 3 as amended stand part of the Bill.

Diwan Chaman Lal (East Punjab, Non-Union, Labour) : Sir, I rise to oppose this clause. Yesterday we dilated at great length on the desirability of leaving the power in the hands of the Speaker in regard to the appointment of the Sergeant-at-Arms and when this matter was raised

on the floor of this House, the Honourable Premier referred in reply to the arguments that had been advanced and as far as I can remember now, there were two arguments that he put forward in justification of the attitude adopted by the Government when they say that they desire that they themselves should have the power of appointing the Sergeant-at-Arms and that the power should not be left in the hands of the Speaker. The first argument advanced was this that if this power of appointment is left in the hands of the Speaker, the Speaker is likely to become involved in political warfare on the floor of the House and that he will become a political plaything, if I remember the expression aright. Now, I submit with great respect to my honourable friend the Premier, who is not here, that he was really talking through his hat when he talked about the Speaker becoming a plaything of politics, because the power is given in the hands of the Speaker of appointing a particular officer who shall have to take orders from the Speaker and not anybody else. On the other hand, may I ask my honourable friend to look back at the history of the appointment of the Speaker? Undoubtedly it is true that the Speaker belongs to a particular party. But after he becomes a Speaker, he ceases to be a member of the party, as you, Mr. Speaker, have ceased to be a member of any party. Politics do not touch you. You are completely outside the purview of politics. Politics are a thing apart as far as your person is concerned.

Mr. Speaker : Party politics.

Diwan Chaman Lal : Party politics. Other politics are your personal concern. They are not the concern of you as a Speaker on the floor of this House. You, as Sir Shahab-ud-Din might be concerned with them, but not as the Honourable Speaker of the House. But may I say that your party at that time to which you belonged, before your appointment, took a keen interest in seeing that you were elected to the chair and because your party sought to do that you were elected to the chair? Does that mean that you, Mr. Speaker, have become a plaything of politics? And taking that very analogy a step further, suppose this appointment has to be made by you, how would you be involved in regard to this particular matter and how would you, as my honourable friend says, be in danger of becoming a plaything of politics? It would not affect you just as your appointment as Speaker would not affect your position *qua* politics, and similarly your making the selection would not affect your position one way or the other. And may I say that you who are the guardian of the interests of the members of this House and of this House as a whole, that you who are not only the guardian of the privileges of this House, not only an impartial Speaker, but a person above all party politics, that if you are that ideal person, how is it that my honourable friend is not prepared to entrust you as an impartial person with the selection of an officer who shall obey your orders at all times on the floor of the House? May I take it that my honourable friend and his Government are a little more impartial than the Speaker, that their impartiality extends to this extent that they are afraid of the partiality of the Speaker in making this appointment and that they are not afraid of any vestige of partiality or suspicion that might attach to their own action? I submit that when the Government makes this appointment the Government makes a partial appointment but when the Speaker makes the

(Diwan Chaman Lall)

appointment, because the Speaker is presumed to be impartial, that appointment must be in the very nature of things strictly an impartial one. Therefore, the appointment made by the Government will not be an appointment which will be satisfactory to every portion, to every side of the House, but an appointment made by the Honourable Speaker, because it is made by the Speaker would carry with it the prestige of impartiality because the Speaker is undoubtedly supposed to be impartial. Another argument was raised that if this appointment is made by the Speaker, the Speaker would be reluctant to take action against this particular individual. A most amazing argument. Either it is admitted that the Speaker is impartial and above all kinds of small-mindedness which might affect the conduct of the business of this House, or it is admitted that the Speaker is not impartial and is small-minded and has taken into consideration other matters besides the very matter in hand, namely the impartial conduct of the business of the House. If it is correct that the Speaker is impartial, then I submit how is it possible for the Premier to consider that in taking whatever action he chooses not only against the honourable members of this House, but even action against his own subordinate officer under his orders, he would be guilty of any act of partiality? I submit that if it is once considered that the Speaker is absolutely impartial, then whatever action he indulges in must necessarily bear the imprint of impartiality and it would be absurd for any man to argue that merely because the Speaker has the power of ordering of this individual or the taking of action against this individual, the Speaker would be so small-minded as to bring into consideration any matter that might be in his mind regarding the fact that he himself has appointed this particular person and, therefore, he would not act impartially and would act partially *qua* this particular individual. I take it that the argument has no substance as far as the question of impartiality of the Speaker is concerned. These were the two arguments advanced by my honourable friend the Premier and I take it that both arguments were advanced by him not because he really believed in these arguments, but because he wanted to raise some sort of argument against this particular matter raised on the floor of the House. Why is it that we are anxious that this appointment should be made by the Speaker and not by the Government? We are anxious because we want the imprint of impartiality to be there in every action to be taken in the matter under the orders of the Speaker by any officer appointed for the purpose.

✓ If those individuals are to be appointed, namely, the Sergeant-at-Arms and the Deputy Sergeant-at-Arms, they should be appointed under the immediate and direct orders of the Speaker who, being an impartial person would, therefore, be in a position to guard the impartiality of action of those particular officers who act under his orders. He will not be in a position to select those particular officers on the ground of their dignity or on the ground of the Speaker being able to effect his orders impartially through those particular instruments that are chosen, unless the Speaker himself chooses those instruments. If the instruments are chosen by my honourable friend the Premier, there is no guarantee that those instruments will act in accordance with the instructions given by the Honourable the Speaker or within the ambit of the instructions given by him. Nor is it dignified

that in this House any officer who is to act under your orders, should not be selected with your consent. It has been sought to make out that an analogy exists regarding the Sergeant-at-Arms in the House of Commons and the proposed appointment on the floor of this House. It is said that since the appointment of the Sergeant-at-Arms in the House of Commons is made by the Crown, therefore the appointment of Sergeant-at-Arms in the Punjab Assembly must be made by the Governor. I submit that there is no analogy at all. When honourable members talk about this analogy they forget history. They should know that the office of the Sergeant-at-Arms is as ancient almost in the history of parliament as the office of the Speaker and that this particular officer, although an officer of the King, and was appointed by the King, was lent to the Speaker originally when the Speaker was first appointed. He became a servant of the Speaker and the analogy cannot exist because that House, unlike this House, had the right to punish the Sergeant-at-Arms and take penal action against him. History records cases in which action was taken. For instance, where the Sergeant-at-Arms disobeyed the mandate of the Speaker and actually released certain prisoners, he was dismissed by means of a petition laid before the Crown. That action cannot be taken here. There is no analogy in regard to the appointment of the Sergeant-at-Arms—a historical personage—and the appointment of a poor military officer or may be a police officer sitting in that chair and who is supposed to possess the dignity and the personality which attaches to the office of the Sergeant-at-Arms in the House of Commons. Let us not play about these analogies. It is true we are a humble House but let us not exalt ourselves to the dignity of the House of Commons in respect of these analogies. There is no historical analogy extant in reference to the appointment of a Sergeant-at-Arms here to-day and the appointment of the Sergeant-at-Arms in the House of Commons. There is no historical analogy whatsoever. There is neither historical analogy nor can there be such because unlike the House of Commons we are not supreme in reference to our own business. The House of Commons is the supreme law-giver of the land. The House of Commons is a court. The House of Commons can punish. The House of Commons can take certain action which we are debarred from taking and we are merely a subordinate wing, if I may use that expression, of that structure which has been erected, of constitutionalism in India. Therefore, the analogy between the House of Commons and us and the analogy between the House of Commons' officers and our officers is inexact and is not to the point either from the historical point of view or from the actual constitutional point of view. Therefore, I submit that it is not correct to say that because in the House of Commons the original appointment is made by the Crown, therefore it should be made here by the Governor. There, as you know, the Sergeant-at-Arms is completely a servant, once appointed, not only of the Speaker but also of the House and he is completely within the jurisdiction of the House and any action that the House chooses to take against him even to the extent of imprisoning him, can be taken. This thin attendance in the House reminds me that originally the Sergeant-at-Arms was utilised for the purpose of rounding up lawyer members who were anxious to attend to their duties in the court of Whitehall rather than to their duties in the House of Commons. There was a time when they were very ambitious and became members

[Diwan Chaman Lal.]

of the House of Commons and at the same time conducted their ordinary business. The duty of the Sergeant-at-Arms was to go round with a bell and round up members. The expression was, "rounding them up and bringing them into the hall in order to attend to the business of the House." This duty, which was attached to the Sergeant-at-Arms, was that of a whip, because in those days the whip's office was not known but to-day we have our own whips and, therefore, it is not necessary to get the Sergeant-at-Arms to round up Malik Barkat Ali when he is attending to a criminal case or addressing the honourable judges of the High Court and compel him to come and sit here and attend to his duties in this House in preference to attending to his duties as a lawyer. Therefore there is no analogy, as I have stated, historically. Take the case of his remuneration. He was given fees out of fines which were inflicted on recalcitrant members. Honourable members who would not attend the House or some members who were rude or guilty of misconduct were fined and a portion of the fines was given to the poor and a portion was given to the Sergeant-at-Arms. Where, I ask, is the analogy between the Sergeant-at-Arms historically speaking and the poor little officer that is going to be appointed whose duties will be to act under the orders of the Speaker? If the Speaker so orders that the member should withdraw and he refuses to withdraw, the duty of the Sergeant-at-Arms shall be to eject the member forcibly from the precincts of the House. In view of these arguments it is necessary that this House should pause before it decides finally to give this power of appointment to the Governor in preference to giving it to the Speaker. The last argument that I wish to advance in this connection is this. You will recall that in the Central Legislature not long ago, in the time of the late Honourable Mr. V. J. Patel, the Government started encroaching upon the authority of the Speaker at that time and made certain appointments of the Watch and Ward whereupon—I am glad my honourable friend the Education Minister remembers the occasion because I think he was a member of the Central Legislature at the time—the late Honourable Mr. V. J. Patel asserted his right to these appointments and to the authority exercised by him over these particular persons, and ordered that the Assembly precincts should be cleared of these individuals and a great tussle went on between the Home Department and the late Honourable Mr. V. J. Patel who was then President of the Central Legislative Assembly. It was he who asserted that he was the custodian of all the rights and privileges of the House and that he was the only authority who could direct as to who shall be the persons who should keep order within the precincts of the House. I submit that we have a precedent in the courageous stand taken by the late Mr. V. J. Patel which stand was finally justified by the Government giving in to the Honourable Mr. V. J. Patel and creating an Assembly Department which was under the President of the Central Legislative Assembly. This Watch and Ward Department was completely under his control. If that could be done in the Central Legislature and this bureaucratic Government of ours could yield to the demand of the late Honourable Mr. V. J. Patel as Speaker in vindication of the rights of the Speaker, I submit that this House, alleged to be a popular House, ought to consider the question of the dignity of the Speaker in a more serious manner than it has been considering so far and I submit.

that this power and this authority of nominating or appointing a Sergeant-at-Arms or any other officer connected with the Sergeant-at-Arms should be entirely vested in the hands of the Speaker because it would not only enhance the dignity of this House but it would also enhance the confidence that the honourable members have in the Speaker whose officers are likely to be utilised for the purpose of taking certain action against honourable members. I submit that in view of this my honourable friends ought to be well advised in yielding to this demand, an insistent demand from this side of the House, that this appointment should be made by the Speaker, and if this demand is not adhered to, I have risen for the purpose of opposing this particular clause because we do not believe that it should be left to the Government of the day—whichever Government be in power—that such an appointment should be made by them.

The appointment should be left entirely to the good sense of the Speaker

2 P.M.

first, as to when it should be made and, secondly, as to what type of person should be appointed for this particular job. The only thing I can think of which weighs with the Government at the present moment is that they want a particular officer of their own choice. If they want a particular officer of their own choice then they are rough-riding over the demand of a very large portion of this House. They are not only rough-riding over the demand of a large portion of the House, but in my opinion they are offering an insult to the Speaker in not leaving this appointment to him. Have they no confidence in the Speaker? Can they not believe that the Speaker is a better judge of the type of person suitable to begin this job? If they have no confidence in the Speaker, I submit they have the power to make this appointment; but they cannot blow hot and cold and say that they have full confidence in the Speaker and yet for the appointment of an officer who shall act under the authority of the Speaker they do not allow the Speaker to make that appointment. I submit that there is a contradiction in the attitude adopted by the Government. The Government are doing this merely as a political stunt not in order to enhance the dignity of the Speaker, or to enable the House to conduct its business in a more orderly manner but merely as a political stunt and they want to utilise this political stunt by appointing a person of their own choice over the head of the Speaker. If, on the other hand, as my honourable friend the Premier said yesterday, the House has settled down and it may not be necessary to make the appointment, then why not say so quite frankly? Is there any doubt at the present moment, I ask, that the House has settled down? The House has shown amply that it has settled down and is prepared at all times to carry out—may be a question of conscience sometimes—the mandate of the Chair. The House felt on a particular occasion that the rights and privileges of the honourable members had been violated and it was then that the House took action. It is up to the Chair always to vindicate its own authority or creating absolutely no suspicion in their minds of partiality. I submit, Mr. Speaker, you are giving that impression to this House and if my honourable friend also agrees that that is the impression, now that the House has settled down, why not say so at this particular moment that there is no need and no necessity for the creation of this particular job? Further, Mr. Speaker, there is this provision that the Governor may authorise and delegate his

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authority to somebody else and the Premier hinted that it may conceivably be the Speaker himself who may be delegated this particular authority. But why leave it vaguely like this? If it is in the mind of the Government to delegate this authority to the Speaker why not admit the fact and say so on the floor of the House? If such provisions are incorporated in this measure it may be possible for the Governor to delegate the authority to the Speaker himself. Then the difference between the two sides narrows down and the matter becomes simple to this extent that the difficulty will be solved, if my honourable friend the Premier would announce that such authority will be delegated to the Honourable the Speaker who shall be the authority appointed under the Act to make the appointment. If that is in their minds why not say so? It is not in their minds and it is because I do not believe that they intend to take this action that I raise my voice of protest. I submit that the dignity of the Chamber, the dignity of every honourable member, the dignity of the Speaker, demands that this appointment should not be made by a partisan Government but that it should be made by the Speaker himself. It is on these grounds that I oppose this particular clause.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : Sir, you will see at page 3 that there was an amendment standing in my name, of course in the nature of opposition to the clause that clause 3 be deleted. I adopt all the reasons that my honourable friend has given. In addition to them I would submit one more and that is indicated in another amendment which I have tabled to clause 4 and which you will find at No. 16 on page 4 of the volume of amendments handed over to us. I shall be anticipating a little and I want to draw your attention to it as it relates to the reasons which I want to add to the reasons given by my honourable friend for opposing this clause. It says—

The Speaker shall have the power to direct any officer of the Assembly or a Police Officer not below the rank of a Sub-Inspector to remove or exclude from the Assembly Chamber any person who deliberately and persistently infringes the rules of procedure of the Assembly or otherwise persistently behaves in a disorderly manner.

You will see that the clause which is now being opposed says—

The Punjab Government shall appoint a Sergeant-at-Arms and may appoint one or more Deputy Sergeants-at-Arms, and may provide for the payment of their emoluments from the revenues of the Punjab.

If this clause is passed it means that unless the Government decide to drop the measure even after it has been passed as I hope that it may be, they will have to appoint a Sergeant-at-Arms. If they drop it there will be no necessity of appointing a Sergeant-at-Arms. If they have not absolutely given up the idea of appointing a Sergeant-at-Arms and if they find it necessary and make up their mind to appoint a person and exercise the authority which is being conferred on them in clause 3, then the Sergeant-at-Arms will have to be appointed. I take it that this Sergeant-at-Arms will be a permanent officer and not a casual officer who will be called in just for the days when the Assembly is sitting. As I hinted on a previous occasion if that is so, it means that just for 70 or 80 days a permanent Sergeant-at-Arms will have to be kept and paid by the Government which means

paid for by the tax-payer of the province. There seems to be absolutely no justification for this that an officer who is not called upon to work for more than 70 or 80 days in a year should be paid for the whole year ; and you will agree that even during those 70 or 80 days he may not be called upon to act even for one day in the manner which is referred to in the following clause, clause 4. It is, therefore, sheer extravagance on the part of the Government to have a Sergeant-at-Arms. If this clause is deleted then clause 4, if suitably amended, would meet the required object. And that object, I think, is adumbrated in amendment No. 20 to which I have just referred. If the object is that unruly members should be turned out if they are recalcitrant and refuse to leave when named by the Speaker, then that object can be served by other means, by much more economical means. Of course, the duties, of attending upon the Speaker or keeping the doors of the Assembly, I take it, are of a minor character and the watch and ward people, whom you have already got under you, are doing these duties in a satisfactory manner and no occasion of a complaint has risen that an intruder has entered a place which he was not allowed to enter, or that you have been left unattended on a particular occasion and thereby suffered in any way. I am sure you can look after yourself without being attended upon. But on the whole you are being duly attended upon. As you will see, the duties of the Sergeant-at-Arms are given in clause 5 and they are to attend on the Speaker, to keep the doors of the Assembly building and to execute the orders given by the Speaker under section 4. Now, as regards attending on the Speaker, as I have pointed out, I think no default has taken place and you have not, I take it, ever suffered for want of proper attendance and you do not stand in need of being attended upon in any particular manner. Whenever you require a Sergeant-at-Arms, the watch and ward people, the chap-rasis and your personal assistant are at your beck and call. Then, as regards keeping the doors of the Assembly, as I have already said, no difficulty has so far arisen. So the only additional duty is that of chucking out unruly members, as provided under clause 4 and for that purpose—and no such contingency may arise—Government want a permanent Sergeant-at-Arms. He may be a retired subedar or a retired inspector of police or some retired risaldar who will be only idling away his time in this chamber and doing absolutely nothing but gaping and gazing at the House while the deliberations in this House are going on. That is sheer waste of public funds. All these duties, as I have said in my amendment, can be performed by one of the officers of the Assembly, who are already in existence, or, if an officer of the Assembly is not considered to be sufficiently strong or sufficiently bold to chuck out a member who may be bigger in proportion (*An honourable member* : Like Mr. Gurmani) like Mr. Gurmani or anybody else—I do not want to refer to any particular individual—then, as I have said, the services of a police officer may be requisitioned. Some gentleman might object to the introduction of a police officer into the Chamber, but I think the Sergeant-at-Arms is not going to be an angel. He is going to be introduced into the House to perform the duties of a police officer or of a jail warder. Any body who is going to be introduced into the House will neither help the members in preparing speeches nor in any other way nor will he be there for exchanging greetings with them. Whenever he steps into the Chamber under clause 4, he will be given the duties of a police officer.

[Dr. Sir Gokul Chand Narang.]

Therefore, why fight shy of and object to a police officer being introduced into the House, if at all. If an occasion arises when a member does not obey the orders of the Speaker, then a police sub-inspector may be called, if an officer of the Assembly is not considered to be sufficiently competent to do this duty and all this trouble would be saved. That is what I wanted to add to what has been so ably said by my honourable friend.

Mr. Speaker : I find that the same arguments are being repeated by every speaker. It is, no doubt, the privilege of members to speak on every clause, but they should not bring in the same arguments again and again.

Malik Barkat Ali (Eastern Towns, Muhammadan, Urban) : Sir clause 3, as I understand it, is the pivotal clause of this Bill. If clause 3 is deleted, nothing remains of this Bill. I take it that when this Bill was referred to the select committee, the House stood committed to the principle of this Bill. What is the principle of this Bill ? The principle of this Bill is to take legal powers or legislative sanction for the appointment of the Sergeant-at-Arms—does not matter if you call him the Sergeant-at-Arms, does not matter if you give him any other name—but the principle of this Bill is to take legislative powers for the appointment of an officer who shall attend on the Speaker, who shall be the house-keeper of the Assembly building and shall execute the orders that the Speaker may give him in regard to the maintenance of order in this Chamber. Therefore, my submission is that all arguments for the deletion of this clause should really not have been addressed at this stage of the discussion, because we stand committed to the principle of this Bill. Many of those arguments that have been put forward have been answered times out of number by the speakers on this side. I do not want to repeat those argument but it is necessary to examine the arguments that have been advanced to-day. What are those arguments ? The argument No. 1 is this that the Bill is an insult to the Speaker and to the House because the appointment of the Sergeant-at-Arms has not been vested in the Speaker. My learned friend knows very well that we are a subordinate law-making body, we are not a supreme or sovereign legislature and we are bound by the constitution which has created us. Attention has been drawn to section 241 (b) of the Government of India Act. Section 241 (b) says that all posts in connection with the affairs of a province shall be filled by the Governor or such person as he may direct. How can we, in this legislative Bill, make a provision to this effect that the Sergeant-at-Arms shall be appointed not by the Governor or such person as he may direct, but by the Honourable Speaker ? We have got to use the language of the legislature. Then my learned friend says, "Very well, even allowing that you have conformed to the requirement of section 241 (b), why not say so in this very Bill that the appointment shall be made by the Governor or the Honourable Speaker ?" The Honourable Premier gave a silencing answer to this argument yesterday. How can we, while framing this Bill, say in advance that the Speaker shall be the person, whom the Governor shall appoint ? It is virtually imposing a legislative restriction on the discretion of the Governor, which discretion under the statute is unfettered. Therefore, my respectful sub-

mission is that no argument has been advanced by my learned friend by way of reply to this contention that the appointment has got to be made by the Governor or such person as he may direct. At the present stage we cannot specify the person whom the Governor may direct. (*An honourable member* : Why not ?) Because the statute is there.

Mr. Speaker : I ruled yesterday that under section 241 of the Government of India Act, as it stands at present, this House has no power to vest the appointment of the Sergeant-at-Arms in the Speaker. It is the Governor alone who can delegate that power to the Speaker if he likes.

Diwan Chaman Lall : Yes, Mr. Speaker, it is only the Governor who can delegate that power to the Speaker but in this particular measure it can be said that the Governor directs so and so, that is, the Speaker. +

Mr. Speaker : How can that be done ?

Diwan Chaman Lall : It can be done in two minutes. If it cannot be done and the legal difficulty is there, then may I ask my honourable friend to give an assurance that the person directed shall be the Speaker ? The matter will be solved in one minute.

Malik Barkat Ali : Therefore I submit that it is most unfair to go on repeating the argument that this Bill is insulting to the Honourable Speaker, that this Bill is insulting to the Honourable House, because it does not give the power of appointment to the Honourable Speaker. It has been stated times out of number that under section 241 (b) this House is absolutely helpless in this matter.

Then it has been said on this side of the House that in the House of Commons the Crown appoints the Sergeant-at-Arms. The answer returned to this is that the Sergeant-at-Arms is a very ancient institution in England and the analogy does not hold good. If the appointment by the Crown is not an insult to the prestige and the dignity of the House of Commons and the Speaker of the House of Commons, why should you go on repeating that in the Punjab so long as this Government is in power this shall be an insult ? It is further forgotten that in the House of Commons, so far as the Sergeant-at-Arms of the House of Commons is concerned, we know that he can be removed on an address presented by the House of Commons. This provision is in accordance with the dignity of the House of Commons because it is a sovereign body, but so far as we are concerned we are not a sovereign body, and when it is the question of removal by the Speaker section 240 lays down that nobody can be dismissed or reduced in rank by any authority subordinate to that by which he was appointed. Therefore if it is a question of the removal of the Sergeant-at-Arms, it is clear that under section 240 (b), this House cannot have the power of removing the Sergeant-at-Arms. In the House of Commons there is the provision that there is to be an address and on the presentation of that address the Crown removes that officer. Therefore when we happen to be governed by the Government of India Act, 1935, I ask my learned friends on this side of the House to tell this House which is that legislative provision under which this can be done.

Mr. Speaker : What can be done ?

Malik Barkat Ali : Under which the Sergeant-at-Arms can be removed by the Honourable the Speaker. I have yet to see the section under which this can be done, unless, of course, later on when the Bill has been passed and has received the assent of the Governor, the Governor considers it necessary to entrust that duty to the Speaker, because it is open to him to say in the circumstances of the case that the Speaker is the best officer to be invested with this power. At this stage when we are legislating the Bill, I submit no question of the introduction of the Honourable Speaker or of any other officer arises.

Then it has been said that the Sergeant-at-Arms is paid by fees. He used to be paid by fees. There is no doubt about it. But my learned friend knows that whether it is payment through fees or whether it is a fixed salary, the fees and the fixed salary both are part of the exchequer and the Sergeant-at-Arms continues to be a paid officer in the House of Commons up till to-day. If it were insulting really to the House of Commons or to the Speaker, surely in 1812 when the question came up before the House of Commons, the House of Commons would have said : we do not want a Sergeant-at-Arms because he will be an insult to the prestige of the House of Commons, because he will be an insult to the Honourable Speaker ; and up to to-day the Sergeant-at-Arms continues to figure as a most dignified officer of the House of Commons.

Diwan Chaman Lall : He is a servant of the House of Commons. Your Sergeant-at-Arms is not a servant of the House.

Malik Barkat Ali : If my learned friend will read clause 5, he will find therein that the duties of the Sergeant-at-Arms are to attend on the Speaker, to keep the doors of the Assembly building and to execute the orders given by the Speaker under section 4, for which purposes he may enlist to his aid such servants of the Crown....

Diwan Chaman Lall : My point is this. The Sergeant-at-Arms in the House of Commons becomes the servant of the House. My honourable friend has been arguing that the appointing authority is the only authority that can remove or dismiss this Sergeant-at-Arms. Therefore, I say, he is not a servant of this House.

Mr. Speaker : There seems to be some misunderstanding on this point. The Sergeant-at-Arms has to attend upon the King himself and when the House of Commons is in session then he has to attend upon the Speaker. When he is attending upon the Speaker, if he is guilty of misconduct, it is the House which can punish him. When he is attending on His Majesty, the House is powerless about him.

Diwan Chaman Lall : My honourable friend is giving a reply to his own argument. Here when the Sergeant-at-Arms is appointed, the appointing authority is the only authority that can dismiss him. He is not, therefore, the servant of the House.

Malik Barkat Ali : There is no magic in the word 'servant' of the House. I read from Hailsham, volume 24, page 233—

The Sergeant-at-Arms is appointed by the Crown 'to attend upon His Majesty's person when there is no Parliament; and, at the time of every Parliament, to attend upon the Speaker of the House of Commons.' He can only be removed from his office by the Crown upon the presentation of an address from the House of Commons for that purpose.

In note (l) it is put down—

In addition to these duties, he is the executive officer who carries out the rules of the House and the orders of the Speaker with regard to the maintenance of order in the House.

Therefore he is the servant of the House in this sense. He is the servant of the House because when the House sits he attends upon the Speaker. He is the servant of the House, while he carries out the orders of the Speaker with regard to the maintenance of order. He is the servant of the House because he is the house-keeper of the Assembly building. Therefore the position of the Sergeant-at-Arms in England is in no way different from the position of the Sergeant-at-Arms as allotted to him here in this Bill, even while taking into account the fact that he is a paid servant of the Crown while the Assembly is sitting and can be dismissed under the provisions of the Government of India Act by the Crown.

I will now take up the argument of my learned friend, Dr. Gokul Chand Narang. He says that the Sergeant-at-Arms shall be a permanent servant. Where is it written, how do you come to the conclusion, that the Sergeant-at-Arms who is contemplated in this Bill will be a permanent official of this House? It will be perfectly open to the Crown or the Governor to requisition the services of a commissioned officer and during the time that this House is sitting to appoint that commissioned officer to perform the duties of the Sergeant. Therefore the argument that under this Bill there is going to be a permanent sergeant who will be engaged for 70 or 80 days in the year and will have nothing to do for the remaining period, has no legs to stand upon.

Mr. Speaker : Do the conditions of service including the removal, dismissal and leave and pension rules apply to him or not?

Malik Barkat Ali : Undoubtedly. I was dealing, Sir, with the argument of my learned friend. I take the analogy of the British sergeant. He attends upon the King, as Mr. Speaker was pleased to say, while the House is not in session. He is only attending upon the Speaker when the House is in session. I, therefore, submit that there is nothing in this Bill to suggest that he shall be a separate independent officer. The Sergeant-at-Arms may be appointed from amongst the commissioned officers of the Crown who are already in service. Therefore there should really be no burden on the tax-payer. What is sought to be done through the machinery of this Bill is to give legislative sanction for the appointment of this officer so that it may not be said later that he is really a stranger to the House.

Dr. Sir Gokul Chand Narang : Who will keep the doors when the House is not sitting?

Malik Barkat Ali : The House will not disappear the moment it ceases to sit. It will remain where it is and somebody will have to look to the doors of this House. Somebody will have to clean the corridors, the gangways, the committee rooms and so on. My honourable friend forgets that even the Speaker is lodged in this very building. Therefore somebody will be required to look after this building even when the House is not sitting.

Dr. Sir Gokul Chand Narang : Will the Speaker continue to be Speaker or not when the House is not sitting, and will he then require some

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body to attend upon him or not ? That officer will be responsible for keeping the doors and preventing intruders from coming into the House even when the Assembly is not sitting.

Malik Barkat Ali : Clause 5 of the Bill defines the duties of the Sergeant-at-Arms and his deputies.

Dr. Sir Gokul Chand Narang : Can there be a deputy when there is no principal ?

Malik Barkat Ali : My honourable friend is free to think in this wise. To my mind the proposition is very simple. We are only giving legislative sanction to the appointment. My friend says that he would be satisfied if you, Mr. Speaker, requisition at any time a police officer or a jail warder.

Mr. Speaker : Cannot the legislature define the conditions of service ?

Dr. Sir Gokul Chand Narang : The clause dealing with the conditions of service has been deleted.

Malik Barkat Ali : I was submitting that my friend said that he would be satisfied if a police officer or a jail warder is requisitioned. I submit that it is not open to you to requisition the services of a police officer or any other officer without legislative sanction, because otherwise he will be a stranger to the House. My friend makes capital of the fact that sub-clause (2) of clause 6 has been deleted. I was not aware of it yesterday. But now that I have come to know of it, I submit that my friend instead of trying to attribute motives should see the reason for the deletion of the sub-clause. The reason is the same as for the substitution of the words 'Governor or such officer as he may direct' in clause 3 for the words 'Punjab Government.' If you turn to section 241 of the Government of India Act you will find in sub-section (2) that—

Except as expressly provided by this Act, the conditions of service of persons serving His Majesty in a civil capacity in India shall, subject to the provisions of this section, be such as may be prescribed—

(b) in the case of persons serving in connection with the affairs of a Province, by rules made by the Governor of the Province or by some person or persons authorised by the Governor to make rules for the purpose.

In view of this section, sub-clause (2) of clause 6 becomes absolutely unnecessary. I do not, therefore, see why the Opposition should harp on the deletion of this sub-clause and draw all kinds of inferences for which there is absolutely no justification whatever.

Mr. Speaker : Cannot this House lay down the conditions of service ?

Malik Barkat Ali : This House can lay down the conditions of service only when it is asked by the Governor to make rules for the purpose.

Mr. Speaker : Will the honourable member please read sub-section (4) of section 241 of the Government of India Act ?

Malik Barkat Ali : Very well. It reads as follows—

Notwithstanding anything in this section, but subject to any other provisions of this Act, Acts of the appropriate Legislature in India may regulate the conditions of service of persons serving His Majesty in a civil capacity in India, and any rules made under this section shall have effect subject to the provisions of any such Act :

Provided that nothing in any such Act shall have effect so as to deprive any person of any rights required to be given to him by the provisions of the last preceding sub-section.

You will be pleased to admit that the legislature will not have the right to dismiss that person, because the statute says that a person can only be dismissed by the authority which appoints him and not by any authority subordinate to that authority which appoints him. I may also draw your attention to sub-section (5) of section 241. It says—

No rules made under this section and no Act of any Legislature in India shall be construed to limit or abridge the power of the Governor-General or a Governor to deal with the case of any person serving His Majesty in a civil capacity in India in such manner as may appear to him to be just and equitable.

Thus it will be seen that it leaves the power of the Governor untouched.

Mr. Speaker : That is only with regard to cases relating to individuals.

Malik Barkat Ali : My submission is that the stage for laying down the conditions of service has not arisen. It is only when the appointment has been provided for and the Bill has been passed that it will be for the Governor or any authority to whom the Governor may delegate his functions to consider the conditions of service. It is not for this House to lay down the conditions of service of the Sergeant-at-Arms or any of his deputies.

An attack has been levelled at the principle of the Bill. I respectfully submit that the principle is perfectly sound. It is not open to the objections which have been so lightly levelled against it. I was dealing with the argument of my friend, Dr. Sir Gokul Chand Narang, who said that he would be content with a police officer or a jail warder. I have already pointed out that without this legislation nothing of the kind can be done. Therefore when all is said and done, where is the occasion for all this battery of attacks on a perfectly innocuous and necessary Bill the like of which exists in the House of Commons?

Coming to the analogy of the Government of India, my learned friend referred to the watch and ward officers there, being appointed by the Governor-General in consultation with the Speaker. My learned friend forgets that at the time when this dispute arose and the powers were given to the Honourable Speaker of the Central Assembly the Government of India Act did not exist. If this Act had existed at that time, then the foundation for the claim of the late Mr. Patel would not have existed. In the absence of this Act you may do what you like and, therefore, the analogy of the President of the Central Assembly having the power of being consulted by the Governor-General prior to the appointment of the Watch and Ward Officers does not hold good, and there is no answer to the argument that has been repeatedly advanced from this side that we are simply

[Malik Barkat Ali.]

following the provisions of the Government of India Act. So far as the principle of the appointment of Sergeant-at-Arms is concerned, it is certainly more conducive to, it is certainly more in consonance with, the dignity of the chair, and the dignity of this House than the appointment of a chaprasi or a police sub-inspector or a jail warder.

Munshi Hari Lal (South Western Towns, General, Urban): Sir, my honourable friend who has just spoken is somewhat apologetic to-day. He says that the Bill has been brought in consonance with the Government of India Act. He owns that the Government of India Act creates certain restrictions. But he says that the Sergeant-at-Arms that this Bill creates is very similar to the Sergeant-at-Arms that is attached to the House of Commons. I differ with him. The points of difference are as clear as they can possibly be. Just compare the Sergeant-at-Arms in the House of Commons with the similar officer who is going to be created under this Bill. The Sergeant-at-Arms in the House of Commons is not the creation of any statute. The history that I have studied says that in the middle ages when the King used to preside over his Council there was some authority who subsequently came to be called Sergeant-at-Arms attending upon him. That Council subsequently developed into a Parliament and the Parliament was divided into two Houses, the House of Commons and the House of Lords. The officer who was attending on the Crown, was lent by the Crown to the House of Commons and to the House of Lords. Subsequently two officers were appointed, one for the House of Lords under a different name and the other for the House of Commons. There is absolutely no Act by which this post was created. My honourable friend, Malik Barkat Ali, was quoting the other day 52 George III. That has absolutely nothing to do with the appointment of the Sergeant-at-Arms or with the creation of the office. He has been quoting it as his Bible in order to silence us. I have gone through that Act many times and thinking that I might have been misreading it I have carefully read it again now. What does that Act say? It does not create the post of Sergeant-at-Arms. It only deals with the appointment of Commissioners to collect fees, &c., for the emoluments of the Sergeant-at-Arms and his deputies. The Sergeant-at-Arms post came into existence by simple convention. The Crown appointed him in the middle ages. The appointment was a personal matter. He appointed him by virtue of his prerogative, not under the powers derived from any legislature. The services of that officer were subsequently transferred to the House of Commons during the time when the House of Commons was in session, and he had to attend on the Speaker. Now, how is that appointment made? It is true that the Crown had and has in theory the absolute power to appoint anybody as a Sergeant-at-Arms. The Crown used to appoint the Sergeant-at-Arms. It was his sweet will in the middle ages, and in the ages when the constitution of England had not yet fully developed, when the House of Commons had not attained the stature 'of venerable oak' of English liberty, and when the House of Commons was in its infancy or in its youth. At that time it was the Crown who was appointing the Sergeant-at-Arms. I shall quote one instance to show that in the appointment of the Sergeant-at-Arms it is now the House of Commons that has a dominant voice. A convention has grown up by which the Crown has parted with its prerogative. The Crown.

is now bound to look to the wishes of the House of Commons. I quote an instance. I refer to the speech of Mr. Disraeli in 1875, reported on page 998 of the Hansard Debates, 3rd series, volume 222 and made in answering a certain question that was raised in the House of Commons when one Sergeant-at-Arms was removed and the House of Commons had recommended another in his place and the Crown—to put it in legal phraseology—had acceded to the wishes of the House of Commons. You will find that wherever the Crown is referred to it is referred to in a very respectful language. The answer has got two parts. One deals with the theoretical aspect of the point in question and the other with the practical aspect. The theoretical side is the one about which my honourable friends on the other side have been so eloquent, i.e., it is the Crown that appoints the Sergeant-at-Arms. But when we come to the practical side, it is clear that the House of Commons virtually appoints the Sergeant-at-Arms. Mr. Disraeli says : (*An honourable member* : In what year ?) In 1875. It would not be a matter of controversy to say that the liberties of the British nation have widened since 1875. The Crown is surrounded by more constitutionalism than it was in 1875. There has been a surrender—with all respect for the Crown—by the Crown to the Commons. Now the Commons, i.e., the people, have got greater control over the appointment of incumbents to these offices than they had in the year 1875. Mr. Disraeli says—

The appointment of Sergeant-at-Arms is in the gift, and entirely in the gift, of Her Majesty the Queen. There is no person, whatever his position, in this House who has any influence whatever in that appointment; but I have been commanded by the Queen to state—

Here comes the practical side—

That, being aware of the strong, not to say the unanimous, feeling of the House of Commons on the subject, Her Majesty, as a gracious favour to Her faithful Commons, has been pleased to appoint to the office the gentleman who is at present Assistant Sergeant-at-Arms.

The Commons wished to have somebody and the Queen acceded to that wish. So far as the terms of the language are concerned, it is just like when the Deputy Commissioner writes to me saying 'I have the honour to be, Sir, Your most obedient servant'. You know how much he is my obedient servant (*laughter*). This is the official language, the ceremonial language, the courteous language used by Mr. Disraeli when he says that in view of strong, but not the unanimous feelings of the House of Commons, the Queen appointed so and so as the Sergeant-at-Arms. I ask, can this House appoint? Is this House empowered to appoint? Has this House got any hand whatsoever in the appointment of the Sergeant-at-Arms under the Bill which is now on the anvil and about which so much defence is being put up and about which so much is being said? In the matter of appointment, conditions here differ fundamentally from the convention which prevails in England. My honourable friend says that we are fettered by the Government of India Act. We cannot proceed further, we cannot go to much length. If we are so hedged in, why introduce a measure which concerns the dignity of this House and which curtails the liberties of the members of this House? Why not drop it for ever and wait for a better Government of India Act which gives you, Mr. Speaker, the power and gives the House power to appoint its own officer who is to attend upon the Speaker? So much with regard

[Munshi Hari Lal.]

to the appointment. My second point is with regard to the removal. This Bill does not give any power to the House, while in the House of Commons, the power to remove is actually with the Commons though it is exercised by presentation of an address to the Crown. This means by an expression of opinion of the House of Commons and by conveying that opinion to the Crown. When I look at the provisions of the Bill, I see that this is missing in it. Commonsense demands it. The Honourable Premier has enough of commonsense in him, but when he approached the members of this House for the Bill, he should have twice considered over this matter. With regard to the removal of the Sergeant-at-Arms, this Bill does not give us any powers. The defence put forward by the sponsors and supporters of this Bill is that the Government of India Act stands in their way and they cannot provide it. They have absolutely no power to remove such a man. They are thus creating a monster. Those who have read Mrs. Shelley's Frankenstein Monster must be knowing how that monster was created and how afterwards the monster grew so troublesome to the very creator. The Government of India Act is being set up as an apology and it is being said that it is an obstacle in our way. The Government of India Act no doubt stands in the way of the dismissal of the Sergeant-at-Arms; but what about his punishment? If the Sergeant-at-Arms is guilty of any insubordination or any indiscipline or misconduct, who is to deal with him? Not the House. Nor the Speaker. These powers should rest with the House so that the Sergeant-at-Arms may not grow headstrong and autocratic. The minority may not be subjected to the tyrannical will of the majority. Supposing I am insulted by the Sergeant-at-Arms, where am I to go? Where am I to seek protection? When the Speaker is the protector of the dignity of this House, and when the Speaker is the protector of the person of the members of the House, he should have some power to deal with the officer's insubordination or any other act which amounts to indiscipline or insult to any member. There should be some forum, some court before which I can go. Should I go to the ordinary courts? Is this what the Ministry wants? Do the Treasury benches want that when the Sergeant-at-Arms is rude to a member or insults any member of this House, he should seek remedy in the ordinary courts of law and not in the House itself? I do not want to say anything about the courts of law, but there it would be as difficult to get a redress as it is for me to have under the present Bill in this House. Even where the Government of India Act gives us the power to legislate in the direction of dealing with the Sergeant-at-Arms, there even the Treasury benches oppose us. The Government of India Act does not give us the power to legislate about the conditions of service,—*vide* section 241. The only embargo placed upon us is that we cannot make rules about conditions of service.

Mr. Speaker : The honourable member has been supporting an amendment which has been rejected by the House. I cannot allow repetition of arguments which were advanced in support of various amendments moved by several honourable members.

Munshi Hari Lal : We are referred to the parallel and the precedent of the House of Commons and I want to submit—

Mr. Speaker : Just now the whole Bill is not under discussion.

Munshi Hari Lal : I am opposing the whole clause. I want that the Governor should not have the power of appointing the Sergeant-at-Arms. This is what I am speaking to. The practice of the House of Commons was quoted and I am showing that it fundamentally differs.

Mr. Speaker : That is repetition.

Munshi Hari Lal : I am not repeating. I am pointing out the difference which is there and I am trying to point out that when an appeal is made to the Government of India Act and when it is stated that the Government of India Act stands in the way of appointment and removal of the Sergeant-at-Arms by the Speaker, I submit that when other powers can be given to the House under that Act, why should not this House have the powers in conformity with the Government of India Act ?

I shall submit a few words more and finish. I am opposing this clause.
 3 P.M. Though I am quite new and young, having only one year's experience in this House—.

Dr. Sir Gokul Chand Narang : Two years.

Munshi Hari Lal : I entered this House in 1938. Before my election to this House, I never attended any Council, not even as a visitor, though I have been watching the proceedings through the press. May I ask whether during the last eighteen years, any Speaker ever made a requisition for an attendant ?

Mr. Speaker : That question has already been argued.

Munshi Hari Lal : Very well. When there has been no requisition by the Speaker, who has been keeping the doors of this Assembly ? No body can trespass upon the lawns, much less enter this Chamber or the Assembly building. I see policemen and officers of the Watch and Ward Department going to and fro in the corridors and in other parts of the Assembly building. How can a man venture to enter the building ? You must remember what Bentham, the famous jurist of the eighteenth century, says: "Unnecessary legislation always suggests sinister motive and suspicion." If the Speaker was being attended upon before and if the doors of the Assembly were being locked before, where is the necessity of introducing this Bill and asking the House to enact it into a law ? All that is stated is that they want to have a legislative sanction. Legislative sanction for what ? Say plainly, for dealing with the honourable members of the House when they grow rowdy. May's Parliamentary Practice says that the House of Commons often grows rowdy and noisy. If the object is to deal with the members, can you escape the charge that the origin of the Bill is sinister and that the Bill itself is vindictive ? It has got a background of suspicion, mistrust and a sinister motive behind. I, therefore, oppose clause 3 and ask for its deletion, and finish with the saying—

نہ رے داس نہ بیجے بالدری

(Honourable members from Treasury benches : Question be now put.)

Dr. Gopi Chand Bhargava : I rise to a point of order. You were pleased to say that the House has got no right to pass any legislation for the dismissal of a servant appointed by the Governor. Section 240 (2) was quoted in its support. I beg to submit that section 240 (2) deals with the dismissal of those persons who were in civil service or who held a post at that time and section 241 (4), as has been pointed out by you, gives the Legislature a right to put any conditions they like and, therefore, if the House were to say that such and such a person could be dismissed by the Speaker, we would be within our rights.

Mr. Speaker : The honourable member may read section 240, sub-clause (2).

Dr. Gopi Chand Bhargava : That is what I have referred to. It says—

- (2) No such person as aforesaid shall be dismissed from the service of His Majesty by any authority subordinate to that by which he was appointed.

And section 240 (1) is as follows :—

240. (1) Except as expressly provided by this Act ; every person who is a member of a civil service of the Crown in India, or holds any civil post under the Crown in India, holds office during His Majesty's pleasure.

You will find that the heading in the margin is “ Tenure of office of persons employed in civil capacities in India.” Therefore, my submission is that this sub-section refers to those people who were in service when the Government of India Act was passed.

Mr. Speaker : I do not think so.

Dr. Gopi Chand Bhargava : The next section deals with recruitment and conditions of service. If the House is authorised to say that such and such a person is hereby authorised by this Legislature to dismiss a man, how can this section stand in the way ?

Mr. Speaker : That is a very important point but it does not arise. The question is—

That the question be now put.

The motion was carried.

Mr. Speaker : The question is—

That clause 3 as amended stand part of the Bill.

The Assembly divided : Ayes 91 ; Noes 86.

AYES.

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Abdul Rahim, Chaudhri (Gurdaspur).
Abdul Rahim, Chaudhri (Gurgaon).
Ahmad Yar Khan, Chaudhri.
Akbar Ali, Pir.
Ali Akbar, Chaudhri.
Allah Bakhsh Khan, Khan Bahadur Nawab Malik.

Amjad Ali Shah, Sayed.
Anant Ram, Chaudhri.
Badar Mohy-ud-Din Qadri, Mian.
Balwant Singh, Sardar
Barkat Ali, Malik.
Bhagwant Singh, Rai.
Chhotu Ram, The Honourable Chaudhri Sir.
Dasaundha Singh, Sardar.
Dina Nath, Captain.

- Faiz Muhammad Khan, Rai.
 Faiz Muhammad, Shaikh.
 Faqir Chand, Chaudhri.
 Faqir Hussain Khan, Chaudhri.
 Farman Ali Khan, Subedar-Major Raja.
 Fateh Jang Singh, 2nd-Lieut. Bhai.
 Fateh Khan, Khan Sahib Raja.
 Fateh Muhammad, Mian.
 Fateh Sher Khan, Malik.
 Fazal 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, Khan Bahadur Maulvi.
 Ghulam Qadir Khan, Khan Bahadur.
 Ghulam Samad, Khawaja.
 Gopal Singh (American), Sardar.
 Gurbachan Singh, Sardar Sahib Sardar.
 Haibat Khan Daha, Khan.
 Hans Raj, Bhagat.
 Hari Chand, Rai Sahib Rai.
 Het Ram, Rai Sahib Chaudhri.
 Indar Singh, Sardar.
 Jafar Ali Khan, M.
 Jagjit Singh Man, Sardar.
 Jogindar Singh Man, Sardar.
 Khizar Hayat Khan Tiwana, The Honourable Nawabzada-Major.
 Kishan Das, Seth.
 Manohar Lal, The Honourable Mr.
 Muhammad Akram Khan, Khan Bahadur Raja.
 Muhammad Amin, Khan Sahib Shaikh.
 Muhammad Azam Khan, Sardar.
 Muhammad Faiyaz Ali Khan, Nawabzada.
 Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar.
 Muhammad Hayat Khan Noon, Nawab Malik Sir.
 Muhammad Jamal Khan Leghari, Nawab Sir.
 Muhammad Nawaz Khan, Major Sardar.
 Muhammad Raza Shah Jeelani, Makhdumzada Haji Sayed.
 Muhammad Saadat Ali Khan, Khan Bahadur Khan.
 Muhammad Sadiq, Shaikh.
 Muhammad Sarfraz Khan, Chaudhri.
 Muhammad Sarfraz Khan, Raja.
 Muhammad Wilayat Hussain Jeelani, Makhdumzada Haji Sayed.
 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.
 Nasir-ud-Din Shah, Pir.
 Nasrullah Khan, Rana.
 Naunihal Singh Mann, Lieutenant Sardar.
 Nawazish Ali Shah, Sayed.
 Pir Muhammad, Khan Sahib Chaudhri.
 Pohop Singh, Rao.
 Pritam Singh Siddhu, Sardar.
 Ranpat Singh, Chaudhri.
 Riasat Ali, Khan Bahadur Chaudhri.
 Ripudaman Singh, Tahakur.
 Roberts, Sir William.
 Sahib Dad Khan, Khan Sahib Chaudhri.
 Shahadat Khan, Khan Sahib Rai.
 Sham Lal, Rai Bahadur Chaudhri.
 Sikander Hyat-Khan, The Honourable Major Sir.
 Singha, Diwan Bahadur S. P.
 Sohan Lal, Rai Sahib Lala.
 Sultan Mahmood Hotiana, Mian.
 Sumer Singh, Chaudhri.
 Sundar Singh Majithia, The Honourable Dr. Sir.
 Suraj Mal, Chaudhri.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sardar.
 Wali Muhammad Sayyal Hiraj, Sardar.

NOES.

Abdul Rab, Mian.
 Ajit Singh, Sardar.
 Baldev Singh, Sardar.
 Bhagat Ram Choda, Lala.
 Bhagat Ram Sharma, Pandit.
 Chaman Lall, Diwan.
 Chanan Singh, Sardar.
 Duni Chand, Lala.
 Gokul Chand Narang, Dr. Sir.
 Gopi Chand Bhargava, Dr.
 Hari Lal, Munshi.
 Hari Singh, Sardar.
 Harjab Singh, Sardar.
 Jalal-ud-Din Amber, Chaudhri.
 Kabul Singh, Master.
 Kapoor Singh, Sardar.
 Kartar Singh, Chaudhri.
 Kartar Singh, Sardar.

Kishan Singh, Sardar.
 Krishna Gopal Dutt, Chaudhri.
 Lal Singh, Sardar.
 Mazhar Ali Azhar, Maulvi.
 Muhammad Alam, Dr. Shaikh.
 Muhammad Hassan, Chaudhri.
 Muhammad Ittikhar-ud-Din, Mian..
 Muhammad Nurullah, Mian.
 Muni Lal Kalia, Pandit.
 Partab Singh, Sardar.
 Rur Singh, Sardar.
 Sahib Ram, Chaudhri.
 Sampuran Singh, Sardar.
 Santokh Singh, Sardar Sahib Sardar..
 Sant Ram Seth, Dr.
 Shri Ram Sharma, Pandit.
 Sohan Singh Josh, Sardar.
 Sudarshan, Seth.

Clause 4.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural): Sir, I beg to move—

That in line 6, the words "or any part thereof" be deleted.

My simple reason for moving this amendment is that if an extreme case arises and the services of the Sergeant-at-Arms are requisitioned and he is asked to show the way to an honourable member who has incurred the displeasure of the Chair, that honourable member may be shown the way out from this Chamber, but he should not be pushed out from the lobbies or even from the vestibule as a vindictive Sergeant-at-Arms or someone else acting on his behalf may do. The object really is to restore order in the House and not to heap insults on the members of this House. That object would be served even if these words are deleted. If an honourable member, who is persistently and deliberately of disorderly conduct and does not allow the proceedings to go on calmly and peacefully and thereby makes himself liable to ejection, he may be turned out of this Chamber. The object will be served. It would not be necessary, as I have said, to turn him out of every part of the building. He may say, 'All right, I go out of the Chamber; let me sit in the lobby'. Or he may say, 'I want to take my tea in the tea room; I am after all a member of this House and want to smoke or carry on conversation with some other members who may be sitting in the tea room, or let me go to the library to study some point. Why should I be liable under the law to be ejected from any part of the building?' I need not elaborate this very simple amendment and I think that the elimination of these words would not have any undesirable effect on the Bill at all and would save the members from unnecessary insults and unnecessary humiliation.

Mr. Speaker : Clause under consideration, amendment moved is—

That in line 8, the words 'or any part thereof' be deleted.

Premier (The Honourable Major Sir Sikander Hyat-Khan): Sir, my honourable friends, when they were discussing the last clause, were thrusting upon us the necessity of giving powers to the Speaker and they were talking of the dignity of the Chair. Now, here we have given the discretion entirely to the Speaker so that according to the merits of each case and in the circumstances of each case he may be able to decide whether that particular member should be asked to withdraw from the Chamber and the lobbies alone or from the building as such or from the tea room also, as my honourable friend pointed out. They ought to have confidence in the Chair that the Chair will not pass any order without consideration. The Chair will take all the circumstances into consideration before passing an order against a member to withdraw from the Chamber or from the building or from its precincts, if necessary. It is entirely within the discretion of the Speaker and, I think, it will be very unfair to take away that discretion from the Speaker. Moreover, it has been urged that if a member persistently and deliberately makes a row in the House and behaves in a disorderly manner, then, of course, the Speaker should be allowed to take severe action against him. I may say, that several amendments have been tabled on that point which will come later. May I point out to my honourable friend that there is one difficulty with regard to those amendments? Who is going to decide—

Dr. Sir Gokul Chand Narang : We come to this later.

Premier : I think it would save the time of the House.

Dr. Sir Gokul Chand Narang : No action should be taken unless there is disorderly conduct. I referred to it incidentally.

Premier : It will save the time of the House. Since you have incidentally referred to it, may I also incidentally mention this fact? I may point out to my honourable friend that the difficulty which will arise is this. Who is going to decide.....

Dr. Sir Gokul Chand Narang : Why anticipate?

Premier : But you mentioned it and I am answering that argument.

Dr. Sir Gokul Chand Narang : You have not followed me.

Premier : I can never follow my honourable friend and that is my misfortune, because he says something and means quite a different thing. I was submitting that there is this difficulty and we must keep this difficulty in view in deciding this particular amendment. It would be very wrong on the part of the House to take away that discretion from the Speaker.

Mr. Speaker : I have one doubt in my mind about the deletion of the words, 'or any part thereof.' The clause is—

.....to remove or exclude from the Assembly building.....'

The 'Assembly building' as defined in clause 2 (2), means the Assembly Chamber, the lobbies and all other portions of the Assembly building and includes its precincts. Consequently, exclusion from the

[Mr. Speaker.]

'Assembly building' means exclusion from any part of the building. So the words 'any part thereof' appear to be redundant.

Dr. Sir Gokul Chand Narang : These words are not necessary.

Mr. Speaker : So, these words should go, as the 'Assembly building' includes all parts of the Assembly building.

Premier : As a matter of fact, the real difficulty which arises and the reason why we put these words is this. If you take away these words, then it may be construed that you have no discretion and the person will be turned out from the whole building including its precincts, because the Assembly building is defined as meaning the Chamber, the lobbies and other portions and includes its precincts. That is why we left the discretion to you so that in case you want a member to withdraw from the whole building, as defined, you can do so or you can turn him out from any part thereof.

Dr. Sir Gokul Chand Narang : I shall explain when my turn comes.

Pandit Bhagat Ram Sharma (Kangra West, General, Rural) (Urdu) : The object underlying this clause is to enable the Honourable Speaker to turn out a member of this House from this Chamber if he is guilty of grossly disorderly conduct or otherwise seriously hampers the conduct of the business of the House. But the clause as it stands is very wide in its scope and suffers a member to be turned out not only from the Chamber but also from the whole building including lobbies and lawns. I must say that the members of this House are not riff-raffs but are responsible representatives of the people. Their privileges should not be violated so ruthlessly. It appears to me that the framers of this Bill while making this provision were guided by a spirit of vindictiveness. Otherwise there is absolutely no reason for them to insist upon the inclusion of the words 'lobbies and lawns.' Besides, these words are redundant and as such should be deleted.

Dr. Sir Gokul Chand Narang : Let me first explain the genesis of this amendment. The amendment was sent at the time when the select committee had not changed the word "Chamber" into "building." But let that go. That may be a slight oversight that necessary change was not made after the alteration was made in the select committee. But that is neither here nor there. From your own interpretation it is clear that "building" is a general and comprehensive word. If it had been left only to the dictionary sense, it might have been open to the Honourable Premier to argue that he wanted to make it clear because the word "building" has not been defined anywhere. You will see that in sub-clause (ii) of clause 2, the words "Assembly building" have been defined and they mean the Assembly Chamber, the lobbies and all other portions of the Assembly building, and include its precincts. I do not know how the word "precincts" would be interpreted, but it might be interpreted to include even the open space in front of the Assembly Chamber, or a notification might be issued that the park in front of the Assembly Chamber is also a part of the precincts of the Assembly or that the lawns on the three sides of the Assembly building are also its precincts, so that in

these words "Assembly building" every bit that could possibly be included in the definition of the Assembly building would be included. Therefore these words "or any part thereof" are absolutely redundant, and they must be struck out. The question was raised by the Premier who said that these words had been put in in order to make the position clear. He should know that one of the elementary principles of law making is not to use any redundant words because it is understood that people who have made the law have deliberately used a word which means neither more nor less than that word should mean, and those who have to interpret that law have to interpret it in the sense which that word can bear, neither more nor less. I shall give an illustration. Supposing in a statute there is a provision: No "person" shall be allowed to do this or to do that. An honourable gentleman like the Premier says, let us make the position more clear, and say: No person, whether man, woman or child shall be allowed to do this or to do that. No doubt it makes the position clear, but that is not law making. That is simply wasting the words which is against the elementary principles of drafting statutes and when a clause or a section has to be embodied into law, not a single redundant word is to be used as it would be very slovenly and bad drafting to put in words by way of commentary on the section itself. So that, from every point of view these words are redundant and they ought to be taken out. If he thinks, however, that even redundancy is necessary, I cannot fight with him and he can please himself by keeping these words in the clause, though certainly they have no place for themselves. He need not fear that by the elimination of these words the powers of the Speaker will in any way be curtailed because they extend over the whole building. The actual words are—

The Speaker shall have the power to direct the Sergeant-at-Arms or any of his deputies to remove or exclude from the Assembly building any person who in the opinion of the Speaker infringes the rules of procedure of the Assembly or otherwise behaves in a disorderly manner.

There can be no such fear. Then it might be argued that the Speaker might not like to exclude a member from the entire building of the Assembly and therefore he should be given the power of passing a restricted order. My submission is that even that is redundant, because if you have been given a power to exclude a person from the whole building, you have the power to exclude him from a part of it. The whole is greater than the part. If your power extends over the whole, you can say, as this honourable member has not properly behaved himself I call upon the sergeant to remove him from this part of the building, so that it will be open to him to sit in the lobbies. Similarly you can remove him from the lobbies, so that he may go and sit in the Visitors' Room, or in the Library or in the Tea Room. You have the power to exclude him from one part or the other. I think the Honourable Premier would understand whether it is necessary to keep these words or the section would be improved by the elimination of these words. It is my fault as the Premier has said more than once that I cannot make myself understood by him, but this time I hope I have succeeded in making him understand at least what I mean.

Mr. Speaker: The honourable member wants the clause to read:—

The Speaker shall have the power to direct the Sergeant-at-Arms or any of his deputies to remove or exclude from the Assembly building any person who in the opinion of the Speaker infringes the rules of procedure of the Assembly or otherwise behaves in a disorderly manner.

[Dr. Sir Gokul Chand Narang.]

The Speaker has been given the power of excluding a person from the "Assembly building," which expression includes the whole building and its precincts. It may be interpreted that when he has the power to exclude a person from the whole building, he has also the power to exclude him from any part thereof. That is a question of interpretation. On the other hand, if these words remain, he may, in the exercise of his discretion, decide not to remove a person from precincts ; , but may exclude him only from any part of the Assembly building.

Dr. Sir Gokul Chand Narang : It is not necessary to say : Governor of the Punjab and every part of it. He exercises his power throughout the Punjab and every part of it. It is not a matter which should be over-emphasized.

Premier : That was precisely the reason why we put in these words. My honourable friend now says that these words are redundant. I dare say they are, and according to law of interpretation the whole includes the part also. Perfectly true, but when necessity for this Bill arose my honourable friend will remember that he was one of those who argued that rule 77 does not cover the power to remove a member. It merely gives the Speaker the power to name a person but he cannot have him removed. There was that lacuna. Although the spirit was there, my learned friend and others said that this is not the letter of the law and therefore you cannot possibly take action. We now are taking no risks. I dare say my friend is correct, but we have made it clear beyond doubt that there should be no question or opportunity of misinterpreting this portion of the Act and the discretion shall rest entirely with the Speaker to ask a member to withdraw from the Chamber, lobbies or from the precincts, also. I hope I have made myself clear and that my honourable friend will not press his amendment.

Dr. Sir Gokul Chand Narang : I do not press my amendment.

The amendment was by leave withdrawn.

Munshi Hari Lal (South-Western Towns, General, Urban) : I beg to move—

That in lines 6—10, for the words 'any person..... manner' the words 'any member who is named by the Speaker and who wilfully and contumaciously refuses to withdraw when called upon by the Speaker to do so' be substituted.

I submit that as under the ordinary law any person can be excluded from a building, no extra legislative sanction is required to exclude any person. In every Government building if any intruder or anybody who enters it and begins to annoy, he is considered a trespasser and trespassers can be excluded from any building by the authorities in possession, no extra legislative authority is needed for the purpose. The ordinary law gives sufficient power to the authorities to exclude any person who annoys or misbehaves in this building. I submit that if any member of the House is to be removed or excluded by the Sergeant-at-Arms or any of his deputies under the direction of the Speaker, the Speaker should be empowered to direct so only in the case when the member contumaciously or wilfully disobeys or disregards his orders. The procedure should be that that member should first be named and asked to withdraw. If he refuses to withdraw and his refusal amounts to contempt or disregard of the orders of the Speaker, it is

then and then only that he should be removed with the help of the Sergeant-at-Arms. With these words I move my amendment.

Mr. Speaker : Clause under consideration, amendment moved—

That in lines 6—10, for the words 'any person.... manner' the words 'any member who is named by the Speaker and who wilfully and contumaciously refuses to withdraw when called upon by the Speaker to do so' be substituted.

Pandit Bhagat Ram Sharma (Kangra West, General, Rural) (*Urdu*) : Sir, neither in the amendment which is now before the House nor in the clause under consideration, has it been provided that a member who behaves in such a way as to make the work of the Assembly difficult, should be shown the door. The clause contains only the words 'infringes the rules'. Now, it will not be unknown to the framer of the rules that honourable members who come to sit in this Assembly are not perfect in every respect. All of them are not masters of the parliamentary practice and procedure. Every time, after five years, elections are held and during five years of their tenure of membership some members cannot acquaint themselves fully with the rules and procedure of the Houses. There is every likelihood of members infringing the rules of the Assembly, though unintentionally. Sometimes honourable members honestly feel that they have a right to speak. They want only to urge their rights. In so doing they may, technically speaking, infringe some rules, but we must bear in mind their intentions. We have to see whether they really intended to obstruct the business of the House. The inclusion of the words 'wilfully and contumaciously' as has been proposed in the amendment is absolutely essential. I would, therefore, request that these words be accepted for inclusion in the clause which is now under consideration.

Dr. Sir Gokul Chand Narang : I have also given notice of an amendment to this clause to which I may refer without formally moving it at the present stage. It reads—

That in line 9, between the words 'otherwise' and 'behaves' the words 'deliberately and persistently' be inserted.

My point is that neither the Speaker nor the Deputy Speaker should take action too hastily and too lightly. Even granting that the occupant of that seat of yours is clothed with supreme intelligence, reason and justice, even then, my submission is that from the point of view of the members it would be necessary to put in these words so that there may be no sense of alarm in the minds of members. Sometimes out of light-heartedness or simply to create a little diversion, some members either on this side or that interject remarks which may be considered by some as an unnecessary interruption and by others as a necessary interruption in the interest of the debate. The Speaker may not like the interruption and may call the honourable member to order or may set the law in motion. As I have said even if the Speaker is presumed to be intelligent, just, fair and patient, it will create an unnecessary deterrent against the members and will always make them afraid of saying anything at all while another member is speaking, even of interjecting innocent and simple remarks. I do not think that is the object of the Bill at all. You do not want to turn this House into a graveyard so that no voice should be heard, or at least no voice besides the voice of the person who

[Dr. Sir Gokul Chand Narang.]

is on his legs should be heard. It may be an ideal thing from one point of view. But it is not possible in any House consisting of human beings. Why strike unnecessary terror into the minds of the members? I think the objects of the Bill would be very satisfactorily served if these words are added, 'deliberately and persistently.' A man may make his remarks deliberately. If his remarks are sensible, it is presumed that he is making them deliberately. But they may still be taken as obstruction or interruption and the Speaker may call him to order too hastily. If he goes on repeating, repeating and repeating and persists in that obstruction or interruption, then alone should the Speaker take the action against him as contemplated by this Bill; not otherwise. I think this is a very innocent amendment. The only thing that the Honourable Premier said when he was replying to another amendment of mine in which I have incidentally referred to these words, deliberately and persistently, was that it was very difficult to judge and asked who was going to judge whether a member was deliberately and persistently acting like this? My submission is that the same authority will judge whether a member is acting deliberately and persistently as judges whether action, even without these words, has to be taken or not against a particular member. It will depend upon the judgment of the Speaker whether the time has or has not come when the services of the Sergeant-at-Arms should be requisitioned and it is only to guide him, to assist him, in coming to that conclusion, in forming that judgment that this amendment has been suggested. He certainly will be able to judge whether a certain member is deliberately guilty of unruly conduct or the violation of the rules of procedure or he is only making a casual remark now and then, and it will be the Speaker who will judge whether he is making these obstructions or interruptions persistently or not. There will not be much difficulty for the Speaker to come to a conclusion on this point. The difficulty suggested by the Honourable Premier does not arise. It will be very easy for the Speaker to decide for himself whether a member is guilty of deliberate and persistent interruption and unruly conduct or not.

Mr. Speaker : The honourable member is aware that all amendments, from No. 8 to 21 are under discussion. So if the honourable member wishes to speak on any of them, he may do so now.

Dr. Sir Gokul Chand Narang : Amendment No. 16 is a very important one and if you reflect for a moment you will perhaps prefer to have it taken separately. But I bow to your ruling and I shall just discuss it. This amendment reads like this—

The Speaker shall have the power to direct any officer of the Assembly or a Police officer not below the rank of a sub-inspector to remove or exclude from the Assembly Chamber any person who deliberately and persistently infringes the rules of procedure of the Assembly or otherwise persistently behaves in a disorderly manner.

This was really intended to be a substitute for clause 3. It might now be said that now that clause 3 has been passed, probably this amendment is out of order or is unnecessary. *Prima facie* it might appear so to some members, but you will agree with me that with the amendment of clause 3 as amended by the Government itself, this amendment becomes quite in order. When I tabled this amendment I knew that if clause 3 was passed

as it stood then, this amendment would not be moved. It would then have been certainly out of order or in any case out of place. Now that the Governor has been given the discretion to appoint or not to appoint a Sergeant-at-Arms, my submission is that if a Sergeant-at-Arms is not appointed and it is considered that the Speaker should be clothed with some sort of authority, then this amendment becomes not only in order but also necessary. Supposing unruly conduct is exhibited fairly deliberately and persistently and till then the Governor has not exercised his discretion and has not appointed a Sergeant-at-Arms and then it is contemplated that the Governor should be asked to exercise this power—after all the Ministers would be the advisers of the Governor—the Governor will not know what is happening in the House, he knows it either through the press or through his Ministers—supposing the Ministers are tired and sick of the unruly conduct of some members in the House and they consider it necessary to approach the Governor to exercise his powers to appoint a Sergeant-at-Arms, then my submission is that if this amendment of mine is accepted, it would not be necessary for them to approach the Governor, because the business of the House would be managed without the appointment of a Sergeant-at-Arms as the Speaker will then have the power to chuck out the unruly and recalcitrant members with the help of the officers of the Assembly, of whom I believe there are already plenty and any one of them can be asked to remove an unruly member from the Chamber or any other part of the building. This is my justification for tabling this amendment.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural): Sir, clause 4 of the Bill empowers the Speaker to direct the Sergeant-at-Arms to exclude any member from this House either when he infringes the rules or when he behaves in a disorderly manner. Then you will see that any person whether he is a stranger to this Assembly or a visitor or a member of the House, can be turned out from any portion of the Assembly building if he infringes its rules or behaves in a disorderly manner. I would like to make some distinction by my amendment between the strangers and the members of this House when they infringe the rules or behave in a disorderly manner.

I do not like that any member who infringes the rules of the Assembly should be turned out, because when we come here in the
 4 P.M. Assembly we come here to perform certain duties. At one time or another we are obliged to infringe the rules. Suppose I am sitting here. According to the rules of the Assembly, no member can read papers, no member may interrupt anybody speaking without the permission of the Chair. But when we are here to watch the interests of the constituencies we represent, when any member of the Treasury benches is speaking against the Opposition, and he is interrupted, he should not be liable to exclusion from this House. It is for this reason that I have tabled this amendment that if any member infringes the rules of the Assembly, he shall not be liable to be excluded from the House. Only when the member is disorderly and when he deliberately and persistently refuses to obey the instructions of the chair that he should be directed by the Speaker to be turned out of the Assembly Chamber or from the lobbies or any other portion. It is highly desirable that the members should have a right of free debate.

Dr. Gopi Chand Bhargava (Lahore City, General, Rural) (*Urdu*): Sir, the clause now before the House, seeks to empower the Speaker to the effect that he shall have the power to direct the Sergeant-at-Arms or any of his deputies to remove or exclude from the Assembly building or any part thereof, any person, be he an honourable member of the House or not, but who in the opinion of the Speaker infringes the rules of procedure of the Assembly or otherwise behaves in a disorderly manner. Besides, there is a proviso attached to this clause. It reads to the effect that this power shall not be exercised against a member of the Assembly unless he has first been directed by the Speaker to withdraw. This is a matter of vital importance and we have to consider over it from different points of view. Now, Sir, I would like to draw your attention to rules 77 to 79 of our rules of procedure. You will see that under these rules the Speaker is empowered to direct any member, whose conduct in his opinion, is grossly disorderly, to withdraw immediately from the Assembly. So far as the meaning or the sense of the word 'Assembly' implied in these rules, is concerned, I hold the view that here 'Assembly' is meant to be the sitting of the House. Besides, the definition of 'Assembly' as laid down in the present Bill, is to the effect that 'Assembly' means the Punjab Legislative Assembly. When the Speaker directs a member to withdraw from the House, it means that he wants him to retire forthwith from the meeting of the House and not to take any part in its deliberations. It is quite obvious that the order of withdrawal from the House does not connote that the member, so ordered, shall keep clear of the Assembly building, but it merely means that he should withdraw from the Assembly Chamber. As a matter of fact no mention has been made of Assembly building or its precincts in our rules of procedure. Evidently it was never intended to treat an honourable member so rudely as to exclude him from the Assembly building even. But in this Bill it is being proposed to provide that in case a recalcitrant member refuses to withdraw, the Speaker may order the Sergeant-at-Arms to remove or exclude him from the Assembly Chamber which includes even the lawns outside the Assembly building. The amendment of which I have given notice is more comprehensive than the clause under discussion. My amendment takes into account the spirit of our rules of procedure. I have made a provision in it to the effect that the Speaker should direct the Sergeant-at-Arms to remove or exclude the refractory member from the Assembly Chamber only and not from the Assembly building or its precincts. It runs like this—

The Speaker may, if agreed upon by the majority of the House, direct the Sergeant-at-Arms to remove or exclude a member from the Assembly Chamber and any other person from the Assembly building or any part thereof, who behaves deliberately and persistently in grossly disorderly manner and does not withdraw when called upon by the Speaker under rule 77 or 79 of Rules of Procedure.

It means that the Speaker may order any other person also to withdraw from the Assembly building. In this connection I want to read out rule 79 of Rules of Procedure. It says—

The Speaker, whenever he thinks fit, may order visitors or representatives of the Press to leave the Assembly Chamber.

Now, let us see what Rule 78 says. It runs like this—

The admission to the Assembly Chamber of visitors and representatives of the Press during the sittings of the Assembly shall be regulated in accordance with orders made by the Speaker.

Do you find, Sir, that in this rule also, according to Rule 77 or under Rule 79, the power to order withdrawal of visitors including representatives of the Press has been vested in the Speaker? It means that according to Rule 78 full discretion has been given to the Speaker regarding the withdrawal of any visitor whosoever he may be. In this connection I would like to refer to Rule 77 which says—

He may direct any member whose conduct is, in his opinion, grossly disorderly to withdraw immediately from the Assembly.

I may also add that there is a proviso too in clause 4. It runs like this—

Provided that this power shall not be exercised against a member of the Assembly unless he has first been directed by the Speaker to withdraw.

In this respect my submission is that if the Speaker orders a member to withdraw and he does not withdraw, in that case and under that condition, I have inserted two words in my amendment; they are 'deliberately and persistently.'

This point has been neglected and, therefore, has not been provided in this clause. I may further submit that words 'behaves in disorderly manner' alone may not be included in infringement of orders. Words 'deliberately' and 'persistently' clarify this point most palpably.

There is another thing which I have pointed out in my amendment. If the Speaker thinks that a member who has behaved deliberately and persistently in grossly disorderly manner and after being ordered by the Speaker, does not withdraw from the Chamber, he may place the conduct and behaviour of that honourable member before the House and then direct the Sergeant-at-Arms to remove or exclude that honourable member from the Assembly Chamber. I think the emergency of a member's removal or exclusion will seldom occur. It is quite possible that an honourable member after being ordered by the Speaker to withdraw from the Chamber, wanted to vindicate his position to the effect that his conduct was not so insulting as it has been understood that a Sergeant-at-Arms might remove him from the Assembly. Now, Sir, you might have understood the twofold object of my amendment. In case my amendment is accepted, an honourable member will have his right to vindicate his position. I know, in the House of Commons when an honourable member is removed from the Chamber, the proceedings of the House are suspended for that time. I am also aware that in the House of Commons, if an honourable member grows rowdy and the Speaker does not think it fit to take action against him at that time, in that case he may place his conduct before the House and if necessary he may take the sense of the House by voting or otherwise. Similarly, I want to follow that practice which is exercised in the Mother of Parliaments. So, my submission is that this sort of power should be vested in the Speaker. If a member behaves deliberately and persistently in grossly disorderly manner and does not withdraw when called upon by the Speaker, then the Speaker

[Dr. Gopi Chand Bhargava.]

may, after taking the sense of the House by voting or otherwise, direct the Sergeant-at-Arms to remove or exclude that member from the Assembly Chamber. To our surprise certain restrictions have been provided in this clause. I would like to submit, Sir, as quite a new thing is going to be introduced by the Government it would be very wise on our part if we attend to this measure with maximum consideration and care. If we do not do so, it would be as easy as anything to repeal this Bill. Time is the best judge and it judges everything at the proper moment.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : Allow me to deal with the last amendment, notice of which has been given by my friend Dr. Gopi Chand Bhargava. I believe the portion of his amendment where he says 'if agreed upon by the majority of the House,' wants to import a part of the convention which is in existence in the House of Commons. There the discretion to exclude a member rests with the Speaker but the Speaker, when he names a member, gives an opportunity to somebody in the House to draw the attention of the House with regard to the behaviour of that member or, as Doctor Sahib has himself pointed out, gives opportunity to the House to judge and suggest to the Speaker that he should be excluded from the House. My honourable friend has overlooked one consideration which I would like to point out to him and that is this, that a situation might conceivably arise where the House is in such turmoil or disorder that it would be impossible for anybody to get the vote of the majority. He says, 'if agreed upon by the majority of the House.' Normally, if that is possible, there is nothing to stop the Speaker from taking the line suggested by my honourable friend, i.e., adopting a convention that where it is possible to gauge the view of the House or to take the opinion of the House with regard to conduct of a member it should be done. There is nothing to stop the Speaker from doing so and there is nothing in the Government of India Act to bar him from taking the views of the House. You have the fullest possible discretion and, therefore, my honourable friend would be well advised not to press the motion. The Speaker has the fullest discretion in the House and after judging the circumstances prevailing in the House at the time disorder unfortunately arises, he may, if he so desires, take informally the view of the House without allowing any debate or discussion because that naturally would further exacerbate the feelings on both sides of the House. He might merely ask the House to give their view by show of hands or in some other informal manner and take action accordingly or if he considers that the atmosphere is such that it is not conducive to a genuine view of the House being obtained or that the situation is such that any such action would further create disorder or accentuate the disorder, then naturally he will take action according to the law which we are going to pass according to his own discretion.

Dr. Gopi Chand Bhargava : He has to adjourn the House.

Premier : My honourable friend is perfectly correct. He may have to adjourn the House and not take any action but I may point out to him that every fifteen minutes of this House means an expenditure of nearly Rs. 250 to the province and, therefore, we should try to avoid any such

situation which would not only waste the time of the House but which means an enormous burden on the poor tax-payer of the province. Under the present Act, as I have submitted, the Speaker has the fullest discretion and if he so desires, there is nothing to bar him from taking informally the view of the House before taking any action against the member or members concerned. There is only one point to which I would like to refer and that is with regard to the amendment moved by my honourable friend Dr. Sir Gokul Chand Narang. He will probably say that it is his misfortune not to understand me and it is possible he may not understand me.

Dr. Sir Gokul Chand Narang : Some of my pupils never understood me.

Premier : I should like to explain to him that many of his pupils do not understand him. Apart from that I do not happen to be one of his pupils.

Dr. Sir Gokul Chand Narang : If you had been, you would have been in a position to understand. Here is my pupil Dr. Gopi Chand who understands everything.

Premier : Apart from the objection which I took to the words 'deliberately and persistently' my objection was that it would be difficult to interpret what constitutes a deliberate and persistent disorder and who is to interpret that. Who will be the judge? It will be the Speaker. Since the Speaker will be the judge, why keep those redundant words? Even now it will be the Speaker who will judge whether the behaviour of a particular member is so grossly disorderly that he should be asked to leave the House and even if you bring those words into this particular clause, even then it would be for the Speaker to interpret whether it is deliberate or not.

Dr. Sir Gokul Chand Narang : To make the position more clear.

Premier : Exactly. I would make a present of my honourable friend's own argument to him. He said in this particular case it would be certainly redundant because under the present provision in this sub-clause the Speaker will no doubt take all the various circumstances of the case into consideration before coming to a decision. But may I respectfully point out to him that he apparently, when he tabled this amendment, overlooked the proviso. So far as the substantive clause is concerned, it merely relates to exclusion for infringement of the rules, but the provision says that he will not exclude any member or ask the Sergeant-at-Arms to exclude any member unless at first he asks that member to withdraw. My honourable friend must know that the Speaker will not take that extreme step to call a member to withdraw from the House unless he is absolutely satisfied that the behaviour of the member is such that in the interest or the orderly proceedings of the House and in the interest of the dignity of the House the member should be asked to withdraw.

The proviso says—

Provided that this power shall not be exercised against a member of the Assembly unless he has first been directed by the Speaker to withdraw.

[Premier.]

So far as visitors are concerned they stand on a different footing. For instance, a visitor in the gallery shouts. Well, if he shouts, the Speaker will ask the man in charge of the gallery to remove that gentleman. If a person throws a book from the gallery that would be a grossly disorderly conduct. Therefore no further inquiry will be necessary. But so far as members are concerned as my honourable friend on the opposite side pointed out the position is different and the Speaker must be satisfied first that he has behaved in such a grossly disorderly manner that it is necessary in the interest of the business of the House and in the interest of the dignity of the House that he should be asked to withdraw. The proviso reads—

Provided that this power shall not be exercised against a member of the Assembly unless he has first been directed by the Speaker to withdraw.

If my honourable friend had read the proviso when he drafted the amendment and if he would read it now I am sure he will agree with me that it is not only redundant but as a matter of fact quite contrary to what he wants by the inclusion of these words. He merely wants to lay down that if anybody infringes the rules persistently and deliberately then he should be excluded. I say no, even then he will not be excluded; he will only be excluded or removed if the Speaker first asked him to withdraw; and as I have pointed out he can only ask a member to withdraw if he thinks the conduct of the member is so grossly disorderly that it is in the interest of the business and the dignity of the House that he should be asked to withdraw.

Mr. Speaker : Question is—

That in lines 6—10, for the words 'any person manner', the words 'any member who is named by the Speaker and who wilfully and contumaciously refuses to withdraw when called upon by the Speaker to do so' be substituted.

The motion was lost.

Dr. Sir Gokul Chand Narang : Sir, I beg to move—

That at the end of the proviso, the words 'and refuses to withdraw' be added.

These words are not in the rules. It might be said that these words have been deliberately omitted: it means something else. Do you not see the difficulty?

Premier : Absolutely redundant.

Dr. Sir Gokul Chand Narang : The whole Bill is redundant.

Premier : I wish it proves to be redundant.

Mr. Speaker : Question is—

That at the end of the proviso, the words 'and refuses to withdraw' be added.

The motion was lost.

Pandit Bhagat Ram Sharma : Sir, I beg to move—

That at the end of the proviso, the following be added :—

'And he wilfully persists in disorderly behaviour.'

The motion was lost.

Dr. Gopi Chand Bhargava : Sir, I beg to move—

That for clause 4, the following be substituted :—

The Speaker may, if agreed upon by the majority of the House, direct the Sergeant-at-Arms to remove or exclude a member from the Assembly Chamber and any other person from the Assembly building or any part thereof, who behaves deliberately and persistently in grossly disorderly manner and does not withdraw when called upon by the Speaker under rule 77 or 79 of the Rules of Procedure.

The Assembly divided : Ayes 38 ; Noes 81.

AYES.

Ajit Singh, Sardar.
Balbir Singh, Rao Bahadur Captain
Rao.
Bhagat Ram Choda, Lala.
Bhagat Ram Sharma, Pandit.
Chaman Lall, Diwan.
Chanan Singh, Sardar.
Duni Chand, Lala.
Gokul Chand Narang, Dr. Sir.
Gopi Chand Bhargava, Dr.
Hari Lal, Munshi.
Hari Singh, Sardar.
Harjab Singh, Sardar.
Jalal-ud-Din Amber, Chaudhri.
Kabul Singh, Master.
Kapoor Singh, Sardar.
Kartar Singh, Sardar.

Kishan Singh, Sardar.
Krishna Gopal Dutt, Chaudhri.
Lal Singh, Sardar.
Mazhar Ali Azhar, Maulvi.
Muhammad Hassan, Chaudhri.
Muhammad Hussain, Sardar.
Muhammad Iftikhar-ud-din, Mian.
Muhammad Nurullah, Mian.
Muni Lal Kalia, Pandit.
Rur Singh, Sardar.
Sampuran Singh, Sardar.
Santokh Singh, Sardar Sahib Sardar.
Sant Ram Seth, Dr.
Shri Ram Sharma, Pandit.
Sita Ram, Lala.
Sohan Singh Josh, Sardar.
Sudarshan, Seth.

NOES.

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Abdul Rahim, Chaudhri (Gurdaspur).
Abdul Rahim, Chaudhri (Gurgaon).
Afzaalali Hasnie, Sayed.
Ahmad Yar Khan, Chaudhri.
Ali Akbar, Chaudhri.
Allah Bakhsh Khan, Khan Bahadur
Nawab Malik.
Amjad Ali Shah, Sayed.
Ashiq Hussain, Captain.
Badar Mohy-ud-Din Qadri, Mian.
Barkat Ali, Malik.
Bhagwant Singh, Rai.
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 Khan, Khan Sahib 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, Khan Bahadur
Maulvi.
Ghulam Qadir Khan, Khan Bahadur.
Ghulam Samad, Khawaja.
Gopal Singh (American), Sardar.
Gurbachan Singh, Sardar Sahib Sardar.
Habib Ullah Khan, Malik.
Hans Raj, Bhagat.
Het Ram, Rai Sahib Chaudhri.

Indar Singh, Sardar.
 Jafar Ali Khan, M.
 Jogindar Singh Man, Sardar.
 Khizar Hayat Khan Tiwana, The
 Honourable Nawabzada Major.
 Kishan Dass, Seth.
 Manohar Lal, The Honourable
 Mr.
 Mubarik Ali Shah, Sayed.
 Muhammad Akram Khan, Khan
 Bahadur Raja.
 Muhammad Amin, Khan Sahib
 Shaikh.
 Muhammad Ashraf, Chaudhri.
 Muhammad Azam Khan, Sardar.
 Muhammad Faiyaz Ali Khan, Na-
 wabzada.
 Muhammad Hassan Khan Gurchani,
 Khan Bahadur Sardar.
 Muhammad Hayat Khan Noon,
 Nawab Malik Sir.
 Muhammad Jamal Khan Leghari,
 Nawab Sir.
 Muhammad Nawaz Khan, Major
 Sardar.
 Muhammad Raza Shah Jeelani,
 Makhdumzada Haji Sayed.
 Muhammad Saadat Ali Khan, Khan
 Bahadur Khan.
 Muhammad Sadiq, Shaikh.
 Muhammad Sarfraz Khan, Chau-
 dhri.
 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 Cap-
 tain Malik.
 Muzaffar Khan, Khan Bahadur
 Nawab.
 Naunihal Singh, Mann, Lieutenant
 Sardar.
 Nawazish Ali Shah, Sayed.
 Nur Ahmad Khan, Khan Sahib
 Mian.
 Pir Muhammad, Khan Sahib
 Chaudhri.
 Pohop Singh, Rao.
 Pritam Singh Siddhu, Sardar.
 Ram Sarup, Chaudhri.
 Ranpat Singh, Chaudhri.
 Riasat Ali, Khan Bahadur Chaudhri.
 Ripudaman Singh, Thakur.
 Sahib Dad Khan, Khan Sahib Chau-
 dhri.
 Shahadat Khan, Khan Sahib Rai.
 Shah Nawaz Khan, Nawab Sir.
 Sham Lal, Rai Bahadur Chaudhri.
 Sikander Hyat-Khan, The Honour-
 able Major Sir.
 Sohan Lal, Rai Sahib Lala.
 Sumer Singh, Chaudhri.
 Sundar Singh Majithia, The Honour-
 able Dr. Sir.
 Suraj Mal, Chaudhri.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sardar.

The Assembly then adjourned till 2-30 p. m. on Friday, 14th April, 1939.

PUNJAB LEGISLATIVE ASSEMBLY.

FIFTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Friday, 14th April, 1939.

*The Assembly met in the Assembly Chamber at 2-30 P.M. of the clock.
Mr. Speaker in the Chair.*

UNSTARRED QUESTIONS AND ANSWERS.

BAILIFFS OF CIVIL COURTS IN PUNJAB.

767. Khan Sahib Chaudhri Fazal Din : Will the Honourable Minister of Finance be pleased to state whether any case of tahsil Ajnala, etc., have come to his notice in which judgment debtors have suffered a lot of trouble on their properties, which are exempt from attachment, being attached in execution proceeding due to the ignorance of the bailiffs attached to the civil courts in the Punjab with regard to the recent amendments made in the law of execution ; if so, the action taken or intended to be taken by Government to stop such properties being attached in execution in future ?

The Honourable Mr. Manohar Lal : No. Enquiries show that objections against the attachment of property are frequently filed and these are decided according to law. A large number of objections under sections 47 and 60, Civil Procedure Code, have been accepted in the court of the Subordinate Judge, Ajnala, and in such cases the attachment of property has been set aside.

DISTRICT OFFICERS. MIANWALI.

768. Rai Bahadur Mr. Mukand Lal Puri : Will the Honourable Premier be pleased to state—

(a) whether it is a fact that the Deputy Commissioner, Mianwali, Sessions Judge, Mianwali, Superintendent of Police, Mianwali, Sub-Divisional Officer, Bhakkar (district Mianwali), Revenue Assistant, Mianwali, all the tahsildars, and naib-tahsildars in all the three tahsils of the district belong to one community, if the answer is in the negative, the names of the posts held by any other community than that of the officials mentioned above ;

(b) if the answer to (a) above is in the affirmative, the action Government intend to take in the matter ?

The Honourable Major Sir Sikander Hyat-Khan : (a) No, the Tahsildar and the Naib-Tahsildar, Mianwali, belong to other communities.

(b) Does not arise but orders for the replacement of the present Sub-Divisional Officer, Bhakkar, by a Hindu officer have already issued.

DECISION OF CERTAIN VILLAGES IN KASUR TAHSIL NOT TO USE CANAL WATER.

769. Chaudhri Muhammad Abdul Rahman Khan : Will the Honourable Minister of Revenue be pleased to state whether it is a fact that the zamindars of certain villages in tahsil Kasur have decided not to use canal water ; if so, the reasons therefor and the action the Government propose to take in the matter ?

The Honourable Dr. Sir Sundar Singh Majithia : There are rumours to this effect but no actual instance has so far arisen.

COMMUNAL REPRESENTATION IN OFFICES OF HIGH COURT.

770. Khawaja Ghulam Samad : Will the Honourable Minister of Finance be pleased to state—

- (a) the number of Superintendents, Head Assistants, Assistants, Senior and Junior Clerks community-wise in the High Court, Lahore ;
- (b) the number of Clerks of Courts, Readers and Stenographers in the Courts of Senior Sub-Judges and District and Sessions Judges in the province ;
- (c) offices of District and Sessions Judges and Senior Sub-Judges in the province, where all the officials mentioned in part (b) above are non-Muslims ;
- (d) whether the general instructions to recruit 50 per cent. Muslims in all Government departments are followed strictly in the case of the High Court and the offices subordinate thereto ; if not, the reasons therefor ?

The Honourable Mr. Manohar Lal :

(a)

—			Hindus.	Muslims.	Sikhs.	Europeans, Anglo- Indians and Indian Christians.
Superintendents	..	..	3	3	1	2
Head Assistants	..	..	N/A	N/A	N/A	N/A
Assistants	..	..	13	1	..	1
Senior Clerks	..	..	23	13	5	1
Junior Clerks	..	..	36	40	13	2

(b)

	Clerks of Courts.	Readers.	Stenographers.
Courts of Senior Subordinate Judges	28	23	8
Courts of District and Sessions Judges	21	24	24

(c)

Offices of District and Sessions Judges.	Offices of Senior Subordinate Judges.
1. Hissar. 2. Ambala. 3. Hoshiarpur. 4. Lahore. 5. Gurdaspur. 6. Attock.	1. Jhang. 2. Kangra. 3. Gujrat. 4. Ludhiana. 5. Ferozepore. 6. Gurdaspur. 7. Jhelum. 8. Muzaffargarh.

(d) Yes. The information furnished above relates to certain posts which form only part of the establishment of the High Court and lower courts.

FAMINE RELIEF WORK AT MAUZA LAHORI JATU, TAHSIL HANSI.

771. **Khawaja Ghulam Samad :** Will the Honourable Minister of Revenue be pleased to state—

- whether Famine Relief Work at Mauza Lahori Jatu, tahsil Hansi, was inspected by the Tahsildar, Hansi ; if so, on what date ;
- whether he took any inspection note on the spot in the inspection book ; if so, the book in original may be put on the table of the house, if not, why not ;
- number of moharrirs employed at that camp ;
- whether he checked the work of all moharrirs ;
- the defect or omission found in the work of each moharrir ;
- whether it is a fact that out of the four whose work was inspected, two were reported for bad work and dismissed and the rest who were equally faulty were let off ; if so, names of dismissed hands and the names of those who were spared ;
- action the Government intends to take in the matter ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) Yes. On the 18th February, 1939.

(b) No inspection note was recorded in the minute book, but notes were taken down on the spot. It is not customary to lay such papers on the table of the House ;

(c) Twenty-four.

(d) No. He checked the work of those moharrirs only, whose gangs were due for payment.

(e) One moharrir did not mark the presence of any worker, and only marked seven members out of a gang of sixty as absent, although there were many other absentees. Another marked 144 persons as present, when they were absent. In the case of a third moharrir only one man was found to be absent and he was shown as present.

(f) The first two moharrirs, named Mumtaz Ali and Pir Mohammad were dismissed.

(g) None.

PUNITIVE POLICE POSTS IN SOUTH-EASTERN DISTRICTS.

772. Pandit Shri Ram Sharma : Will the Honourable Premier be pleased to state district-wise the names of the places where punitive police posts have been quartered in the South-Eastern districts of the Punjab since April, 1937, with the cost of each of the said punitive police posts and the reasons why it was posted ?

The Honourable Major Sir Sikander Hyat-Khan : A statement is appended. In each case the employment of additional police was necessitated by the disturbed state of the area or the criminal conduct of the inhabitants.

Additional police posts located in districts of the Ambala Division between the 1st April, 1937 and the 31st March, 1939.

District.	Village.	Date of location.	Period for which located.	Cost.		
				Rs.	A.	P.
Hissar ..	Hissar City ..	28-3-38	One year ..	20,009	1	0
Rohtak ..	1. Sanghi ..	1-4-38	Ditto ..	3,206	15	7
	2. Chiri and Chandi	2-4-39	Ditto ..	2,829 1,101	15 1	0 11
Karnal ..	1. Bhadaur ..	1-11-37	Six months..	2,113	7	0
	2. Kharyal ..	1-7-37	One year ..	5,074	4	2

WIDOW OF CHAUDHRI RAM SINGH.

773. Pandit Shri Ram Sharma : Will the Honourable Minister of Education be pleased to state—

- (a) whether pension of financial help has been granted to the widow of Chaudhri Ram Singh, teacher, Government High School, Hissar, who was murdered in the recent communal riots ;
- (b) whether any other victims of the same riot have been compensated ; if so, their names and number and also the way in which they have been compensated ;
- (c) whether there are any victims of the same riot who have not been compensated ; if so, why ?

The Honourable Mian Abdul Haye : (a) Yes. The widow was granted a family pension of Rs. 67-8-0 per mensem from the 12th February, 1938, until her remarriage, or her death, or until her younger son attains the age of 21 years, whichever occurs first. Thereafter the matter will be reconsidered and the amount of pension refixed.

(b) No other victim was reported in so far as the Education Department is concerned.

(c) Does not arise.

CONSTABLES RECRUITED FROM SOUTH-EASTERN DISTRICTS.

774. Pandit Shri Ram Sharma : Will the Honourable Premier be pleased to state the number of constables recruited district-wise in the South-Eastern districts during the period from 1st April, 1937, to 31st March 1939, with the following particulars—(i) from the district, (ii) from outside the district, (iii) community and caste and (iv) Harijans ?

The Honourable Major Sir Sikander Hyat-Khan : A statement is appended. (Information regarding community and caste has not been given. The collection of this would entail an expenditure of time and labour out of proportion to the result to be secured).

Number of Constables recruited in each district of the Eastern Range during the period from the 1st April, 1937, to the 31st March, 1939.

District.	Recruits resident of the district.	Recruits obtained from outside the district.	Harijans.
Hissar	59	56	..
Rohtak	35	13	..
Gurgaon	32	18	..
Karnal	29	40	..
Ambala	34	26	..
Simla .. .. .	..	35	..
Hoshiarpur	47	20	4
Jullundur	12	31	..
Ludhiana	34	39	1
Kangra	29	22	..
Ferozepore	31	63	..
Total	342	363	5

**APPOINTMENTS OF CLERKS MADE BY DISTRICT AND SESSIONS JUDGE,
LAHORE.**

775. Khawaja Ghulam Samad : Will the Honourable Minister for Finance be pleased to state the number of appointments made community-wise by the District and Sessions Judge, Lahore, for the clerical establishment of his court and the courts subordinate thereto during the period the instructions contained in Punjab Government letter No. 28634-Judicial, dated the 20th October, 1934, a copy of which was forwarded to the said District and Sessions Judge by the Registrar, High Court, with his letter No. 244-A/XXIX C-2, dated the 10th October 1939, remained in force ?

The Honourable Mr. Manohar Lal :—

Hindus	..	..	..	..	6
Muslims	..	..	..	..	8
Sikh	..	..	..	..	1

**REPRESENTATION OF MUSLIMS IN CLERICAL ESTABLISHMENT OF
HIGH COURT AND OTHER COURTS.**

776. Khawaja Ghulam Samad : Will the Honourable Minister for Finance be pleased to state—

(a) whether he is aware that under orders of the High Court, Lahore, the District and Sessions Judges and Senior Sub-Judges in the Punjab are debarred from enlisting new candidates for the clerical staff in their courts and the lists of candidates maintained by the High Court for supplying recruits to these courts cannot be altered, revised or supplemented by the subordinate courts in obedience to orders of the High Court ;

(b) whether it is a fact that the representation of Muslims on these lists is not sufficient to give them 50 per cent. representation in these offices on the falling of vacancies in future ; if so the action which Government proposes to take in the matter ?

The Honourable Mr. Manohar Lal : (a) It is correct that instructions were issued in 1934 that district judges should not enrol further candidates without the previous sanction of the High Court. These orders were issued because it was noticed that the lists already contained a number of candidates out of all proportion to the vacancies likely to occur in the near future. It is not a fact that a list of candidates is maintained in the High Court for supplying recruits to subordinate courts ; district judges enrol candidates according to their discretion and in consideration of the communal needs of their own districts though this discretion is, as explained above, at present exercised in enrolling further candidates only subject to the permission of the High Court.

(b) Instructions to maintain a standard of 50 per cent. representation for Muslims have only recently been laid down. The necessary orders to enable these instructions to be carried out have been issued to subordinate courts.

OFFICE ESTABLISHMENT OF HIGH COURT AND OTHER COURTS.

777. Khawaja Ghulam Samad : Will the Honourable Minister for Finance be pleased to state the present strength community-wise of the office establishment of the courts of District and Sessions Judge, Lahore, Senior Sub-Judge, Lahore, Sub-Judges, at Lahore, and Judge, Small Causes, Lahore, with the number of unpaid candidates community-wise on the approved lists maintained by each of these courts?

The Honourable Mr. Manohar Lal : Statements containing the necessary information are laid on the table—

Statement showing the present strength community-wise of the office of the District and Sessions Judge, Lahore, the Additional District and Sessions Judge, the Senior Subordinate Judge, and the other Subordinate Judges at Lahore.

Office.	PERMANENT OFFICIALS.			TEMPORARY OFFICIALS.			Total.	REMARKS.
	Hindus.	Muslims.	Sikhs.	Hindus.	Muslims.	Sikhs.		
District and Sessions Judge and Additional District and Sessions Judge	19	3	2	..	..	1	25	
Senior Subordinate Judge ..	4	4	..	3	..	..	11	
Subordinate Judges (Permanent Courts)	7	2	1	..	..	..	10	
Subordinate Judges (Temporary Courts) .. ..	..	..	..	11	4	2	17	

In addition to the above figures there are 24 persons registered as candidates for employment in the above offices as follows :—

Hindus .. ..	..	..	..	..	14
Muslims .. ..	..	..	..	..	7
Sikhs .. ..	..	..	..	..	3

Statement showing the present strength (by communities) of the office establishment of the Small Cause Court at Lahore.

	Hindus.	Muslims.	Sikhs.
Permanent clerks	11	1	1
Temporary clerks	1	..	2
Permanent bailiffs	2	2	..
Temporary bailiffs	1	1	..
Permanent process-servers ..	8	1	1
Temporary process-servers ..	4	1	..
Persons registered as candidates for employment in clerical line ..	3	2	..
Persons registered as candidates for employment as process-servers ..	..	3	..

APPOINTMENTS MADE IN LEGAL REMEMBRANCER'S OFFICE.

778. Khawaja Ghulam Samad : Will the Honourable Minister for Finance be pleased to state—

- (a) the number and grades of appointments recently made in the office of Legal Remembrancer to Government, Punjab ;
- (b) the communal proportion observed in making these appointments and whether the instructions contained in notification, dated 8th October, 1938, fixing percentages for each community in services was strictly adhered to, if not, why not, and whether any action is intended to be taken in the matter by the Government ?

The Honourable Mr. Manohar Lal : (a) Ten appointments were made, as follows :—

One in the grade of Rs. 110—7—145—8—185 ;

One in the grade of Rs. 80—5—130/6—160 ;

Six in the grade of Rs. 35—1½—65/2—75 ;

25—2—45

Two restorers on Rs. $\frac{25-1\frac{1}{2}-31-1\frac{1}{2}-40}{25-1\frac{1}{2}-31-1\frac{1}{2}-40}$

(b) The notification to which the honourable member apparently refers relates to appointments in the subordinate judicial service and is not applicable to the present case.

CLERKS AND CHAPRASIS IN OFFICE OF CHIEF INSPECTOR OF BOILERS.

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

- (a) the number of clerks and also of chaprasis, community-wise, employed at present in the office of the Chief Inspector of Boilers, with their present pay and the dates of appointment of each of them ;
- (b) whether it is a fact that some of them are related in near degrees to one another and thus they have made this office their monopoly ?

The Honourable Chaudhri Sir Chhotu Ram : (a) A statement showing the required information is laid on the table.

(b) One chaprasi Shiv Ram is a brother of another chaprasi Babu Ram. The others are not relations.

Statement showing the number of clerks and chaprasis, community-wise together with their present pay and dates of their appointments employed in the office of the Chief Inspector of Boilers, Punjab.

—			Community.	Pay at present drawn.	Date of appointment.
CLERKS.				Per mensem. Rs. A. P.	
One Head Clerk	..	..	Muslim	90 0 0	2-3-25
One Clerk	..	..	Hindu	68 0 0	7-3-25
One Clerk	..	..	Do.	56 0 0	9-4-30
One Clerk	..	..	Do.	38 0 0	2-8-35
CHAPRASIS.					
One	..	..	Hindu	15 8 0	1908
One	..	..	Do.	14 0 0	1925
One	..	..	Do.	14 0 0	1926
One	..	..	Do.	14 0 0	1931

INSPECTION OF FACTORIES BY AND APPOINTMENT OF AN ASSISTANT TO THE CHIEF INSPECTOR.

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

- the factories inspected by the Chief Inspector during the last five years ;
- whether there was any proposal to give him an assistant ; if so, when that proposal is likely to mature ?

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

REPRESENTATION OF GUJJARS IN VARIOUS OFFICES AT GURDASPUR.

781. Chaudhri Abdul Rahim : Will the Honourable Minister of Revenue be pleased to state—

- the population of Gujjars in the Gurdaspur district ;
- the number, names and residence of the Gujjars employed in the offices of the Deputy Commissioner, Gurdaspur, Civil Surgeon, Gurdaspur and the Commissioner, Lahore division ; if no Gujjar is employed in the offices of the Deputy Commissioner, Civil Surgeon, and District Board, Gurdaspur, the action Government propose to take in the matter ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) 58,880.

(b) A statement is attached. No action is contemplated in the matter, as Government does not approve of recruitment to the services according to tribal, as distinct from communal representation.

Statement.

Name of office.	Name.	Residence.	Designation.
Deputy Commissioner, Gurdaspur ..	1. Nawab Ali	Chukla, tahsil Gurdaspur.	Junior clerk.
	2. Lal Din ..	Dinapur, tahsil Shakargarh.	Peon.
District Board, Gurdaspur ..	1. Nawab Din	Kotla Afghana, tahsil Shaker-garh.	Chaukidar, District Board Office.
Commissioner, Lahore ..	<i>Nil</i>	..	..
Civil Surgeon's Office, Gurdaspur ..	<i>Nil</i>	..	..

REPRESENTATION OF GUJJARS OF GURDASPUR DISTRICT AMONG NAIB-TAHSILDARS, TAHSILDARS, EXTRA ASSISTANT COMMISSIONERS AND SUB-JUDGES.

782. Chaudhri Abdul Rahim : Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that no Gujjar from the Gurdaspur district has been taken so far as a Naib-Tahsildar, Tahsildar, Extra Assistant Commissioner or Sub-Judge ;
- (b) whether it is a fact that no Gujjar from the Shakargarh tahsil has been taken so far as a sub-inspector of police ;
- (c) if the answers to the above parts be in the affirmative, the action Government propose to take in the matter ?

The Honourable Major Sir Sikander Hyat-Khan : (a) and (b) The information asked for is not readily available and its collection would entail expenditure of time and labour out of all proportion to the advantage to be gained therefrom.

(c) In selecting candidates for the public service Government take into consideration the following factors :—

- (i) their merit ;
- (ii) the religion they profess ;
- (iii) whether they are zamindars or non-zamindars.

Government do not take into consideration any other factor and do not propose to attempt the invidious and difficult task of securing the representation in the different branches of the services different sub-division of the main communities.

STATE SCHOLARSHIPS TO GIRL STUDENTS OF KING EDWARD MEDICAL
COLLEGE FOR HIGHER STUDIES ABROAD.

783. Mrs. Duni Chand : Will the Honourable Minister of Education be pleased to state whether the Government has ever considered the question of granting state scholarships to those distinguished girl students of the King Edward Medical College, Lahore, who may be willing and prepared to proceed to England for higher studies with a view to meeting the public demand for the services of highly qualified lady doctors in the province ; if so, with what result ?

The Honourable Mian Abdul Haye : Answer to the first part of the question is in the negative. The second part does not arise.

QUESTION HOUR.

Premier : I move—

That the question hour for to-day be dispensed with.

The motion was carried.

ADJOURNMENT MOTIONS.

Mr. Speaker : I have received notices of five adjournment motions. The purpose of such motions is to discuss definite matters of urgent public importance. Therefore, they should not be tabled, as is so often done in this House to discuss matters of little importance. The time of the House is very valuable and the honourable members know this better than any one else. I request them therefore to follow in this respect the practice of the House of Commons and give notices of adjournment motions only when definite matters of exceptional public importance deserve immediate discussion.

Diwan Chaman Lall : I do not myself know what the adjournment motions are, but may I suggest that the honourable member concerned may read out his adjournment motion and then you may rule it out of order, if it does not comply with the rules ?

Mr. Speaker : The Honourable Pandit Shri Ram Sharma may ask leave for moving his first motion.

Pandit Shri Ram Sharma : I have not received a copy of the motions. The office usually types them out and circulates them.

Mr. Speaker : Notices were received about half an hour ago. Therefore to have them typed and circulated in time was not possible.

DISTURBANCES AT ASAUDHA, ROHTAK DISTRICT.

Pandit Shri Ram Sharma : I beg to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the disturbed condition of the continued lawlessness at village Asaudha (Rohtak) since 19th February last resulting in several criminal acts by organised hooligans against peaceful villagers including one serious criminal assault on a 60 year old lady of a respectable family as a direct result of the partial and dishonest attitude of the Rohtak district police authorities.

Mr. Speaker : The honourable member asks leave to move one adjournment motion for discussing two matters, viz., (1) the disturbed condition of the lawlessness at village Asaudha (Rohtak) since 19th February. May I ask what action have the aggrieved persons taken up to this day? Have they moved the courts of law? (2) Criminal acts have been committed by hooligans against the peaceful villagers, including one serious criminal assault on a 60 year old lady, as a direct result of the partial and dishonest attitude of the Rohtak district police. Have any judicial proceedings been taken up to this day?

Pandit Shri Ram Sharma : The reason is that people have no confidence in judicial courts in the Rohtak district.

Mr. Speaker : Have they confidence only in this House? Does the honourable member mean that there is no justice in the Rohtak district and that the courts of law cannot redress the grievance of the public? If he had mentioned particular complaints against the police, that would have been something.

Pandit Shri Ram Sharma : The general condition has been given.

Mr. Speaker : That is too vague. I rule the motion out of order.

SCANDALOUS STATE OF AFFAIRS IN KASIN FAMINE TEST WORKS.

Pandit Shri Ram Sharma : I beg to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the scandalous state of affairs at Kasin famine test works in Tahsil Jhajjar (Rohtak) as evinced by the recent acts of the naib-tahsildar in charge in deducting a large sum of money from the wages of the labourers for a *nauch* arranged by him at the camp and also of the young women labourers in the camp after the labour hours.

Mr. Speaker : In this motion a naib-tahsildar is concerned and the local authority can take action against him. So, I hold the motion to be out of order.

DISTURBANCE AT VILLAGE DIGHAL.

Pandit Shri Ram Sharma : I beg to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the complicity of the Rohtak district authorities in the clear but indirect act of excitement to violence during the course of speech by the Honourable Minister of Development before a village gathering at village Dighal in his own constituency on 9th April last with these words—

He is not a Jat, not son of a Jat who can hear and tolerate ill words spoken of me. You should not hear and must not tolerate anything spoken against me by these bania-agents, *khaddar topi walas*.

Mr. Speaker : The subject matter of this motion can be dealt with on a motion of no-confidence against the Minister.

Pandit Shri Ram Sharma : The district authorities are not doing their duty and my object is to discuss their complicity.

Rai Bahadur Mr. Mukand Lal Puri : If your ruling is to be adopted, then there can be no adjournment motions at all, because every matter of administration will come under the purview of one Minister or another.

Mr. Speaker : This motion is clearly a direct attack on the Honourable Minister.

Pandit Shri Ram Sharma : My motion is meant to discuss the conduct of the district authorities.

Lala Deshbandhu Gupta : The Honourable Minister may now say whether he uttered these words or not.

Mr. Speaker : The honourable members must be aware that ministers and other members of this House can be attacked by a substantive motion and not by an adjournment motion. Therefore, I hold the motion out of order.

Lala Deshbandhu Gupta : I rise on a point of order. On a previous occasion you had been pleased to hold such a motion in order. Why should you not follow that precedent now ?

Mr. Speaker : I have ruled the motion out of order and I cannot allow any more discussion on the point.

FAILURE OF RABI CROPS AND RELIEF TO VILLAGERS OF LUDHIANA DISTRICT.

Pandit Muni Lal Kalia : I beg to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the failure of the Government to give prompt and adequate relief to the villagers of about 80 villages in Ludhiana district for the total destruction of their rabi crops by hailstorms on 30th of March, 1939.

Mr. Speaker : Harvests have not been collected yet anywhere in the Punjab and the present condition cannot be attributed to any negligence on the part of Government. I, therefore, hold the motion out of order.

Pandit Muni Lal Kalia : But the point is that the Government have failed to give relief.

Sardar Lal Singh : May I say a few words with regard to this point ?

Mr. Speaker : I cannot allow comments on my ruling. Adjournment motions are very exceptional motions. So I request honourable members to study the parliamentary practice and procedure regarding them.

Pandit Shri Ram Sharma : What is the general practice that has been followed in the past in this House in regard to adjournment motions ?

Mr. Speaker : The honourable member may read the printed proceedings of this House. For the same reason I hold Sardar Lal Singh's motion,¹ which is identical with the one moved by Pandit Muni Lal Kalia, to be out of order.

¹Sardar Lal Singh, M. L. A., to ask for leave to move that this House do now adjourn to discuss a definite matter of urgent public importance, namely, the situation arising out of the failure of the Government to give relief to the people of about 15 villages in Thana Dehlon, district Ludhiana, who suffered total loss of their standing crops by hailstorm on 30.4.39.

LEGISLATIVE ASSEMBLY (OFFICES) BILL.

Mr. Speaker : I now propose to put clause 4 to the vote of the House.

Lala Duni Chand : I should like to speak opposing the whole clause.

Mr. Speaker : I am afraid the honourable member cannot be allowed to oppose the clause, as each of the amendments 16 to 21, all of which have been rejected by the House, proposed the substitution of a new clause in place of the existing clause 4; which clearly meant that the existing clause be deleted and a new clause be substituted in its place. Thus it is clear that the deletion of the original clause 4 and the substitution of a new clause in its place, have been discussed and disposed of by the House. I, therefore, hold that honourable members cannot have a fresh discussion on the deletion of clause 4.

Lala Duni Chand : May I point out that the substitution of a new clause is quite different from the deletion of the existing clause ?

Mr. Speaker : Any authority for that contention ?

Lala Duni Chand : I do not think it is at all necessary either to retain clause 4 or substitute some other clause in its place. My contention is that clause 4 may be deleted altogether.

Mr. Speaker : Strictly speaking unless clause 4 were omitted, the new clause or clauses proposed to take its place could not be discussed. Now honourable members wish to discuss its deletion over again.

Lala Duni Chand : If I was a consenting party to the substitution clause then in that case your view is correct. But that was never my position. You will be pleased to remember that I said at that time that after all these amendments were disposed of, I would oppose this clause.

Mr. Speaker : Does that give the honourable member a right to discuss the clause *de novo* ?

Lala Duni Chand : If at that time you had intimated to me that I might not have this opportunity then I would have spoken then.

Mr. Speaker : Had the honourable member stood up, I would have allowed him.

Premier : Honourable members are aware, I believe, that the question hour was dispensed with in order to expedite business but not to retard it.

Lala Duni Chand : There is another legal point. I had sent in an amendment with regard to the deletion of the clause.

Mr. Speaker : The honourable member is informed for his future guidance that the deletion of a clause is not an amendment.

Lala Duni Chand : But that gives me a right to speak.

Pandit Muni Lal Kalia : May I know if I am right in understanding your ruling that everything, whether substitution or amendment or change of words, is covered by 'deletion' and they are one and the same thing ?

Mr. Speaker : I did not say so. The omission of a word or words is not the same thing as the deletion or negation of a clause.

Munshi Hari Lal : When you put the question whether the clause forms part of the Bill or not, are we not to speak on it? You have been pleased to say that substitution has taken away that right.

Mr. Speaker : My position is that the deletion of the clause has been discussed.

Munshi Hari Lal : When we are discussing the substitution, we are not discussing the deletion.

Mr. Speaker : The honourable member is a learned lawyer. Unless he discusses that such and such a clause be omitted or deleted, how can he discuss the clause proposed to take its place ?

Munshi Hari Lal : Substitution means that I accept the principle of the clause but I only object to the method of operation. Now under deletion I oppose the very principle.

Mr. Speaker : He can vote against it.

Munshi Hari Lal : I want to argue out the principle.

Mr. Speaker : I cannot allow this. The question is—

That clause 4 stand part of the Bill.

The Assembly divided : Ayes 65 ; Noes 36.

AYES.

Abdul Haye, The Honourable Mian.
Abdul Rahim, Chaudhri (Gurdaspur).

Abdul Rahim, Chaudhri (Gurgaon).

Afzaalali Hasnie, Sayed.

Ahmad Yar Khan, Chaudhri.

Akbar Ali, Pir.

Ali Akbar, Chaudhri.

Amjad Ali Shah, Sayed.

Anant Ram, Chaudhri.

Badar Mohy-ud-Din Qadri, Mian.

Barkat Ali, Malik.

Chhotu Ram, The Honourable Chaudhri Sir.

Dasaundha Singh, Sardar.

Dina Nath, Captain.

Faiz Muhammad Khan, Rai.

Faiz Muhammad, Shaikh.

Fateh Muhammad, Mian.

Fazl Ali, Khan Bahadur Nawab Chaudhri.

Fazl Din, Khan Sahib Chaudhri.

Fazal Karim Bakhsh, Mian.

Ghazanfar Ali Khan, Raja.

Ghulam Mohy-ud-Din, Khan Bahadur Maulvi.

Ghulam Qadir Khan, Khan Bahadur.

Ghulam Samad, Khawaja.

Gopal Singh (American), Sardar.

Gurbachan Singh, Sardar Sahib Sardar.

Habib Ullah Khan, Malik.

Hans Raj, Bhagat.

Hari Chand, Rai Sahib Rai.

Het Ram, Rai Sahib Chaudhri.

Indar Singh, Sardar.

Jafar Ali Khan, M.

Jogindar Singh Man, Sardar.

Khizar Hayat Khan Tiwana, The Honourable Nawabzada Major.

Kishan Das, Seth.

Manohar Lal, The Honourable Mr.

Muhammad Akram Khan, Khan Bahadur Raja.

Muhammad Ashraf, Chaudhri.

Muhammad Hassan Khan Gurehani, Khan Bahadur Sardar.

Muhammad Hayat Khan Noon, Nawab Malik Sir.

Muhammad Saadat Ali Khan, Khan Bahadur Khan.

Muhammad Yasin Khan, Chaudhri.
 Mushtaq Ahmad Gurmani, Khan
 Bahadur Mian.
 Muzaffar Khan, Khan Bahadur
 Nawab.
 Nasir-ud-Din, Chaudhri.
 Nasir-ud-Din Shah, Pir.
 Nasrullah Khan, Rana.
 Naunihal Singh Mann, Lieutenant
 Sardar.
 Nawazish Ali Shah, Sayed.
 Pir Muhammad, Khan Sahib Chau-
 dhri.
 Pohop Singh, Rao.
 Prem Singh, Chaudhri.
 Pritam Singh Siddhu, Sardar.

Ranpat Singh, Chaudhri.
 Ripudaman Singh, Thakur.
 Roberts, Sir William.
 Sahib Dad Khan, Khan Sahib
 Chaudhri.
 Shahadat Khan, Khan Sahib Rai.
 Shah Nawaz Khan, Nawab Sir.
 Sikander Hyat-Khan, The Honour-
 able Major Sir.
 Sumer Singh, Chaudhri.
 Sundar Singh Majithia, The Honour-
 able Dr. Sir.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sardar.
 Wali Muhammad Sayyal Hiraj,
 Sardar.

NOES.

Ajit Singh, Sardar.
 Bhagat Ram Sharma, Pandit.
 Chaman Lall, Diwan.
 Deshbandhu Gupta, Lala.
 Dev Raj Sethi, Mr.
 Duni Chand, Lala.
 Duni Chand, Mrs.
 Faqir Chand, Chaudhri.
 Gokul Chand Narang, Dr. Sir.
 Hari Lal, Munshi.
 Hari Singh, Sardar.
 Harjab Singh, Sardar.
 Harnam Das, Lala.
 Jugal Kishore, Chaudhri.
 Kabul Singh, Master.
 Kapoor Singh, Sardar.
 Kartar Singh, Chaudhri.
 Kartar Singh, Sardar.
 Kishan Singh, Sardar.

Lal Singh, Sardar.
 Mazhar Ali Azhar, Maulvi.
 Muhammad Alam, Dr. Shaikh.
 Muhammad Hassan, Chaudhri.
 Muhammad Iftikhar-ud-Din, Mian.
 Mukand Lal Puri, Rai Bahadur Mr.
 Mula Singh, Sardar.
 Muni Lal Kalia, Pandit.
 Partab Singh, Sardar.
 Prem Singh, Mahant.
 Raghbir Kaur, Shrimati.
 Rur Singh, Sardar.
 Sahib Ram, Chaudhri.
 Santokh Singh, Sardar Sahib Sar-
 dar.
 Sant Ram Seth, Dr.
 Shri Ram Sharma, Pandit.
 Sohan Singh Josh, Sardar.

Clause 5.

Munshi Hari Lal (South-Western Towns, General, Urban): Sir, I beg to move—

That in lines 6-7, the words 'under section 4' be omitted.

3 P.M.

My reasons are that clause 5 at present says that the duties of the Sergeant-at-Arms shall be the keeping of the doors of the Assembly and the execution of the order of the Speaker under section 4. I want the deletion of the words 'under section 4.' In section 4 it is said—

The Speaker shall have the power to direct the Sergeant-at-Arms or any of his deputies to remove or exclude....

This means that the orders under clause 5 are restricted by the terms of clause 4, i.e., only removal or exclusion of a person or a member, while I submit that there should be no such restriction placed on the powers of the Speaker. The Sergeant-at-Arms and his deputies should execute every order that is given by the Speaker. The Speaker cannot be expected to give any order which would be *ultra vires* or which would be beyond the purview of this Bill. Why should the powers of the Speaker be restricted? I, therefore, submit that the words 'under section 4' should be deleted off and a wider latitude allowed to the Speaker to order the Sergeant-at-Arms and his deputies to execute any order passed by the Speaker. With these words I move the amendment.

Mr. Speaker : Clause under consideration, amendment moved is—
That in lines 6-7, the words 'under section 4' be omitted.

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi Division, General, Rural) : I am afraid I cannot agree with the amendment which has been proposed. The object of section 5 is to enable the Speaker to carry out the duties which have been assigned to him under section 4. Section 4, although it confers very wide powers, definitely restricts those wide powers. You will find that your powers are restricted to :—

"Remove or exclude from the Assembly building or any part thereof any person who in the opinion of the Speaker infringes the rules of procedure of the Assembly or otherwise behaves in a disorderly manner."

So your power is restricted to removal or exclusion. This amendment, if accepted, would authorise you to order the Sergeant-at-Arms to give a slap on the face of any stranger. Is it the intention of the House that the Sergeant-at-Arms should even carry out such orders of the Speaker? Supposing in his discretion, a Speaker were to order that a particular person should be given shoe-beating. If this amendment is accepted, I respectfully submit that the Sergeant-at-Arms would be authorised to carry out the order of shoe-beating on the floor of the House. If we accept the amendment, the Sergeant-at-Arms would be perfectly justified and within law to give shoe-beating to anyone whom you in your wisdom, thought fit to merit this attention.

Premier : Although it may be justifiable. (*Laughter*).

Rai Bahadur Mr. Mukand Lal Puri : I think, in view of the remarks of the Honourable Premier, I am sure, you will reserve that attention whenever and if necessary, for the members of the Government because such action may be desirable for them. I would certainly object to the Sergeant-at-Arms being given any power to carry out your illegal orders, although I am sure that you will not be guilty of passing orders of this nature.

Pandit Bhagat Ram Sharma (Kangra West General, Rural) : From the wording of the section it is clear that there are several things in addition which the Sergeant-at-Arms is required to do under this clause. Therefore by the insertion of the words 'under section 4' the powers of the Speaker are going to be limited to the extent that he can only order within the scope of section 4. My submission is that in order to keep order and persuade the Sergeant-at-Arms and his deputies to do certain duties, the Speaker may be required to get his orders executed according to the circumstances and he should, as suggested by Munshi Hari Lal, have the power to give any

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orders which he thinks fit. With these words I support the amendment of Munshi Hari Lal.

Mr. Speaker : Question is—

That in lines 6-7, the words 'under section 4' be omitted.

The motion was lost.

Munshi Hari Lal (South-Western Towns, General, Urban) : I move—

That in lines 7—9 the words "for which purposes.....as they may consider necessary" be deleted.

I submit that the Sergeant-at-Arms and the Deputy Sergeant-at-Arms should be the only persons to carry out the orders of the Speaker to remove or exclude a person or a member from the Assembly building. If the powers are given to the Sergeant-at-Arms and the Deputy Sergeant-at-Arms to secure the services of any servant of the Crown or of the Assembly, it means that he or they may requisition a police constable or a Chaprasi and ask him to remove a member. I leave it to the House just to consider that if powers are given to the Sergeant-at-Arms and Deputy Sergeant-at-Arms to employ or utilise the services of a servant of the Crown, these powers may be misused or may be abused. There should be restraint on the power of the Sergeant-at-Arms and Deputy Sergeant-at-Arms and with this end in view, I submit that these words should be entirely omitted. The Sergeant-at-Arms and the Deputy Sergeant-at-Arms should be the only persons to carry out the orders of the Speaker. When they wish to exclude or remove a member, they should not call in the assistance of other servants of the Crown because there may be abuse of their powers and the dignity of the House and of the members may be seriously affected. I hope the House will look to the position of the members and its own and will not allow the Sergeant-at-Arms and the Deputy Sergeant-at-Arms to make use of the services of any other servant of the Crown. 'Any servant of the Crown' may be a Chaprasi, 'any servant of the Crown' may be a police constable, 'any servant of the Crown' may be anybody who may be employed and whose services may be requisitioned and used by the Sergeant-at-Arms and his deputy in excluding or removing a member. These powers may prove oppressive. With these remarks I move that these words should be omitted.

Mr. Speaker : Clause under consideration, amendment moved—

That in lines 7—9 the words 'for which purposes as they may consider necessary' be deleted.

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi Division, General, Rural) : I endorse the remarks of the last speaker on the subject that it is very necessary that the dignity of this House should be maintained. It is a matter on which the members of this House and the members of every House would be agreed that the police should not be introduced in the Assembly nor should the police be invited to assist the Assembly Officers in the discharge of their duties. If necessary the Assembly Officer can employ his own men under different designations but it should not be open to the Sergeant-at-Arms to requisition the services of the police. I, therefore, support the amendment.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : I believe that there seems to be certain amount of misapprehension about the words "servants of the Crown." I might straightaway inform my honourable

My friend opposite that the reason why these words have been used is precisely what he is taking objection to. The reason is that in case of an emergency, when the Sergeant-at-Arms considers it necessary to secure outside help in addition to the help available to him — the servants of the Assembly—he will be able to indent for that help and in this respect we are not making a departure from what I might call parliamentary practice. My honourable friends are no doubt aware that in the House of Commons police is used by the Sergeant-at-Arms on occasions when necessary. I do not for a moment say that it will be necessary to indent the police with regard to the discharge of the duties of the Sergeant-at-Arms but an occasion may arise when the personnel of the Assembly even is not sufficient or adequate to cope with the situation. It is merely to meet with an emergency that we have included these words as a precaution. In the House of Parliament, as my honourable friends are aware, a special section of the Metropolitan police is put directly under the Sergeant-at-Arms for these duties if and when necessary. Here we have specifically mentioned servant of the Crown so that it may not be necessary for us to keep a wholetime staff which would be expensive and in the case of an emergency the police may be requisitioned. I can assure my honourable friend that even when the police will be requisitioned for the purpose it will be requisitioned for a temporary period. It will not be a regular police force, and will be under the orders of the Sergeant-at-Arms and the Speaker of the Assembly, i.e. for that temporary period they would no longer be policemen but as a matter of fact servants of the Assembly itself. I hope after this explanation my honourable friend will not press his amendment.

Diwan Chaman Lall (East Punjab, Non-Union Labour): Mr. Speaker, I am somewhat surprised to hear from the Premier that the practice in the House of Commons in dealing with honourable members of the House of Commons is that the Sergeant-at-Arms does and has utilised the services of the Metropolitan police inside the House of Commons Chamber. I cannot recall, speaking subject to correction, any occasion which has ever arisen in the House of Commons inside the Chamber itself where the services of the police had been requisitioned for the purpose of throwing out an honourable member from inside the Chamber. I do not know, I speak subject to correction. It is quite possible my honourable friend is correct. If he is correct I should like to have chapter and verse of it. It is undoubtedly true that the warrant of the Speaker is given to the Sergeant-at-Arms for execution and he is given the assistance of every civil authority known in the land. Supposing in the House of Commons the Speaker has cause to consider that his orders have been disobeyed in any particular outside the Chamber, the Speaker has the authority to issue a warrant to the Sergeant-at-Arms and ask him to execute that warrant. That is perfectly correct as far as the practice in the House of Commons is concerned, but remember, Mr. Speaker, there is a vital distinction. The Parliament is a court of law: this Assembly Chamber is not a court of law. There is a very vital difference. Parliament is the highest court of law in the land, but not this legislature. Therefore the orders given to the Sergeant-at-Arms under the authority of the Speaker are worthy of being executed with the assistance of the civil authorities not only inside but outside, because it is the highest court in the land. Let us look at the proposition from the

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historical point of view. I am afraid it is not so easily to be dismissed as it is sought to be done on the floor of the House. Now the question arises in regard to this very matter about the assistance. First of all let us be clear what this particular clause means. It means this—

The duties of the Sergeant-at-Arms and his deputies, if any, shall be to attend on the Speaker, to keep the doors of the Assembly building and to execute the orders given by the Speaker under section 4, for which purposes they may enlist to their aid such servants of the Crown or of the Assembly as they may consider necessary.

First of all it is incorrect that these servants of the Crown would automatically become servants of the Assembly because the clause itself draws a distinction between the servants of the Crown and those who are servants of the Assembly. The Sergeant-at-Arms and his deputies can therefore enlist the services of the people who are servants of the Assembly, can enlist the services of the Secretary, a very able Secretary I must admit: they can go outside and secure the services of the two chaprasis standing there with gold belts, they can enlist the services of your own Personal Assistant: they can secure the services of the policeman who stands at the main gate of the Assembly. The position is this: are we going to empower the Sergeant-at-Arms by virtue of this clause to give him the authority to enlist in his aid any passing policeman, bring him in the Assembly Chamber and violate the very sacred precincts of the Assembly and ask him to exercise his authority against an honourable member in the House? I submit that this would be a very serious breach of the privileges of the House if such a wide power and authority is given to the Sergeant-at-Arms to enlist the services of any passer-by who happens to be a servant of the Crown in the execution of his duties on the floor of the House. There is a very strict rule regarding strangers. No stranger can enter the precincts of the Chamber itself where Parliament sits. I take it that that rule prevails here as well. If this particular clause is passed any stranger who merely happens to be a servant of the Crown may be enlisted in aid of the Sergeant-at-Arms and brought on to the floor of the House, thereby violating the sacred right of the House to conduct its proceedings without being molested by any outsider. If we are going to have these powers which I submit are not necessary, let us know the persons who will exercise these powers so that the Sergeant-at-Arms may not bring in anybody who is a servant of the Crown to assist him in the discharge of his duties. Why cannot we define those particular persons who shall be entrusted with this power? Let us know who those persons are: let us look at their faces. Let us see what type of persons they are to whom these wide powers will be given, which are not being given to the Speaker. The Speaker can order the Sergeant-at-Arms to do a particular thing and must leave it to the Sergeant-at-Arms to do it. He has much wider powers than the Speaker. The Speaker cannot call aid from outside of any servant of the Crown. It is the Sergeant-at-Arms who is being given this executive authority. Now, let us look at the procedure in the House of Commons. In the House of Commons power has been vested of compelling the attendance of persons before Parliament and committing them if they refuse to do so.

In the case of Ferrers, in 1543, the Commons committed the sheriffs of London to the Tower, for having resisted their Serjeant-at-Arms, with his mace, while freeing a member who had been imprisoned in the Compter.

In 1689, after a dissolution of Parliament, an action was brought against Topham; the Serjeant-at-Arms attending the Commons, for executing the orders of the house in arresting certain persons. Topham pleaded to the jurisdiction of the court, but his plea was overruled, and judgment was given against him. The house declared this to be a breach of privilege, and committed Sir F. Pemberton and Sir T. Jones, who had been the judges in the case, to the custody of the Serjeant-at-Arms.

Because the Parliament is a supreme court and is the highest court in the land they have the authority even to commit honourable members for contempt because the orders of the House of Commons given to the Serjeant-at-Arms were disobeyed. In the execution of his duties the Serjeant-at-Arms could take the assistance of the civil authorities; but I have not come across any case as far as I can see, where that Civil power has been brought into use on the floor of the House itself. Has my honourable friend got a case to the point? Does my honourable friend know a case where that civil power has been brought into action on the floor of the House?

Premier : May I explain to my honourable friend that this Act does not relate only to the powers on the floor of the House or within this chamber. An occasion may arise when the Speaker shall have to direct the Serjeant-at-arms not to allow any undesirable person to enter the Chamber. I give an instance to my honourable friend. Suppose a huge crowd wants to stop the business of the House or is bent upon a sabotage and comes here and tries to ransack the House or over-run this Chamber, then would not in that case the Serjeant-at-Arms requisition help from outside in order to keep the rowdies outside? That is the point. My honourable friend is mixing two things.

Diwan Chaman Lall : My honourable friend now is shifting his ground in justification of this particular measure. The position is very simple. He says; I am not asking for the services of outsiders, that is, the servants of the Crown, merely for the purpose of ejecting a member from the floor of the House, but I am also asking for the services of outsiders in order to prevent the crowd from coming into the Chamber and preventing the crowd from being rowdy on the floor of the House. The position is this. My honourable friend knows that outside the Chamber and even inside the Assembly building, the place is surrounded by the police. If my honourable friend's arrangements are inadequate, he can make them adequate without asking your permission or asking the permission of this House in the shape of a measure that is presented to-day. It is not necessary for my honourable friend, in order to prevent the crowd from coming into this Chamber, to bring in a measure of this nature and to ask the Assembly day after day to consider whether the power should be given to my honourable friend or not, for the purpose of preventing the crowd from entering this Chamber. That is not the position. The position is different. He knows perfectly well that he can at any moment, by means of the police, prevent the crowd from entering this Chamber because he has got the whole police at his disposal. *(At this stage the Secretary passed a book to the Premier.)* I see my honourable friend now has got a reference which my honourable friend the Secretary has given to him and he has found out particularly at what time the police was actually called in. He said that a section of the Metropolitan police could go and guard the gangways of the House of Commons. Any policeman, who would go into the Chamber, would be immediately ejected by an honourable member getting up and

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saying, 'I spy a stranger.' Any policeman or anybody, unauthorised who gets into the House of Commons Chamber cannot remain there for one second. Not only in the House but in any gallery a stranger cannot remain if an honourable member says to the Speaker, 'Mr. Speaker, I spy a stranger.' Every gallery has got to be vacated and no stranger can remain either in the House or in any gallery attached to that particular chamber. This is the constitutional position. But if my honourable friend says that he has to prevent the crowd from entering the Chamber, then, as I have already said, he can prevent the crowd from entering the Chamber. But this is not the way. What my honourable friend is contemplating is possibly the mass ejection of honourable members from the floor of the House. By these methods he cannot destroy the Opposition which happens to be growing daily and increasing in numbers daily. He wants to have these penal powers and executive powers of this nature in order to eject the Opposition from the floor of the House.

Premier : Why the Opposition?

Diwan Chaman Lall : I welcome my honourable friend's interruptions. He says, 'Why the Opposition.' We should not be hypocrites. Why not face realities and face facts? If it is not my honourable friend's party that is giving any trouble, then it is the Opposition, according to him. Is it not a fact? Let us not shut our eyes and hide the truth. We can bear the burden of responsibility in regard to this matter and we know perfectly well what is in his mind. He takes pride in this. He wants to have these powers not to prevent a crowd from coming into the Chamber. The apprehension in his mind is this. He wants to eject honourable members with the assistance of the police. I do submit that he should not be permitted to take this power in his hand.

Let me proceed a little further. We have a further instance of the assistance of the civil power given to the Serjeant-at-Arms :—

When the House has ordered the Serjeant to execute a warrant, the House sustains his authority, and punishes those who resist him.

There is that authority to punish, but here there is no such authority to punish anybody who resists the Serjeant-at-Arms. Even according to the Government of India Act we cannot act as a court of law. We have no such authority as is claimed by my honourable friend for the Serjeant-at-Arms in the House of Commons. Further on it is provided :—

But a question arises concerning the authority with which the Serjeant is invested by law, when executing a warrant authorized by the order of the House, and the assistance he can demand from the civil power. Both Houses consider every branch of the civil government as bound to assist, when required, in executing their warrants and orders, and have repeatedly required such assistance.

Both Houses require it because they are supreme. I submit that there is no analogy that my honourable friend is seeking in reference to this particular clause 5, wanting the same sort of power which is vested in the Serjeant by the House of Commons.

In 1649, all mayors, justices, &c., in England and Ireland were ordered by the Commons to aid in the apprehension of Sir G. Ratcliffe. In 1660, the Serjeant was expressly empowered "to break open a house in case of resistance, and to call to his assistance the sheriff of Middlesex, and all other officers, as he shall see cause; and who are required to assist him accordingly." On the 23rd October, 1690, the Lords authorized Black Rod to break open the doors of any house, in the presence of a constable, and there search for and seize Lord Kewton.

Are we authorised to order the Serjeant-at-Arms to proceed to my honourable friend Sardar Dasaundha Singh's house and say that Sardar Sahib has committed a breach of the privileges of this House and has disobeyed the mandate of the Honourable Speaker and therefore his house should be broken open? Nothing of the kind. We are trying to employ authority which we do not possess and we are trying to utilise powers which we cannot adopt and the powers which we have no authority to adopt. My honourable friend, perhaps in a moment not of calm and peaceful consideration but in a moment of anger at certain things that have happened on the floor of the House, is now demanding powers which he should not demand. Is it dignified for my honourable friend to demand that the power should be given to the Serjeant-at-Arms or to any one of his attendants to get hold of the servants of the Crown and bring them inside the Chamber and ask them to turn out honourable members who happen to be recalcitrant? Is it dignified for my honourable friend to do so? When he is in a calmer moment he will realise that it is neither dignified nor necessary to do a thing like this.

Apart from breaking open doors and the protection given to officers who execute the warrants, Parliament claims the same powers as are claimed by the Court. I ask my honourable friend, does he claim the same powers as are claimed by Parliament? I submit that the Government of India Act debars my honourable friend from claiming those powers. Therefore the analogy of the House of Commons does not hold good as far as this Chamber is concerned. Had we that authority to send a roving commission all round when we realised that our authority was being impugned or our authority was being disobeyed, had we that authority to arrest any person, or to order his arrest with the help of the civil power, there might have been made out a case by my honourable friend. We have no such authority. Then he claimed analogy with the House of Commons when in fact we do not possess that particular authority which argument in my opinion, my honourable friend will forgive me, is an utter absurdity. Since Parliament claims to be the supreme court it can do all these things. It can commit anybody. It can arrest by warrant, and so on and so forth. That is as far as the power of the House of Commons goes. As far as we are concerned, I submit again, I do not know, Mr. Speaker, what your position would be. Suppose an honourable member in this House gets up and cries: 'I spy a stranger.' What would your position be? No such occasion except one has arisen when any member has said that, but even then you have not been called upon to exercise your authority in reference to this matter when you should be asked to clear from the Assembly Chamber and from the galleries all persons under the authority of this House. Suppose this new situation arises, namely under this Act any servant of the Crown is called upon by my honourable friend to come into the Chamber. Who is going to verify the fact that he is a servant of the Crown? Will the Serjeant-at-Arms do it or will any of his attendants do it? Will you Mr. Speaker, then turn to the Serjeant-at-Arms and ask him to hold an immediate enquiry as to whether the person is a servant of the Crown or not? Who is going to hold that enquiry? Who is going to decide, after holding that enquiry, that that particular person is a servant of the Crown? Under whose authority is that going to be done? What are the penalties that are going to be inflicted upon a person who might in this particular

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fashion act against the dignity of this honourable House? What is my honourable friend going to do? The Chair is now being used as a push button. Forgive my saying so, but with due respect I say that it is a question of a push button. (*Laughter*). When one wants to call a servant, one presses the button. The bell rings, and the servant appears. The honourable speaker will simply touch the button and the rest of the procedure is automatic. The Serjeant-at-Arms sits there and without reference to the Speaker or to the Premier he rushes into the street, calls half a dozen servants of the Crown and brings them on the floor of the House to execute his orders. I submit what a childish state of affairs! What a stupid state of affairs to create for honourable members of this House! You will by this particular measure not create more dignity for the Speaker or for this House, and I submit that this particular clause 5 should be opposed tooth and nail by every member of this House. I ask my honourable friend the Premier, who is not here at the moment, to remember that, if there are any occasions when a policeman—policemen in the House of Commons are not under the authority of the Metropolitan Police for they are the servants of the House of Commons—when a policeman is acting under the orders of the Serjeant-at-Arms inside the Chamber to eject any particular member, there is all the time the privilege which rests with every member to call the Speaker's attention to strangers and have the Chamber cleared of people who are not members. Such a state of affairs will not prevail in this House. You will be legalising the position which does not prevail in Great Britain, by virtue of an Act. It is merely a convention which operates therein. No law has been passed to that effect. It is merely a convention which has grown up after centuries of practice. In having this provision you would be legalising what would violate a certain privilege of honourable members which they possess, of drawing the attention of the Speaker to the presence of strangers on the floor of the House. I submit that this particular clause should be opposed and this amendment should be accepted by my honourable friend if he wishes to consider not only your dignity but equally the dignity of this House.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural): My friends on this side of the House have spoken on this amendment because they think that it is not a nice thing that any member should be turned out of this House or from any portion of this building, say, by a foot-constable or by any other person. I would however like to press this amendment in the interest of the public servants also. You know that the Serjeant-at-Arms and his deputies are authorised to enlist to their aid such servants of the Crown or of the Assembly as they may consider necessary. Suppose the Serjeant-at-Arms wants to turn out a member from this House, then it is in his power to ask the Secretary or ask even the Reporter to take steps to turn that member out. If the Secretary or the Reporter does not obey him, then the Secretary or the Reporter is liable to punishment, because according to section 8, if that section is passed, Serjeant-at-Arms is a public servant and any disobedience of his orders shall be punishable. It is for this reason that I would like to press this motion.

Pandit Bhagat Ram Sharma (Kangra West, General, Rural): The Serjeant-at-Arms and his deputies are being given to the Speaker to turn

members out of the Chamber in case they misbehave. You will be the judge of the fact whether a particular person is guilty of an infringement of rules or whether any person is guilty of disorderly behaviour. Again, you are under the Act empowered to order any member who is guilty of disorderly behaviour to be excluded from the Assembly Chamber or from any part of the building. If that is so, I fail to understand why this Serjeant-at-Arms is given the power to enlist the aid of the servants of the Crown in case such an opportunity arises. In my opinion if at all there was any need of such legislation, Mr. Speaker, you ought to have been fully empowered to order anybody to expel people infringing rules. It should have been the concern of bulky people to oppose this amendment tooth and nail, and I would ask Mr. Gurmani and Mr. Daulatana and members of the same bulk to oppose it for in case any opportunity arises it will be in the case of bulky members of the House. (*Laughter*). (*Dr. Sir Gokul Chand Narang*: That is a new argument). (*Laughter*). With these words I take my seat.

Munshi Hari Lal (South Western Towns, General, Urban): The Honourable Premier has been pleased to refer to the House of Commons. Whenever I hear the expression 'House of Commons' I heave a sigh of relief. Unfortunately our House is not just like the House of Commons. The House of Commons is not the creation of any law whereas our House is constituted under the Government of India Act, and as admitted by my learned friend, the Honourable Malik Barkat Ali the other day, our House rests upon the Government of India Act with all the limitations and restrictions which that Act imposes. Similarly the officers of this Assembly would not be under the control of this House. There is no power of the appointment of the Serjeant-at-Arms by this House nor is there any power vesting in this House to remove him. This House cannot punish him for any insubordination. In fact this House has got absolutely no control over him. It is therefore undesirable that he should be so empowered as to employ any servant of the Crown when he wants to remove a member from the House.

It has also been admitted by the Honourable Premier that the person that the Serjeant-at-Arms may employ may even be a policeman. Whatever may be the feeling of other honourable members I confess I shiver at the very mention of the word 'policeman.' What is the character of policemen in this province? The less said, the better. The Metropolitan police is directly under the Home Secretary who is a member of the House of Commons and he can thus deal with the police there. But here the Premier may be in charge of the Police Department, but I doubt whether he has got direct control over and can directly deal with the police. I quite remember an incident which occurred in or about 1907 when Mr. Churchill was the Home Secretary. At that time a member was molested by the police. Mr. Churchill himself expelled the policeman and took a very strong action there and then. But here, what sort of police have we got? Give him an order to execute and he will execute it with all the venom in him. Policeman in England is a friend of the duke and dustman alike. He is a friend of the peaceful there, but here he is a terror to the peaceful. I know how he behaves with law abiding people. I doubt whether the Honourable Premier knows what the police are doing in this province. If he knows he will not at all suggest the employment of policemen in this august Assembly

[Munshi Hari Lal.]

When he suggests that a policeman may be employed he points the sting in the clause and lets the cat out of the bag. I oppose this clause because there is the possibility of a policeman being introduced in this House and the honourable members being handed over to him.

Another point I want to urge is that I do not wish the honourable members of this House to be left to the mercies of the Serjeant-at-Arms or his deputy. I do not think that it is dignified to empower the Serjeant-at-Arms or his deputy to employ extra force when executing the orders of the Speaker in excluding or removing the members from the House. With these remarks I submit my motion for the acceptance of the House.

Premier (The Honourable Major Sir Sikander Hyat-Khan): I am indebted to my honourable friend for giving me an opportunity to reply to one or two points raised by Diwan Chaman Lal. Diwan Sahib's main burden of argument was that this House was not a sovereign body nor could it under the law constitute itself into a court like the British House of Commons. If he had read our own procedure and the Government of India Act he would have conceded and I am sure even now he will concede that it is for that very reason that we have specifically mentioned this particular type of servants of the Crown so that later on no question can arise with regard to the validity or power or authority of the Speaker to requisition the services of the Crown through the Serjeant-at-Arms. If we had been a sovereign body or if we were in a position to constitute ourselves into a court, then it would not be necessary to specify this particular class of servants in the Bill which is before the House.

My honourable friend then went on to say, who will hold an enquiry as to whether a person who is requisitioned by the Serjeant-at-Arms is a servant of the Crown or not? He asked whether the Speaker or the Minister in Charge would hold an immediate enquiry to find out whether that particular person was a servant of the Crown. If he had elaborated that argument further he would have said with equal force, how are you going to satisfy yourself that the person who is called by the Serjeant-at-Arms for help is a servant of the Assembly or not? Would he in that case hold an immediate enquiry or ask the Speaker to hold an immediate enquiry or will this House sit as a court to find out whether the person requisitioned by the Serjeant-at-Arms is a servant of the Assembly or not? I therefore submit that that argument, so to say, is most fatuous. My honourable friend has apparently overlooked the fact that all that this Serjeant-at-Arms can do is to carry out the orders of the Speaker. He may rest assured that the Speaker is not going to use his powers lightly. He will take stock of the situation at the time and it is only in extreme cases of emergency that he will call upon the Serjeant-at-Arms to requisition outside help. When unfortunately that contingency does arise, does it not behove that the Speaker should have power to requisition help from outside for the purpose? Or does my honourable friend wish that we should have a large contin-

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gent of members or the servants of the Assembly itself, whole-time servants, to be paid from the provincial exchequer in order that if an emergency arises, these servants might be utilised? I beg to submit that this would be a most extraordinary way of meeting an emergency which I hope will never arise. As to the police being

allowed into the House of Parliament, I would refer my honourable friend to Redlich, pages 175-76.

Diwan Chaman Lall : Does it show that on any occasion a policeman has been brought on to the floor of the House in aid of the Serjeant-at-Arms?

Premier : Yes, one occasion. Barring one occasion the policeman was never required. It is said here :—

The police constables about the House are, so far as necessary, at the disposal of the Serjeant-at-Arms or his deputy; there is a considerable body of them, the charge of guarding and maintaining order in the corridors and staircases and at the numerous entrances and approaches to the gigantic Palace of Westminster being in the hands of the Metropolitan Police; they have exercised very careful supervision since the time of the Fenian dynamite scare. The maintenance of order within the chamber itself is entrusted to the messengers;

as will be done here—

In all, save one, of the few cases in which refractory members have had to be removed they alone have been called upon to act.

There has been only one occasion on which it was necessary to requisition the services of the policemen.

Diwan Chaman Lall : Does it say policemen?

Premier : One case in which refractory members have had to be removed.

Diwan Chaman Lall : Not by the police.

Premier : But the Serjeant-at-Arms would find no difficulty if he called for the services of the police. There has never been any special corps of parliamentary watchmen, nor, according to English ways of thinking, is there any need of such. I hope there will be no need of any such corps here either. It is said—

It must be remembered that the Home Secretary is the responsible chief of the London police, so that the force is entirely subordinate to the parliamentary Ministry. Here also the position is identical so far as the police is concerned. It is under one of the Ministers and therefore that is also subordinate to a parliamentary Ministry. But that point need not be stressed further. I merely wish to make it quite clear that these words "servants of the Crown" have been deliberately included in this particular clause, so that in case of an emergency we may be able to requisition the services of policemen from outside, so as to make it unnecessary for us to keep a large—and I might say an extensive—force of watch and ward officers or other Assembly staff throughout the year. As I said, those policemen, if they are ever requisitioned for this purpose, will be immediately divested of their police powers and will be under the Serjeant-at-Arms. My honourable friend said that policemen are not present in the corridors in the House of Commons. It is perfectly true and I say it will not be necessary to use them here in our galleries. But I might, for the benefit of my honourable friend, say that there has been a departure from that very healthy practice of not allowing a policeman inside the chamber or into the galleries and that departure has been made in the United Provinces where the honourable Mr. K. N. Katju informed the Assembly that police were posted in the visitors' gallery, corridors and all round the Assembly chamber. That I think is a very unhealthy departure.

Diwan Chaman Lall : You do the same thing here.

Premier : We do not normally allow a policeman.

Diwan Chaman Lall : Even outside the luncheon room there is the police.

Premier : They are also in the central Assembly and they are called watch and ward officers. Here also the Speaker would not allow any policeman normally into the gallery. What we have put in the clause is that when an emergency arises whether inside the chamber or in the gallery or outside the chamber or anywhere within the precincts of the Assembly chamber, then the Speaker shall have the fullest power to ask the Serjeant-at-Arms to requisition help from outside and I beg to submit that the most convenient way to do that is to requisition the services of a trained and disciplined force like the police, who will be placed under the Serjeant-at-Arms.

Mr. Speaker : Question is—

That in lines 7—9, the words “ for which purposes . . . as they may consider necessary ” be deleted.

The Assembly divided : Ayes 95, Noes 86.

AYES.

Ajit Singh, Sardar.
Blabir Singh, Rao Bahadur Captain Rao.
Bhagat Ram Coda, Lala.
Bhagat Ram Sharma, Pandit.
Bhim Sen Sachar, Lala.
Chaman Lall, Diwan.
Deshbandhu Gupta, Lala.
Dev Raj Sethi, Mr.
Faqir Chand, Chaudhri.
Gokul Chand Narang, Dr. Sir.
Hari Lal, Munshi.
Harjab Singh, Sardar.
Jalal-ud-Din Amber, Chaudhri.
Jugal Kishore, Chaudhri.
Kabul Singh, Master.
Kapoor Singh, Sardar.
Kartar Singh, Sardar.
Kishan Singh, Sardar.

Krishna Gopal Dutt, Chaudhri.
Lal Singh, Sardar.
Mazhar Ali Azhar, Maulvi.
Muhammad Abdul Rahman Khan, Chaudhri.
Muhammad Hassan, Chaudhri.
Muhammad Iftikhar-ud-Din, Mian.
Partab Singh, Sardar.
Prem Singh, Mahant.
Rur Singh, Sardar.
Sahib Ram, Chaudhri.
Sampuran Singh, Sardar.
Santokh Singh, Sardar Sahib Sardar.
Sant Ram Seth, Dr.
Satya Pal, Dr.
Shri Ram Sharma, Pandit.
Sohan Singh Josh, Sardar.
Sudarshan, Seth.

NOES.

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Abdul Rahim, Chaudhri (Gurdaspur).
Abdul Rahim, Chaudhri (Gurgaon).
Afzaalali Hasnie, Sayed.
Ahmad Yar Khan, Chaudhri.
Ali Akbar, Chaudhri.
Allah Bakhsh Khan, Khan Bahadur Nawab Malik.
Amjad Ali Shah, Sayed.
Anant Ram, Chaudhri.

Ashiq Hussain, Captain.
Badar Mohy-ud-Din Qadri, Mian.
Balwant Singh, Sardar.
Barkat Ali, Malik.
Bhagwant Singh, Rai.
Chhotu Ram, The Honourable Chaudhri Sir.
Dasaundha Singh, Sardar.
Dina Nath, Captain.
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.
 Few, Mr. E.
 Ghazanfar Ali Khan, Raja.
 Ghulam Mohy-ud-Din, Khan Bahadur Maulvi.
 Ghulam Qadir Khan, Khan Bahadur.
 Ghulam Samad, Khawaja.
 Gopal Singh (American), Sardar.
 Gurbachan Singh, Sardar Sahib Sardar.
 Habib Ullah Khan, Malik.
 Hari Chand, Rai Sahib Rai.
 Het Ram, Rai Sahib Chaudhri.
 Indar Singh, Sardar.
 Jafar Ali Khan, M.
 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.
 Muhammad Akram Khan, Khan Bahadur Raja.
 Muhammad Amin, Khan Sahib Shaikh.
 Muhammad Ashraf, Chaudhri.
 Muhammad Azam Khan, Sardar.
 Muhammad Faiyaz Ali Khan, Nawabzada.
 Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar.
 Muhammad Hayat Khan Noon, Nawab Malik Sir.
 Muhammad Hussain, Chaudhri.
 Muhammad Jamal Khan Leghari, Nawab Sir.
 Muhammad Qazim, Chaudhri.
 Muhammad Raza Shah Jeelani, Makhdumzada Haji Sayed.
 Muhammad Saadat Ali Khan, Khan Bahadur Khan.
 Muhammad Sadiq, Shaikh.
 Muhammad Sarfraz Khan, Chaudhri.
 Muhammad Yasin Khan, Chaudhri.
 Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
 Muzaffar Ali Khan Qizilbash, Sardar.
 Muzaffar Khan, Khan Bahadur Captain Malik.
 Muzaffar Khan, Khan Bahadur Nawab.
 Nasir-ud-Din, Chaudhri.
 Nasir-ud-Din Shah, Pir.
 Nasrullah Khan, Rana.
 Naunihal Singh Mann, Lieutenant Sardar.
 Nawazish Ali Shah, Sayed.
 Nur Ahmad Khan, Khan Sahib Mian.
 Pir Muhammad, Khan Sahib Chaudhri.
 Pohop Singh, Rao.
 Pritam Singh Siddhu, Sardar.
 Ranpat Singh, Chaudhri.
 Riasat Ali, Khan Bahadur Chaudhri.
 Roberts, Sir William.
 Sahib Dad Khan, Khan Sahib Chaudhri.
 Shahdat Khan, Khan Sahib Rai.
 Shah Nawaz Khan, Nawab Sir.
 Sikandar Hyat Khan, The Honourable Major Sir.
 Sultan Mahmood Hotians, Mian.
 Sumer Singh, Chaudhri.
 Sundar Singh Majithia, The Honourable Dr. Sir.
 Talib Hussain Khan, Khan.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sardar.
 Wali Muhammad Sayyal Hiraj, Sardar.

Mr. Speaker : Question is—

That clause 5 stand part of the Bill.

The motion was carried.

Clause 6.

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

That in the beginning figure '(1)' be deleted.

The motion was carried.

Premier : I beg to move—

That in sub-clause (1) line 1, for the words 'Punjab Government' the words 'Governor or such person as he may direct' be substituted.

Mr. Speaker : Clause under consideration, amendment moved is—

That in sub-clause (1), line 1, for the words 'Punjab Government' the words 'Governor or such person as he may direct' be substituted.

Diwan Chaman Lall (East Punjab, Non-Union Labour): Sir, the amendment which stands in my name is to the effect—

That in sub-clause (i), line 1, for the words 'The Punjab Government' the words 'The Speaker' be substituted.

The Punjab Government has the power to—

Appoint such officers, messengers, and other attendants on the Assembly as may be required to assist the Serjeant-at-Arms in the proper execution of his duties.

(2) The conditions of service of any persons so appointed shall, subject to the sanction of the Punjab Government in respect of any financial liability, be such as may be prescribed by the Speaker, who shall have power to suspend or remove any such person.

When the conditions of service are to be prescribed by the Speaker, I want that the Punjab Government or the Governor should give the necessary authority to the Speaker also to make this appointment. I, therefore, need not dilate upon this.

Mr. Speaker : Question is—

That in sub-clause (1), line 1, for the words 'Punjab Government' the words 'Governor or such person as he may direct' be substituted.

The motion was carried.

Premier : I move—

That in sub-clause (1), line 4, for the words 'attendants on the Assembly' the word 'persons' be substituted.

The motion was carried.

Premier : I move—

That sub-clause (2) be deleted.

Mr. Speaker : Clause under consideration, amendment moved is—

That sub-clause (2) be deleted.

Dr. Sir Gokul Chand Narang : May I ask the Honourable Premier to give reasons for the deletion of this sub-clause? It is a very important matter. I am only making a request. I should not be taken as making a speech.

Premier : It would be in contravention of section 240 of the Government of India Act and it is considered as redundant. It was for this reason that we decided to delete this sub-clause.

Dr. Sir Gokul Chand Narang : Is that all?

Premier : Yes.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : Sir, I do not know if the Honourable Premier was taken by surprise by my request. I hope not, because when he proposes an amendment it should be presumed that he is moving it deliberately and after having given full thought to it. When I asked him to give the reasons for moving this amendment, all that he said was 'because of section 240 of the Government of India Act'. Section 240 covers the whole page of the Government of India Act and he has not been kind enough to point out to what particular part of that section he referred when he said that section 240 had necessitated the amendment being proposed. I presume, however, that he is relying on sub-section (2) because if he does not rely on sub-section (2) there seems to be nothing else in the section on which he can rely. Section 240 (2) simply says—

(2) No such person as aforesaid shall be dismissed from the service of His Majesty by any authority subordinate to that by which he was appointed.

So far as this matter is concerned, let me first ask him whether he considers that the Speaker of this House is subordinate to the Governor. My contention is that the Speaker is not subordinate to the Governor, that he is elected by this House and as soon as the result of the election is declared he becomes the Speaker. Formerly the approval of the Governor was required and I know—so many elections have taken place during my time—that after the election the Chairman presiding at the time used to ring up the Governor informing him of the election and securing his approval on the telephone and then the Speaker would take his seat. But you were told the other day that under the present law such approval of the Governor is not now necessary. I would, therefore, like to know from the Honourable Premier whether the Speaker of this House is under anybody at all in this world, except perhaps subject to a vote of no-confidence by this House. In that sense the Speaker may be considered to be subject to something but not subordinate to anyone. You are not, Sir, subordinate even to this House that elects you. If the House loses its confidence in you and then proposes a vote of no-confidence, then you may be removed from this chair but as long as that is not done, you are the supreme authority so far as the proceedings in this House are concerned and so far as your control over the staff of the Assembly is concerned.

Mr. Speaker : I am a servant of the House.

Dr. Sir Gokul Chand Narang : Yes, you are servant of the House in a sense but you are not subordinate to the House under the Government of India Act and it is not the House that is going to appoint the Serjeant-at-Arms. If the Serjeant-at-Arms had been appointed by the House then it might be said. (*A nightingale began chirping in the Chamber amidst laughter*). It seems that the bird which is chirping here is not subject to the control of the Chair. (*Laughter*). The Serjeant-at-Arms even will find it difficult to turn it out unless some screens are put on the windows and all the openings into this House. The Bill may be useless for this interruptor. If this sweet warbler—I refer not to the Premier but to the bird—will allow me to proceed, then I would submit that if the appointment of the Serjeant-at-Arms had been made by the House then it might be said

[Dr. Sir Gokul Chand Narang.]

that under section 240 (2) you cannot be clothed with the authority of including the removal of the Serjeant-at-Arms in the conditions of his service. But we have already decided, at any rate the majority in this House has already decided, that the Governor shall appoint the Serjeant-at-Arms so that it is not this House that is responsible for the appointment of the Serjeant-at-Arms and, if we assume, for the sake of argument, that you are subordinate to this House in some sense, even then my submission is that your power to remove him cannot be taken away because the House has not appointed him at all. I have already pointed out that now that we have decided that it is the Governor who will appoint or may appoint the Serjeant-at-Arms and the Governor is not your superior officer, you are not subordinate to him; therefore, section 240 (2) of the Government of India Act does not apply to you. But again, I shall proceed to the next step, and that is this, that even if by any chance you may be taken to be subordinate to the Governor in the sense that perhaps in order of precedence or rank you are below him, even then my submission is that it was open to the Government to propose such an amendment as would preclude this discrepancy and they could have easily omitted the word 'remove' from this sub-clause, otherwise, so far as the rest of the sub-clause is concerned, there is absolutely nothing in it which contravenes any provision of the Government of India Act. It is only removal—if removal is taken in the sense of dismissal—which will contravene the provision of sub-section 2 of section 240 of the Government of India Act. It may be argued that section 241 has some provisions which would preclude or militate against such a sub-clause. It might be said that in part (b) of sub-section 1 of section 241 it is provided like this—

In the case of services of a Province, and posts in connection with the affairs of a Province, by the Governor or such person as he may direct.

This relates to the making of appointment and we have already complied with this provision of the Government of India Act, namely, we have given power to the Governor to appoint the Serjeant-at-Arms, but does it mean that once the Serjeant-at-Arms has been appointed by the Governor all your power disappears? I submit it does not. I would for that purpose refer you to what was pointed out by yourself the other day when you referred to sub-section 4 of section 241. Like an astute lawyer and careful of your rights you rightly relied on sub-section 4 of section 241, and this is what that sub-section says—

Notwithstanding anything in this section, but subject to any other provision of this Act, Acts of the appropriate Legislature in India may regulate the condition of service of persons serving His Majesty in a civil capacity in India, and any rules made under this section shall have effect subject to the provisions of any such Act.

Now this washes out part (b) of sub-section 1. It gives the power to the appropriate legislature, which is the Punjab Legislative Assembly in this province, to provide for the conditions of service of persons serving His Majesty in a civil capacity in India. The power of appointment is given to the Governor but the conditions of service can be determined and laid down by any authority which may be prescribed by the Act which may be passed by the appropriate legislature, that is by this Assembly. My contention therefore is that if the Government was led to propose this amendment regarding the deletion of sub-clause 2 of clause 6, because of the Government of India Act, they should have omitted it or deleted the word remove

only. That is the utmost that was necessary and it was not at all necessary to propose this amendment for the deletion of the whole sub-clause.

On the merits I would submit that the dignity of the Chair requires that the conditions of service of the Sergeant-at-Arms, who under the Act may be appointed by the Governor, should be prescribed by the Speaker himself because he is going to be the officer who will attend upon the Speaker and will receive orders from the Speaker. It is in the fitness of things that the conditions of service of that officer should be laid down by the authority whom he is going to serve in his tenure of office. As was pointed out the Sergeant-at-Arms will receive orders from you. He is to guard the House at which you preside, will attend on you personally. He has to keep the doors of this building. It is only fair and it is most appropriate that he should receive orders from you and the conditions of service should be prescribed by you. I would therefore ask the honourable the Premier, if on this occasion he has been able to follow my arguments, to amend his amendment and only confine it to the word 'remove' from sub-clause 2, of course with the consequential removal of the word 'or' so that the last sentence of this sub-clause would read like this—

Who shall have the power.

Mr. Speaker : The honourable member is suggesting an amendment of which he has not given notice.

Dr. Sir Gokul Chand Narang : I am not moving an amendment : I am only asking the Premier to amend his amendment. He wants to proceed with the amendment as it is tabled. I have pointed that it was an unnecessary amendment moved on behalf of the Government and it was really moved as I take it under a misapprehension. It has been badly drafted and it should have confined itself simply to the removal of the word 'remove' from this sub-clause. I think it is only proper that this sub-clause should be retained minus the words 'or removed' in order to keep up the dignity of the Speaker of the House.

Diwan Chaman Lal (East Punjab, Non-Union Labour): Mr. Speaker' on this side of the House we lay a great deal of stress on the inclusion of sub-clause 2 in clause 6 and I will very briefly detail reasons why I think it is necessary that sub-clause 2 of clause 6 should remain as it is. I take it that my honourable friend the Premier raised one objection to sub-clause 2. This matter was apparently considered in the Select Committee. After its consideration in the Select Committee this particular sub-clause was moved and I take it that the honourable members who were present in the Select Committee duly considered the legal position. My honourable friend the Premier himself was a member of the Select Committee. Mir Maqbool Mahmood, an able lawyer, was also a member of the Select Committee. Not only that, but the honourable the Advocate-General was a member of the Select Committee and I take it that of the two other lawyers Malik Barkat Ali, the eminent defender of my honourable friend's cause—I will not say his lost cause—was also a member of the Select Committee. These legal luminaries must have gone into this matter carefully enough, and after having satisfied themselves that it was necessary in order to uphold not only the dignity of the Chair and of this House but to perfect a procedure which would be applicable when the Serjeant-at-Arms is brought into action as a

[Diwan Chaman Lall.]

result of the orders given to him by the honourable Speaker, that they came to the conclusion that sub-clause 2 should be added. I submit that the objection, and the only objection, we have heard from the Premier is that it is not in accordance with the Government of India Act.

Premier : It is redundant.

Diwan Chaman Lall : It is in accordance with the Government of India Act.

Mr. Speaker : It is not against the Government of India Act.

Diwan Chaman Lall : It is not against the law. The legal luminaries who happened to be members of the Select Committee continue to hold that it is within the law. Therefore the objection which my honourable friend raised on the ground of section 241 has no meaning. Either it is within or not within the law. The legal luminaries of the Select Committee hold it to be within the law. Therefore they proposed it otherwise. I cannot see with all the legal acumen at his disposal why this particular sub-clause should have been moved. Then the other argument advanced by my honourable friend is that it is redundant. May I ask how it is redundant? Is similar power under this particular Bill given to the Speaker to prescribe conditions of service of the Sergeant-at-Arms?

If there is a clause or sub-clause which gives similar powers to the Speaker, then I take it that it is redundant. That is the meaning of the word 'redundant' as I understand it. I do not know of any other meaning of the word 'redundant.' It merely means that it is being repeated over and again and therefore it is not necessary. Where, may I ask my honourable friend, in the whole body of this measure is there a provision of this nature already passed or a provision which remains to be passed, giving authority to the Speaker to do what?—To prescribe the conditions of service of any person subject to the sanction of the Punjab Government in respect of financial liability. It is true that one little sentence regarding financial liability may, by some stretch of imagination, be considered by my honourable friend to be redundant. But that is not the essence of this particular sub-clause. The essence of this sub-clause is that the conditions of service of the Sergeant-at-Arms and his deputies should be prescribed not by the Governor or the Punjab Government but by the Speaker. The question of financial liability has already been dealt with in clause 3 which we have already passed, where it is said :—

The Punjab Government shall appoint a Sergeant-at-Arms and may appoint one or more deputy Sergeants-at-Arms and may provide for the payment of their emoluments from the revenues of the Punjab.

That matter has been settled. But I submit that this is not the crux of the matter as far as sub-clause (2) of clause 6 is concerned. The crux of the matter is, who shall be the person or the authority prescribing the conditions of service of those particular persons? On this side of the House we think that the best authority for the purpose of prescribing the conditions of service is the Speaker himself. My honourable friends are always very careful about keeping the power and authority in their own hands and sometimes handing over that power and authority to policemen, the servants

② of the Crown, being generally reluctant to part with that authority. I submit that in this particular instance they should have confidence in the Speaker, the very thing they ask they should practise themselves. Let them have confidence in the Speaker; let this matter be left to the choice and goodwill of the Speaker. After all the Speaker is the person who is going to call the Sergeant-at-Arms into action if the occasion arises. Cannot the Speaker be trusted? Let him prescribe the conditions of service. What authority would the Speaker have over the Sergeant-at-Arms? What is the authority that he would be exercising? The authority would be by virtue of sub-clause (2); otherwise what is the authority? My honourable friend on my left reminds me and that was the point that I was going to mention.

② There is no authority with the Speaker which he would be exercising over the Sergeant-at-Arms excepting to give him the instructions to do a particular thing. Suppose he disobeys the Speaker. What then? It is not only the question of honourable members disobeying the Speaker, but suppose the Sergeant-at-Arms is guilty of contempt of the Speaker and does not carry out the orders as the Speaker wants those orders to be carried out and disobeys the orders given by the Speaker. Has the Speaker any authority to take an action against him? He would have the authority if this sub-clause were to be accepted. Then, Mr. Speaker, you can prescribe the conditions of service of those persons and you would then have the power to suspend the Sergeant-at-Arms and you would have the power even to remove the Sergeant-at-Arms or any one of the persons who are appointed by the Government. I submit that this is the logical outcome of the authority to be exercised by the Speaker. Any person, who is under you, Mr. Speaker, and who is under the obligation to carry out the orders that you give, should be the person who is amenable to your jurisdiction. At the present moment he is amenable to the jurisdiction of every passerby, every policeman and every servant of the Crown. It is an anomalous position and a most undignified position, a position which my honourable friend should realise straightway without any argument from this side of the House and a position which should not be advocated by him if he is at all careful of the dignity of the Chair. Not only is it the question of the dignity of the Chair, but it again is the question of the method of exercising a particular authority that is being vested in the Chair. My honourable friend may say that according to section 240 of the Government of India Act, because the word 'remove' is there, therefore, it is not possible legally to pass this particular clause. I beg to differ from my honourable friend. Lawyers often differ in respect of the interpretation of clauses. But I submit that there is a vital difference which is being overlooked and which must have been in the minds of those lawyer luminaries who sat on the Select Committee to decide upon this particular sub-clause. At that time they had the Government of India Act before them and in spite of the provisions of section 240, they did agree that this amendment was then within the four corners of the law and could be enacted on the floor of the House. Why did they agree? If you look at section 240 (8) you will find this :—

No such person as aforesaid shall be dismissed or reduced in rank until he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him—

[Diwan Chaman Lal.]

Again, section 241 (1) (b) says :—

Except as expressly provided by this Act, appointments to the civil service of, and civil posts under, the Crown in India, shall, after the commencement of Part III of this Act, be made—

* * * * *

(b) In the case of services of a Province, and posts in connection with the affairs of a Province, by the Governor or such person as he may direct.

Provided that it shall not be necessary to make rules regulating the conditions of service of persons employed temporarily...

Then further on, sub-section (4) of section 241 says :—

Notwithstanding anything in this section, but subject to any other provision of this Act, Acts of the appropriate Legislature in India may regulate the conditions of service of persons serving His Majesty in a civil capacity in India, and any rules made under this section shall have effect subject to the provisions of any such Act.

Now, in the clear presence of sub-section (4) of section 241 of the Government of India Act to which the Honourable Speaker directed the attention of the House, how can it be held that this authority is not exercisable by this House and cannot be exercised under the authority of this House by the Speaker? It may be said that in the case of dismissal or removal, that authority, which is subordinate to the appointing authority, cannot take that particular action. May I enquire that in that particular matter how is the Speaker a subordinate authority to the Governor? Suppose the Governor or the Punjab Government makes this appointment, then it is impossible under the law for any subordinate authority to take action against the person appointed. The Speaker, I submit, is not a subordinate authority. Therefore, the Speaker not being a subordinate authority, this particular restriction does not apply to the Speaker. Even the question of removal would be covered by the fact, if it is argued on the lines that the Speaker, not being a subordinate authority, can take necessary action when that particular power is given to him by the statute of this House. I submit, Mr. Speaker, that not only from the point of view of the general discharge of the duties that are conferred upon the Sergeant-at-Arms and the attendants attached to the Serjeant-at-Arms, not only from the point of view of the preservation of your own dignity but also from the point of view of the preservation of the dignity of this House, it is necessary that any person who is going to take action under your authority, should be amenable to your jurisdiction. There can be no two arguments about this excepting merely the argument of the majority and the argument of the *danda*. They may say, 'We have power, we are in a majority, and we want authority to appoint those persons and we want authority to remove them, and, therefore, we are going to carry through this measure, no matter whether those arguments are fair or not. That is a very unreasonable attitude.

In a matter of this description I should have thought that the Honourable Premier would have consulted the Honourable Speaker considering that this matter refers to duties which are to be exercised by the Honourable Speaker and come to a definite conclusion in consultation with the Opposition and the Honourable Speaker to empower the Honourable Speaker to take necessary action of suspension or removal against the appointed person and for the purpose of prescribing the conditions of service of the Sergeant-at-Arms and his deputies. I submit that that would have been

the proper procedure to adopt, consonant with the dignity of the Chair and consonant with the facility of transaction of business which would result from the orders of the Honourable Speaker being carried out smoothly by the Serjeant-at-Arms. Not having done it—and I am surprised that it has not been done—my honourable friend cannot now take shelter under the Government of India Act or under section 241 in reference to this particular amendment. I submit that this sub-clause (2) of clause 6 is not only within the four walls of the law, but it is eminently desirable from the point of view of the procedure that has to be adopted by the Honourable Speaker, and with due deference to the authority which is being given to the Honourable Speaker it is necessary that this authority should be vested in him not only to order the removal or to order the suspension of any person who does not act as he wishes him to act, but also in the case of the persons who are to take orders from the Honourable Speaker. I commend the retention of this sub-clause (2) to the House, Mr. Speaker.

Premier (The Honourable Major Sir Sikander Hyat-Khan): I have listened with great attention to the argument of Dr. Gokul Chand Narang and to some extent a repetition of the same arguments by Diwan Chaman Lall. I am afraid after hearing those arguments, the only description which I can give of their speeches is—much ado about nothing. If my honourable friends had carefully seen the amendment which I have proposed, they would have found out that in sub-clause (1) of clause 6 as was originally put down, I have moved an amendment that the appointing authority shall no longer be the Punjab Government but the Governor or any such person as he may direct. That is one thing which my honourable friends must bear in mind. My honourable friends themselves quoted section 240 (2) in which it is laid down specifically and without any doubt whatever that 'no such person as aforesaid shall be dismissed from the service of His Majesty by any authority subordinate to that by which he was appointed.'

With a view to bring the sub-clause (2) in consonance and in harmony with sub-clause (1) it was necessary that we should at least delete the word 'remove' as stated by my friend Dr. Gokul Chand Narang.

Dr. Sir Gokul Chand Narang : As an alternative argument.

Premier : As one of the arguments that that word should be removed, I submit that apart from that particular word 'remove' I have reason to doubt the validity of that sub-clause after we have amended sub-clause (1) to clause 6. That is however immaterial. Let us for a moment assume for the purpose of argument that it is not *ultra vires*, that it is not illegal. What then? As I have submitted very briefly I doubted the validity of the sub-clause because it was to my mind redundant. Why is it redundant? Here again I will refer the honourable members to the very section which they have quoted. In section 241, you will find that there are two specific methods by which conditions of service can be laid down for any person appointed to the Civil Service under the Crown and what are those specific methods? One is under section 241 (2) (b) which says—

(2) Except as expressly provided by this Act, the conditions of service of persons serving His Majesty in a civil capacity in India shall, subject to the provisions of this section, be such as may be prescribed—

[Premier.]

(b) in the case of persons serving in connection with the affairs of a Province, by rules made by the Governor of the Province or by some person or persons authorised by the Governor to make rules for the purpose.

It is obvious from that that the person to whom this power is delegated by the Governor will be able to frame rules and it is unnecessary to put in a sub-clause or to bring in special legislation for the purpose which is laid down in sub-section 4 of the same section, that is section 241. My honourable friend says, why not give these powers to the Speaker? How would it be possible for the Speaker to take action if the Sergeant-at-Arms disobeys? This will be laid down in the conditions of service when he is appointed. (An honourable member : By whom?) By the Governor. (An honourable member : We want the Speaker to lay down those conditions). I can only repeat that well-known saying : *Sari rat Zuleikha ka qissa parhte rahe, aur subh puchha ke Zuleikha mard thi ya aurat!* We started from the very beginning and we have put in the words 'Governor or any person to whom the Governor delegates that power.' My honourable friend has such short memory that he has even forgotten that. Therefore this clause should be read in the light of those amendments and therefore I beg to submit that it was unnecessary to retain that clause of sub-section, because the power is there already. The Government of India Act gives that power to lay down every one of those conditions which would be necessary to ward off the contingency which my honourable friend Diwan Chaman Lal so strongly put forward, that is, if the Sergeant refuses to obey the orders of the Speaker. In view of these few submissions, I hope my honourable friends will now agree that it is unnecessary to retain that sub-section.

5 P.M.

Mr. Speaker : The question is—

That sub-clause (2) of clause 6 be deleted.

The Assembly divided : Ayes 90, Noes 36.

AYES.

Abdul Hamid Khan, Sufi.	Dasaundha Singh Sardar.
Abdul Haye, The Honourable Mian.	Dina Nath, Captain.
Abdul Rahim, Chaudhri (Gurdaspur).	Faiz Muhammad, Shaikh.
Abdul Rahim, Chaudhri (Gurgaon).	Faqir Hussain Khan, Chaudhri.
Afzaalali Hasnie, Sayed.	Farman Ali Khan, Subedar-Major Raja.
Ahmad Yar Khan, Chaudhri.	Fateh Jang Singh, 2nd-Lieut. Bhai.
Ali Akbar, Chaudhri.	Fateh Muhammad, Mian.
Allah Bakhsh Khan, Khan Bahadur Nawab Malik.	Fateh Sher Khan, Malik.
Amjad Ali Shah, Sayed.	Fazl Ali, Khan Bahadur Nawab Chaudhri.
Anant Ram, Chaudhri.	Fazal Din, Khan Sahib Chaudhri.
Ashiq Hussain, Captain.	Fazal Karim Bakhsh, Mian.
Badar Mohy-ud-Din Qadri, Mian.	Few, Mr. E.
Balwant Singh, Sardar.	Ghazanfar Ali Khan, Raja.
Barkat Ali, Malik.	Ghulam Mohy-ud-Din, Khan Bahadur Maulvi.
Bhagwant Singh, Rai.	Ghulam Qadir Khan, Khan Bahadur.
Chhotu Ram, The Honourable Chaudhri Sir.	

*Ghulam Samad, Khawaja.	Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.
*Gurbachan Singh Sardar Sahib Sardar.	Muhammad Yasin Khan, Chaudhri.
Habib Ullah Khan, Malik.	Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
Haibat Khan Daha, Khan.	Muzaffar Khan, Khan Bahadur Captain Malik.
Hans Raj, Bhagat.	Nasir-ud-Din, Chaudhri.
Hari Chand, Rai Sahib Rai.	Nasir-ud-Din Shah, Pir.
Het Ram, Rai Sahib Chaudhri.	Naumihal Singh Mann, Lieutenat, Sardar.
Indar Singh, Sardar.	Nawazish Ali Shah, Sayed.
Jafar Ali Khan, M.	Nur Ahmad Khan, Khan Sahib Mian.
Jagjit Singh Man, Sardar.	Pir Muhammad, Khan Sahib Chaudhri.
Jogindar Singh Man, Sardar.	Pohop Singh, Rao.
Karamat Ali, Shaikh.	Prem Singh, Chaudhri.
Khizar Hayat Khan Tiwana, The Honourable Nawabzada Major.	Riassat Ali, Khan Bahadur Chaudhri.
Manohar Lal, The Honourable Mr.	Roberts, Sir William.
Mubarik Ali Shah, Sayed.	Sahib Dad Khan, Khan Sahib Chaudhri.
Muhammad Akram Khan, Khan Bahadur Raja.	Shahadat Khan, Khan Sahib Rai.
Muhammad Amin, Khan Sahib Shaikh.	Shah Nawaz Khan, Nawab Sir.
Muhammad Ashraf, Chaudhri.	Sham Lal, Rai Bahadur Chaudhri.
Muhammad Azam Khan, Sardar.	Sikander Hyat-Khan, The Honourable Major Sir.
Muhammad Faiyaz Ali Khan, Nawabzada.	Singha, Diwan Bahadur S. P.
Muhammad Hassan Khan Gurehani, Khan Bahadur Sardar.	Sultan Mahmood Hotiana, Mian.
Muhammad Hayat Khan Noon, Nawab Malik Sir.	Sumer Singh, Chaudhri.
Muhammad Hussain, Chaudhri.	Sunder Singh Majithia, The Honourable Dr. Sir.
Muhammad Jamal Khan Leghari, Nawab Sir.	Suraj Mal, Chaudhri.
Muhammad Nawaz Khan, Major Sardar.	Talib Hussain Khan, Khan.
Muhammad Raza Shah Jeelani, Makhdumzada Haji Sayed.	Tara Singh, Sardar.
Muhammad Saadat Ali Khan, Khan Bahadur Khan.	Tikka Ram, Chaudhri.
Muhammad Sadiq, Shaikh.	Ujjal Singh, Sardar Bahadur Sardar.
Muhammad Sarfraz Khan, Chaudhri.	Wali Muhammad Sayyal Hiraj Sardar.
Muhammad Sarfraz Khan, Raja.	

NOES.

Ajit Singh, Sardar.	Faqir Chand, Chaudhri.
Bhagat Ram Choda, Lala.	Girdhari Das, Mahant.
Bhagat Ram Sharma, Pandit.	Gokul Chand Narang, Dr. Sir.
Bhim Sen Sachar, Lala.	Hari Lal, Munsbi.
Chaman Lall, Diwan.	Harjab Singh, Sardar.
Chanan Singh, Sardar.	Harnam Das, Lala.
Dev Raj Sethi, Mr.	Jalal-ud-Din Amber, Chaudhri.

Jugal Kishore, Chaudhri.
 Kabul Singh, Master.
 Kartar Singh, Sardar.
 Kirshna Gopal Dutt, Chaudhri.
 Lal Singh, Sardar.
 Mazhar Ali Azhar, Maulvi.
 Muhammad Abdul Rahman Khan,
 Chaudhri.
 Muhammad Hassan, Chaudhri.
 Muhammad Hussain, Sardar.
 Mula Singh, Sardar.
 Muni Lal Kalia, Pandit.

Partap Singh, Sardar.
 Prem Singh, Mahant.
 Rur Singh, Sardar.
 Sahib Ram, Chaudhri.
 Sampuran Singh, Sardar.
 Santokh Singh, Sardar Sahib Sar-
 dar.
 Sant Ram Seth, Dr.
 Shri Ram Sharma, Pandit.
 Sita Ram, Lala.
 Sohan Singh Josh, Sardar.
 Sudarshan, Seth.

Mr. Speaker : Question is—

That clause 6 as amended stand part of the Bill.

Pandit Bhagat Ram Sharma (Kangra West, General Rural) : I oppose clause 6 as amended. The Honourable Premier was pleased to remark when discussing clause 5 that his intention was not to burden the exchequer with any permanent expenditure and that he did not intend to appoint any permanent hands for the purpose. If the Honourable Premier means what I understood him to say, that he does not like to make any unnecessary appointments, then what is the idea underlying this clause? Why does he want to place this power in the hands of the Governor to make the additional appointments? We have already by clause 3 authorised the Governor to make the appointment of a Sergeant-at-Arms or his deputy as the case may be. That clause as passed reads as follows :—

The Governor or such other person as he may direct may appoint a Sergeant-at-Arm and may appoint one or more deputy Sergeants-at-Arms.

If there is already a legislation by which the Governor is authorised to make the appointment of a Sergeant-at-Arms and his deputies, where is the need of making this additional legislation and placing these additional powers in the hands of the Governor? Reference may also be made to clause 5 where the duties of the Sergeant-at-Arms are prescribed.

The duties of the Sergeant-at-Arms and his deputies, if any, shall be to attend on the Speaker, to keep the doors of the Assembly building and to execute the orders given by the Speaker under section 4.

So the duty of keeping the doors of the Assembly is also placed on him. But we find that there is already sufficient staff, though not permanent, to keep the doors of the Assembly and they are doing this work very efficiently. So the Sergeant-at-Arms will be quite sufficient and in view of the fact that there is already clause 5 which authorises the Sergeant-at-Arms to enlist the aid of the servants of the Assembly, there is no need whatsoever to make this additional legislation and place these additional powers in the hands of the Governor. With these words I oppose the clause.

Mr. Speaker : Question is—

That clause 6 as amended stand part of the Bill.

The motion was carried.

Clause 2.

Parliamentary Secretary (Raja Ghazanfar Ali Khan): I beg to move—

That in clause 2, paragraph (iii), last line, the figure '6' be deleted.

It is a consequential amendment.

The motion was carried.

Clause 7.

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

That in line 7, for the word 'thing', the word 'act' be substituted

The motion was carried.

Munshi Hari Lal (South Western Towns, General, Urban): Sir, I beg to move—

That in line 7, between the words "done" and "by" the words "in good faith" be inserted.

Premier: My next amendment ought to meet my honourable friend.

Mr. Speaker: Question is—

That in line 7, between the words 'done' and 'by' the words 'in good faith' be inserted.

The motion was lost.

Premier: I beg to move—

That in lines 7-8, for the words 'by them under colour of office' the words 'or purporting to be done by them in the execution of their duty' be substituted.

Mr. Speaker: Clause under consideration, amendment moved—

That in lines 7-8 for the words 'by them under colour of office' the words 'or purporting to be done by them in the execution of their duty' be substituted.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural): Sir, I think these words are unnecessary and may lead to mischief. It is all right to say that a person shall not be proceeded against for anything which he has done in execution of his duties or in the discharge of his duties. But when we say 'for anything purporting to be done by them in the execution of their duty', we are paving the way for doubt and also for possible mischief. It will be open to the Sergeant-at-Arms or his deputies to think, whenever they want to do something in excess of their powers or in excess of the requirements of the occasion, that they were doing something which purported to be done in the discharge of their duties. I do not think it was necessary for the Government to have tabled this amendment after the Bill had been drafted by their legal advisers and after it had passed through so many legal hands in the select committee. I think even now they should withdraw the amendment which has been moved.

Diwan Chaman Lal (East Punjab Non-Union Labour): May I, with your permission, ask the honourable Advocate-General to throw some light on this distinction that is being sought to be drawn between the words 'under colour of office' and the words of the amendment now proposed by my honourable friend 'purporting to be done by them in the execution of

[Diwan Chaman Lall.]

their duty'. I think this House would welcome an exposition from the honourable Advocate-General of the distinction that is being drawn, and I think it is desirable that he should give some lead to the House as to why this change is being made. With your permission, I reserve to myself the right of making my remarks after I have heard the Advocate-General.

Advocate-General (Mr. M. Sleem) : The words as they stood originally were vague and the words that are sought to be substituted are more precise and they repeat the language employed in the Government of India Act Section 270. That is the reason why instead of the words 'under colour of office' which might cover almost anything, more precise words have been used. 'Under colour of office' is not a precise expression. That is all that we considered.

Diwan Chaman Lall : May I with your permission say one or two words? As far as I can recall section 270, it has this distinction, 'an act done or purporting to be done'. There is a distinction drawn as far as I can recall the language of the section. It reads—

No proceedings civil or criminal shall be instituted against any person in respect of any act done or purporting to be done in the execution of his duty as a servant of the Crown.....

Mr. Speaker : These words appear to have been borrowed from the Government of India Act.

Diwan Chaman Lall : But the distinction is there, an act done or purporting to be done. Who is going to be the judge of this?

Malik Barkat Ali : The court of law.

Diwan Chaman Lall : Suppose the amendment had read like this—

An act to be done by them in the execution of their duty.

That would have been a definite strict injunction. Any departure from the strict execution of the duty would then have made it possible for an honourable member of this House to appeal to you and ask your permission for the prosecution of the particular individual on the ground that he has exceeded his duty.

Dr. Sir Gokul Chand Narang : That is my amendment.

Diwan Chaman Lall : My honourable friend reminds me that this is his amendment. Why do you not take both the expressions used in the Government of India Act, not only "an act done" but also "an act purporting to be done"? You give a wider privilege to the delinquent and less privilege to the honourable member who if aggrieved, would appeal to you, because in his opinion that particular act had exceeded the execution of his duty.

Malik Barkat Ali : Both these expressions are there.

Diwan Chaman Lall : Then I have no objection.

Mr. Speaker : Question is—

That in lines 7-8, for the words 'by them under colour of office' the words 'or purporting to be done by them in the execution of their duty' be substituted.

The motion was carried.

Munshi Hari Lal (South Western Towns, General, Urban) : I move—

That in line 9, between the words, 'the' and 'carrying' the words 'bona fide' be inserted.

The clause lays down that no court shall entertain any proceedings, either civil or criminal which may be instituted

against the Sergeant-at-Arms or any of his deputies in respect of anything done by them under colour of office or against any person in respect of the carrying out of orders given to him....

I submit that the words '*bona fide*' be added before the word 'carrying'. When the Sergeant-at-Arms gives an order to another person to carry out his orders there should be some liability imposed upon the person thus ordered by the Sergeant-at-Arms in carrying out his orders. What my amendment means is that he should carry out the orders *bona fide* or in good faith which means 'with due care and caution' and not carelessly. A restriction has been imposed on the Sergeant-at-Arms and his deputies by the addition of the words 'done or purporting to be done in the execution of their duty', but there is no such limitation with regard to the person who is to carry out the orders of the Sergeant-at-Arms or his deputy. He should also feel his duty to carry out the order in good faith and with due care and caution. While there is a restriction that the Sergeant-at-Arms or Deputy Sergeant-at-Arms should give the orders within the scope of their authority and they are immune from action if they act in good faith, there is none with regard to the persons who are ordered by the Sergeant-at-Arms or by the Deputy Sergeant-at-Arms to carry out their orders. They can act carelessly and unscrupulously. The words '*bona fide*' should be inserted so that they may also act with care and caution. With these words I move my amendment.

Mr. Speaker : Clause under consideration, amendment moved—

That in line 9, between the words 'the' and 'carrying' the words '*bona fide*' be inserted.

(Honourable Members from Treasury benches : Question be now put.)

Pandit Muni Lal Kalia (Ludhiana and Ferozepore, General, Rural)
You will agree that the insertion of these words in this clause are not in any way contrary to the intentions of the clause itself. It is presumed that everything is done in good faith and in a *bona fide* manner. A similar amendment was just introduced before this House and it was rejected by the other side by which we take that they know that acts will be committed in bad faith. If the party in power or if the Government does not entertain such ideas—that they are not going to do anything in bad faith—then they should not feel shy of such a harmless amendment which only introduces, in the words of the learned Advocate-General, 'precise language' in this case. In one case it is claimed that simply for the purpose of introducing a precise and more accurate expression the language is being changed, while the change suggested from these benches is opposed. We do not understand what harm there is if this side tries to make the language more clear and the expression more precise. With these words I support the amendment moved by my friend.

Mr. Speaker : Question is—

That in line 9, between the words 'the' and 'carrying' the words '*bona fide*' be inserted.

The motion was lost.

Mr. Speaker : The question is—

That clause 7, as amended, stand part of the Bill.

The motion was carried.

Clause 8.

Munshi Hari Lal (South-Western Towns, General, Urban) : I move—

That in lines 4-5, between the words 'Section 5' and 'shall' the words 'when acting as such' be inserted.

This amendment, if accepted, would mean that when the persons are acting as Sergeant-at-Arms or acting as such under the orders of the Sergeant-at-Arms and Deputy Sergeant-at-Arms, they should then be considered as public servants and not public servants for all the twenty-four hours, not public servants outside the hall but only when acting within the Assembly building. They should be considered as public servants only when they are performing the duties of their offices. With these words I move my amendment.

Mr. Speaker : Question is—

That in lines 4-5, between the words 'Section 5' and 'shall' the words 'when acting as such' be inserted.

The Assembly divided : Ayes 29, Noes 82.

AYES.

Ajit Singh, Sardar.
Bhagat Ram Choda, Lala.
Bhagat Ram Sharma, Pandit.
Bhim Sen Sachar, Lala.
Chaman Lall, Diwan.
Dev Raj Sethi, Mr.
Faqir Chand, Chaudhri.
Girdhari Das, Mahant.
Hari Lal, Munshi.
Harjab Singh, Sardar.
Jugal Kishore, Chaudhri.
Kabul Singh, Master.
Kapoor Singh, Sardar.
Kartar Singh, Sardar.
Mazhar Ali Azhar, Maulvi.

Muhammad Hassan, Chaudhri.
Mula Singh, Sardar.
Muni Lal Kalia, Pandit.
Partab Singh, Sardar.
Prem Singh, Mahant.
Rur Singh, Sardar.
Sahib Ram, Chaudhri.
Sampuran Singh, Sardar.
Santokh Singh, Sardar Sahib Sardar.
Sant Ram Seth, Dr.
Shri Ram Sharma, Pandit.
Sita Ram, Lala.
Sohan Singh Josh, Sardar.
Sudarshan, Seth.

NOES.

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Abdul Rahim, Chaudhri (Gurdaspur).
Abdul Rahim, Chaudhri (Gurgaon).
Afzaalali Hasnie, Sayed.
Ahmad Yar Khan, Chaudhri.
Ali Akbar, Chaudhri.

Allah Bakhsh Khan, Khan Bahadur Nawab Malik.
Amjad Ali Shah, Sayed.
Ashiq Hussain, Captain.
Badar Mohy-ud-Din Qadri, Mian.
Balwant Singh, Sardar.
Barkat Ali, Malik.
Bhagwant Singh, Rai.

- Chhotu Ram, The Honourable Chaudhri Sir.
 Dasaundha Singh, Sardar.
 Faiz Muhammad, Shaikh.
 Farman Ali Khan, Subedar-Major Raja.
 Fateh Jang Singh, 2nd-Lieutenant Bhai.
 Fateh Muhammad, Mian.
 Fazl Ali, Khan Bahadur Nawab Chaudhri.
 Fazal Din, Khan Sahib Chaudhri.
 Fazal Karim Bakhsh, Mian.
 Few, Mr. E.
 Ghazanfar Ali Khan, Raja.
 Ghulam Mohy-ud-Din, Khan Bahadur Maulvi.
 Ghulam Qadir Khan, Khan Bahadur.
 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.
 Jafar Ali Khan, M.
 Jagjit Singh Man, Sardar.
 Jogindar Singh Man, Sardar.
 Karamat Ali, Shaikh.
 Khizar Hayat Khan Tiwana, The Honourable Nawabzada Major.
 Manohar Lal, The Honourable Mr.
 Mubarik Ali Shah, Sayed.
 Muhammad Akram Khan, Khan Bahadur Raja.
 Muhammad Amin, Khan Sahib Shaikh.
 Muhammad Ashraf, Chaudhri.
 Muhammad Azam Khan, Sardar.
 Muhammad Faiyaz Ali Khan, Nawabzada.
 Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar.
 Muhammad Hayat Khan Noon, Nawab Malik Sir.
 Muhammad Hussain, Chaudhri.
 Muhammad Nawaz Khan, Major Sardar.
 Muhammad Qasim, Chaudhri.
 Muhammad Saadat Ali Khan, Khan Bahadur Khan.
 Muhammad Sadiq, Shaikh.
 Muhammad Sarfraz Khan, Chaudhri.
 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.
 Nasir-ud-Din, Chaudhri.
 Naunihal Singh Man, Lieutenant Sardar.
 Nawazish Ali Shah, Sayed.
 Pir Muhammad, Khan Sahib Chaudhri.
 Pohop Singh, Rao.
 Pritam Singh Siddhu, Sardar.
 Ranpat Singh, Chaudhri.
 Riasat Ali, Khan Bahadur Chaudhri.
 Roberts, Sir William.
 Sahib Dad Khan, Khan Sahib Chaudhri.
 Shahadat Khan, Khan Sahib Rai.
 Shah Nawaz Khan, Nawab Sir.
 Sham Lal, Rai Bahadur Chaudhri.
 Sikander Hyat-Khan, The Honourable Major Sir.
 Singha, Diwan Bahadur S. P.
 Sohan Lal, Rai Sahib 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.
 Ujjal Singh, Sardar Bahadur Sardar.

Mr. Speaker : The question is—

That clause 8 stand part of the Bill.

The motion was carried.

Clause 9.

Diwan Chaman Lall : I move—

That at the end the following be added :—

“and shall place such rules before the Punjab Legislative Assembly for approval.”

Mr. Speaker, the amendment standing in my name makes it clear that the rules which are to be framed by you regarding the carrying on of the provisions of this Act shall be placed before the Legislative Assembly for approval. It does not need any argument.

Mr. Speaker : Clause under consideration, amendment moved is—

That at the end the following be added :—

“and shall place such rules before the Punjab Legislative Assembly for approval.”

This as well as amendment No. 3¹ will be discussed together.

Pandit Bhagat Ram Sharma : Sir, it has been the practice of this House to place the rules before the honourable members for discussion on the floor of the House. I have given notice of my amendment just to secure this valuable right for the honourable members of the House, namely that before any rules are enforced they should be put before the House, and the members should have a say in the matter.

Premier : Sir, I am amazed at my honourable friends opposite because throughout this debate they have been clamouring that we should not curtail the liberty of the Speaker. This is the only section of the Act where we have given unfettered discretion to the Speaker to frame rules. My honourable friend wants to take away that power and vest it in the House. I hope in view of what I have said he will not press his amendment.

Mr. Speaker : Question is—

That at the end the following be added :—

“and shall place such rules before the Punjab Legislative Assembly for approval.”

The motion was lost.

Mr. Speaker : The question is—

That clause 9 stand part of the Bill.

The motion was carried.

Preamble.

Mr. Speaker : The question is—

That the preamble be the preamble of the Bill.

The motion was carried.

Long title.

Premier : I move—

That in line 2, between the words “the” and “Punjab”, the words “Speaker of the” be inserted.

The motion was carried.

Mr. Speaker : The question is—

That the title as amended be the title of the Bill.

The motion was carried.

Premier : Sir, I move—

That the Punjab Legislative Assembly (Offices) Bill as amended be passed.

¹BY PANDIT BHAGAT RAM SHARMA : That at the end the following proviso be added :—

“provided that no rules shall be enforced unless they are duly sanctioned by the Punjab Legislative Assembly”.

Mr. Speaker : Motion moved is—

That the Punjab Legislative Assembly (Offices) Bill as amended be passed.

Sardar Partab Singh (Amritsar South, Sikh, Rural) (*Punjabi*) : Mr. Speaker, the Bill now before the House has been discussed threadbare and we the members of the Opposition have been trying our level best to move amendments in order to rectify its flaws and drawbacks. We have not only tried to get rid of its worst features, but we have also advanced weighty arguments in support of our contentions. It is a matter of great regret that the Honourable Premier has not thought fit to accept any of our amendments, which we moved in good faith and with a view to improve this Bill. As a matter of fact, he has got the Bill through intact. Practically no change has been made in it. Take it from me that the introduction of this Bill, or even my honourable friends' actually placing it on the statute book, will not give any credit to them. On the other hand, it will tarnish their fame and renown. It is questionable whether there was any necessity for the moving of such a Bill. My honourable friends over there first introduced a measure and shortly afterwards they withdrew it and they again brought it forward in an amended form. But may I question whether there was any necessity for such a Bill at all? My honourable friends of the Opposition have repeated it many times on the floor of the House that such a kind of Bill is to be found nowhere at all. If at all it exists, it exists in one or two places only. In other legislatures during a heated debate disorderly scenes are witnessed and they are not uncommon. There are recorded instances that the members in the heat of the moment started at each other in order to fight and sometimes they actually exchanged blows and even harsh words. But such a Bill has not been introduced in those legislatures. As a matter of fact they cannot introduce such a measure in their legislatures. It is our Government and our Premier who has brought forward a Bill of this nature in this House. It really pains me. This is a stigma on the fair name of the Punjab and the Punjabis. In the legislatures of the Western countries such a measure has not been enacted at all. Only healthy conventions have been developed. In those legislatures provision has been made for the appointment of such persons who help the Speaker to enforce his orders. Save this no other provision exists anywhere. To my mind the same kind of system ought to have been followed here. This Bill which provides for the Sergeant-at-Arms should not have been moved. In fact there is no need for it.

Mr. Speaker : The debate at this stage must be limited to matters contained in the Bill. The honourable member cannot bring in its history or other matters.

Sardar Partab Singh : Very well, Sir. I will discuss the Bill which is now before the House. I may submit that a report was published about the Deputy Speaker in the daily *Partab* to the effect—

Mr. Speaker : The honourable member is not discussing what is contained in the Bill.

Sardar Partab Singh : I simply wish to point out that there is no need for this Bill, because there is no expediency for it. Moreover there was only one occasion when disorderly scenes were witnessed in the Assembly Chamber. But I may submit that one solitary example cannot justify

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the enactment of such a measure. To my mind even that scene did not amount to disorderly behaviour or infringement of the rules of procedure of the House.

Mr. Speaker : Please confine your speech to matters contained in the Bill.

Sardar Partab Singh : I would like to bring to your notice that the Bill as it is now before us is such that it amounts to our disgrace. It is really a disgraceful measure. Even if we leave out other clauses and simply read clause 4 we would find that it is stated therein that :

4. The Speaker shall have the power to direct the Sergeant-at-Arms or any of his deputies to remove or exclude from the Assembly building or any part thereof any person who in the opinion of the Speaker infringes the rules of procedure of the Assembly or otherwise behaves in a disorderly manner ;

That is, any member who infringes the rules of procedure of the House, shall be removed from the House with the help of the Sergeant-at-Arms. In other words, this Bill will hang like the sword of Damocles over the head of the honourable members. In my opinion whenever the Speaker shall order the removal or exclusion of a person, disorderly scenes will be witnessed and daily unpleasant things will happen. In short if we look upon this Bill from different points of view we would find that it is the worst kind of measure that has ever been enacted by any legislature in India. Sir, two years have passed and we have seen you occupying the chair. You have been carrying yourself in very different manner. Even if any honourable member infringed the rules of procedure of the House, you have been dealing very politely with him. Let me here point out that even if this Bill is passed you may not have to use it. But I may point out that you are a class by yourself. Whenever there was any disorder in the House, we have seen you rising from your Chair and putting out your hand and quietly commanding the honourable members to be in order. I very well remember the instances that whenever any new member rose again and again to speak, you simply called ' order, order ' loudly and the honourable member very meekly resumed his seat. On the other hand, if any experienced and veteran member like my honourable friend Dr. Sir Gokul Chand Narang or Diwan Chaman Lal interrupted in the course of the debate, you very quietly commanded him to be in order. (*Laughter.*)

Mr. Speaker : The honourable member has made an insinuation. In fairness he should withdraw it.

Sardar Partab Singh : I withdraw the expression. I do not intend to make any insinuation against you. I simply wish to point out that your case is quite different. You, Sir, with your mature knowledge and vast experience of parliamentary practice can at once diagnose the trouble. In your case it is quite possible, nay certain, that you may never have to take recourse to the provisions of the present Bill which is going to be enacted into law. It may remain a dead letter for you. But please just think of eventualities. Suppose my most revered and honourable friend Sardar Dasaundha Singh occupies the Chair, although I think and hope that he would also gain experience in parliamentary practice in due course, yet he is sure to make use of the powers delegated to him by virtue of this Bill. There is a likelihood of his exercising these powers in season and out of season. (*Laughter.*)

Mr. Speaker : Please do not bring in the Deputy Speaker.

Sardar Partab Singh : Very well, Sir, I leave the case of the Deputy Speaker. But I refer you to the case of the members of the panel of chairmen, who not infrequently occupy the Chair in your absence. They cannot be expected to be well versed in parliamentary practice and procedure of the House. In the heat of the moment they are likely to resort to the provisions of the Bill under discussion.

Mr. Speaker : Please discuss the matters contained in the Bill.

Sardar Partab Singh : Then I may straight-away ask the Government to visualise the Bill in its extreme or the worst form, when any honourable member would, under the mere pretext of making interruptions, be gagged and made a victim of the Sergeant-at-Arms. I sound a note of warning to the Government that this measure is fraught with serious consequences and the truth of my assertion will be abundantly clear when this measure is actually put into operation. I earnestly ask the Government to consider the matter dispassionately and say whether it is desirable to place this measure on the statute book. I hold the opinion that the rights and privileges of the honourable members of the House must be safeguarded from any encroachment sought to be made by means of legislation. I think the slavish mentality and the obsequiousness that have come into being on account of our having remained under thralldom for the last 90 years, are responsible for creating the idea that political opponents can be subdued only by means of legislation and by no other way or convention. It is a pity that Government is adamant to have such drastic powers simply to conduct the business of the House. My submission is that the business of the House can be conducted in a peaceful and healthy atmosphere if we adopt wholesome methods. The first thing to be mentioned in this connection is the attitude of the Honourable Premier. When he is in an aggressive mood he feels irascible even at an innocent remark made by the opposition—

Mr. Speaker : Please do not be personal.

Sardar Partab Singh : Very well, Sir. I pass on to another point. It is being sought to bring the Sergeant-at-Arms into existence by means of this Bill, so that he may eject a refractory member from the House. To me this course appears to be absolutely unnecessary. In the West people are prepared to lay down their lives for their convictions. But the Indians have another great virtue besides this iron determination. That is that they are amenable to moral persuasion. If we establish a convention to this effect, it would certainly prove more effective and beneficial than the method of ejection which we are going to adopt by virtue of this measure. I submit that if on the one hand the Honourable Speaker and on the other the Honourable Premier and the Honourable Leader of the Opposition prevail upon the honourable member guilty of behaving in a disorderly manner, that he should not persist in his misdemeanour as the dignity and the honour of the House are involved, he will certainly acquiesce in their suggestion. Again, Mr. Speaker, if you find that on account of rowdy scenes it is difficult for you to conduct the business of the House smoothly, you are empowered under the rules of procedure to adjourn the House for a short while. You

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can then retire to your room where you may invite the Leader of the Opposition and urge upon him the desirability of prevailing upon the recalcitrant member not to persist in kicking up a row. You can ask him to remind the honourable members of his party that as they are the accredited representatives of the masses, it does not become them to behave in a grossly disorderly manner. If this salutary method had been adopted previously, I am confident that there would certainly have arisen no necessity for enacting a law like the one now before the House. Again, Sir, Panjabis are renowned for their magnanimity, broad-mindedness, self-respect and high traditions. (*Hear, hear.*) If even at this stage the Honourable Premier rises to the occasion and withdraws the measure, he will win the golden opinion of one and all for his sound statesmanship. He can say that his only intention in bringing forward this Bill was to remind the honourable members of their responsibilities towards the people as well as towards this House. Although much expenditure has been incurred at the cost of public money on discussing this measure, yet we will be prepared to forego this enormous amount, provided he acts up to my suggestion.

Then another point regarding which I should like to make some observations is about the power of appointment of the Sergeant-at-Arms which is vested in the Governor. Although under the provisions of the Government of India Act we cannot discuss the conduct of the Governor, yet I would submit that it would have been much better if the Speaker had been empowered by virtue of this Bill to appoint the Sergeant-at-Arms. But it has pleased the Government to enact it otherwise. Now the Governor will exercise his own discretion in the matter. He does not come in contact with this House. He does not know its requirements. We do not know what considerations will weigh with him while making the appointment of the Sergeant-at-Arms. On the other hand, the Speaker knows the mind of the House. He has to deal with the honourable members almost daily. If the power of making appointment of the Sergeant-at-Arms were vested in the Speaker, I think this would have been the only redeeming feature of this Bill which is through and through a reactionary measure. I may also point out that previous to this the honourable members had to pay respects to the Speaker, now they will have to win the favour of the Sergeant-at-Arms also. I assert that with the advent of provincial autonomy officialdom ought to have been done away with. Anyhow what I was driving at was that it would have been in the fitness of things if the power of appointing the Sergeant-at-Arms had been vested in the Speaker instead of in the Governor.

Mr. Speaker : May I state for the information of the honourable members of the House that under the Government of India Act this House has no power to give the power of appointment to the Speaker? It is the Governor and the Governor alone who can give that power.

Sardar Partab Singh : I bow to your ruling. But I would like to draw your attention to the fact that my honourable friend Mir Maqbool Mahmood quoted section 71 (2) by virtue of which we could enact this Bill. I say where is the hurry for making this enactment? Why fritter energies on side issues? The power of legislation in this connection given by the

Government of India Act does not connote that Government must legislate in this matter. I think Government will be well advised to make a concerted effort to get the Government of India Act amended by the Parliament.

Now I refer to the title of the Bill. It reads: Punjab Legislative Assembly (Offices) Bill. When it first came to my notice, I thought that it was some measure intended to remove unemployment. But when this Bill is brought into operation by the Government, its recurring expenditure will amount to five or six thousand rupees. You may say that this amount is not a big amount. You may say that these things do not concern the Bill, but you ought to understand the present condition of tax-payers. I am fully aware of the poor peasantry of this province. Zamindars are more or less starving and their condition is the worst that has ever been known to us. I would submit with all the emphasis at my command that they are too poor to bear the smallest burden. They cannot bear even the least burden, say of a pice. I fail to understand why 5 or 6 days have been wasted on this discussion and plenty of money spent on it. We have come here to discuss important business. But how regrettable it is that we are not going to do something substantial for the benefit of the poor peasantry. Instead of doing this, whenever we meet here we devise to put more burden on zamindars who are already down-trodden and bled white. It is, indeed, a fact that zamindars have become physically weak by putting hard labour day and night so much so that their faces have grown pale and anæmic. As they have already been put under a burden of thousands of rupees, I am afraid they would not at all be able to bear this further burden. They would be crushed down if the Government would not change this sort of attitude. The condition of the poor peasantry can be expressed by giving an instance of a person who has been over-burdened and even an addition of a single straw would break his neck altogether. When this measure is put into operation, it would involve a great expenditure. Let me make it clear that the poor peasantry of the province will not be able to stand this additional expenditure at all. You are aware, Sir, that Nature has been playing havoc with us since the present Government has come into power. At the very outset hailstorm damaged the crops, then heavy rains came down and then famine occurred. You may say that these things do not concern the present Bill and therefore, I should not attribute such points to the Bill. I believe it. But I want to inform you, Mr. Speaker, and Chaudhri Sir Chhotu Ram and Sir Sundar Singh who is unfortunately not present here, that people outside this Chamber are of the opinion that if the Raja is sincere to *praja* (subject) God would also be kind to the people because King is considered to be the shadow of God. Now, when Nature is angry with us, famine has occurred, hailstorm has come. This shows that the Raja—the present Government is not sincere to public. I admit that a student of science cannot believe this sort of reasoning, for him Government has got nothing to do with natural phenomena. Government cannot disturb ether waves. Anyhow, you cannot avoid that popular feeling of resentment which is prevailing among the peasantry. So long as the Government does not take serious steps to decrease the financial burden, it will not find favour with the peasantry. When a Sergeant-at-Arms is going to be appointed by His Excellency the Governor,

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it is understood that a fat salary would also be given to him. Nobody on the opposite side has yet thrown light on this particular point. From this attitude of the Government what could be concluded? It means that the Government have got no sympathy with the poor class of tax-payers of the province. They have shut their eyes for they do not like to see the true perspective. People are, therefore, tired of their lip sympathy. I believe that if we put in more pressure we can easily convince the Government. But the pity is that it requires time—a lot of time to put this Government on the right path which they have lost. I may challenge them that measures of this kind will neither serve them nor the public. You will see that these measures from the financial point of view will not last long and would prove a death-knell for this Government. Do you know what is done in British Parliament?

Mr. Speaker : I invite the attention of the House to the fact that the honourable member has been persisting in irrelevance. I once more request him to confine his speech to the provisions of the Bill.

Sardar Partab Singh : Very well, Mr. Speaker, I confine myself to the provisions. Let us come to clause 7 which lays down that no member can bring a criminal case against the Sergeant-at-Arms. I mean that this clause is going to deprive every honourable member of his rights by virtue of which he may institute a case, criminal or civil, against the Sergeant-at-Arms. May I, therefore, remind the Government that sometimes it so happens that effects become causes? I would submit that there was absolutely no need of clause 7 in the Bill. As a matter of fact this clause is redundant altogether. I should tell my honourable friend Shaikh Karamat Ali who has remarked us cowards, let the Government leave some chances for us to defend ourselves in Judicial Courts and then see what comes out of the curtain. But our lion-hearted and powerful Government, I would say, have shut all avenues to us. If clause 7 had not been put in the Bill, every member would have had his right to appear in Judicial Court in order to vindicate his position and to express whether he actually behaved in a disorderly manner or not and every incident regarding the ins and outs of the Assembly Chamber would have been exposed before public eyes like anything. The Court's verdict would have been published and the Government would have known the worst consequences of this Bill. I would submit again that this Bill would bring shame both to the Government and the province. Everybody is well aware of the fact that our province is a freedom loving province and, therefore, the enactment of such a Bill would naturally be a blot on the fair name of the province. Unfortunately the sponsors of this Bill are not aware of the fact that the Bill is fundamentally wrong, defective and incorrect on the face of it. I am sure if such a Bill had been brought in some other legislature of India it would have certainly been dropped on its first reading. Before rushing through such measures we should look to other legislatures, to other countries and to other Parliaments. I would like to refer to America in this connection. What is done there? They abide by conventions. Do you know what happens in the American Senate at the time of taking oaths from those members who have fought their elections? If any member would say to the President that such and such a member has been elected by spending money lavishly,

no oath is taken from him on that score and this matter is at once referred to a certain committee which has already been constituted in order to investigate such matters. When other legislatures have reached such constitutional heights, it is a pity that our legislature should labour under a serious misconception of vanity and arrogance of leading other provinces in every respect. I would request the Punjab Government to follow suit and remove this blot from the fair name of the province. With these remarks I close my speech.

Sardar Sohan Singh Josh (Amritsar North, Sikh, Rural) (*Punjabi*)

Sir, I feel no hesitation in saying at the very outset that I am strongly opposed to this Bill because the principle underlying it is quite absurd. In the first place I would like to quote the suggestion of the Leader of the Opposition which he had given in his note of dissent. He had proposed the following addition in section 4:—

That the vote of the House be taken before the Speaker directs the Sergeant-at-Arms to carry out orders of withdrawals.

I am sorry to observe that this salutary proposal failed to find favour with the Government and consequently was not adopted. I strongly oppose the Bill because it suffers from this omission.

The second amendment proposed by the Leader of the Opposition was to the following effect:—

It should be used against the member who behaved deliberately and persistently in a grossly disorderly manner and refused to withdraw when called upon to do so under rule 77.

This amendment was also rejected by the Government. On this ground too the Bill is not acceptable to me.

Again, the object of the Bill is stated to be, first, to attend on the Speaker, secondly, to keep the doors and, thirdly, to show the members the way out when called upon to do so. In reality the name of the Bill should have been *ممبران دیان مشکان بنہی دا بل* (*Laughter*). It is not a matter for laughter. In fact that is the object of the Bill.

Let us examine for a while what the duties of the Sergeant-at-Arms are in the House of Commons. There he has to see that no member turns his back towards the Speaker and that none should come into the Parliament with his hat on his head. I would not have minded if similar duties had been entrusted to the Sergeant-at-Arms here. For example, I would not object if he was ordered to see that no member should wear a particular head dress, say, a turban with a long "*turrah*" or a turban of a particular size or colour. Again, I would not mind even if members were ordered to come with long beards. (*Laughter*.) Besides, I may not object if a visitor who behaves in a grossly disorderly manner is ordered to be removed from the Chamber. What I object to is that the Sergeant-at-Arms would disgrace all those members who will be unruly and have a revolutionary spirit in them. As I have a revolutionary urge (*بازت*) in me, I am afraid this Bill is calculated to do me harm. Moreover, Sir, the Bill will subject the minority to the tyranny of the majority in this House. We know it to our cost that whenever we say a thing which is unpalatable to the majority party here, we are silenced by cries of "Question be now put".

Mr. Speaker : Please speak to the motion.

Sardar Sohan Singh Josh : Our voice is sought to be stifled by such tactics. Further, I would request you, Sir, to place yourself in our position and imagine our hard lot. Only recently when we put a question about the State prisoners, the internees and externees, the Minister read out his already prepared reply....

Mr. Speaker : I hold that argument to be irrelevant. Please discuss the motion now before the House.

Sardar Sohan Singh Josh : Sir, I am arguing how the Bill will affect me when I protest against anything said or done by the majority party. Such protests will be made the occasions by the Government for your intervention and for the calling of the Sergeant-at-Arms. Recently we interpellated about corruption among Government servants and the Government replied, "All such allegations are false". In times like these a member who is dissatisfied with the answer given by the Government is likely to express his resentment and give vent to his revolutionary feelings. But I am afraid the Government is out to stop our doing so.

Mr. Speaker : The honourable member is again irrelevant. So, I warn him not to be irrelevant.

Sardar Sohan Singh Josh : Sir, I understand that the Unionist Party have brought forward this Bill to restrict the freedom which was allowed to us by the Government of India Act. I want to retain that freedom. I am not in favour of licence being given to us. Far from that. My only submission is that henceforward we will be denied an opportunity to narrate the woeful tale of the poverty-stricken people of the country before this honourable House. The honourable members of the Unionist Party had better realise that if this Bill hits us hard to-day, it may adversely affect them to-morrow. They should, therefore, be on their guard and not press for the passage of this obnoxious measure.

INTERRUPTION OF BUSINESS.

Dr. Gopi Chand Bhargava : I beg to move—

That the business of the House be interrupted now.

Premier : I have no objection.

The motion was carried.

The Assembly then adjourned till 12 Noon on Monday, 17th April

1989.

PUNJAB LEGISLATIVE ASSEMBLY.

FIFTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Monday, 17th April, 1939.

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

STARRED QUESTIONS AND ANSWERS.

AWARD OF LAND IN NILI BAR COLONY.

***4201. Mian Sultan Mahmud Hotiana:** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether the Government intends to recover Rs. 2,500 per square of land from the grantees of the Nili Bar only;
- (b) whether it is only in Nili Bar that land is not awarded as horse-breeding grants or gardening grants;
- (c) whether it is proposed to reduce the price of grants and award land as horse-breeding and gardening grants also in the Nili Bar Colony?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) This price is fixed for certain kinds of grants in the Lower Chenab, Lower Jhelum and Lower Bari Doab Colonies and the same is ordinarily based on the proposals when the project was sanctioned.

(b) There are no horse-breeding grants in the Upper Jhelum, Upper Chenab, Lower Chenab, Sidhnai and Chunion Colonies. The honourable member's reference to gardening grants is not altogether clear; but for his information Government have recently sanctioned rules for grants for gardens at Burewala in the Nili Bar Colony.

(c) The honourable member is referred to the answer given to starred question No. 3302-A¹ during the last Simla session of the Assembly. It is not proposed to make any horse-breeding grants in the Nili Bar Colony.

REMISSION IN LAND REVENUE AND ABIANA FOR KHARIF CROPS.

***4225. Mian Sultan Mahmud Hotiana:** Will the Honourable Minister of Revenue be pleased to state whether the Government have granted any remission in land revenue and *abiana* for *khariif* crops this year in the old colony area at Pakpattan tahsil; if so, how much?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): 1st part.—None.

2nd part.—Does not arise.

AGRICULTURAL LAWS.

***4265. Sardar Sohan Singh Josh :** Will the Honourable Minister of Revenue be pleased to state the reasons for the delay in enforcing the agrarian laws passed by the Assembly and given assent to by His Excellency the Governor?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : The Punjab Alienation of land (Second Amendment) Act, 1938, the Punjab Alienation of Land (Third and Fourth Amendment) Acts, 1938, the Punjab Restitution of Mortgaged Lands Act, 1938, and the Punjab Registration of Money-lenders Act, 1938, will be enforced as soon as the rules to be issued under them are ready.

Sardar Sohan Singh Josh : May I know how long it will take to frame rules?

Parliamentary Secretary : I cannot give the exact date, but I think they will be ready in January.

Pandit Shri Ram Sharma : Is it expected that action will be taken on these within three months?

Parliamentary Secretary : I cannot give the exact date but I think they will be ready before January.

Sardar Sohan Singh Josh : How far have you proceeded with them?

Parliamentary Secretary : They are under preparation.

INCREASE IN THE PAY OF PATWARIS.

***4276. Mian Abdul Rab :** Will the Honourable Minister of Revenue be pleased to state whether the Government has recently been approached through representations, asking for increase in the pay of patwaris; if so, the action intended to be taken on them?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : The matter is under consideration.

Pandit Shri Ram Sharma : From what date has this been under consideration?

Parliamentary Secretary : For a very long time.

Pandit Shri Ram Sharma : Has it been under consideration for three years or three months?

Parliamentary Secretary : Not for three years.

Pandit Shri Ram Sharma : Then how much time will it take to decide?

Parliamentary Secretary : It is not easy to make a guess.

Pandit Shri Ram Sharma : Is the Government prepared to do any difficult task?

Mr. Speaker : Disallowed.

Sardar Sohan Singh Josh : Has the Government made up its mind yet?

Parliamentary Secretary : What "under consideration" means is that no mind has yet been made up.

REMISSION IN LAND REVENUE IN JULLUNDUR DISTRICT.

***4277. Mian Abdul Rab :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the number of applications, representations received and the deputations waited upon him and the Honourable Premier recently, urging the need for remission in land revenue in the Jullundur district on account of the scarcity of rain and the consequent failure of the *khari* crop, 1938 ;
- (b) whether it is a fact that he gave a patient and sympathetic hearing to such deputations and promised to look into the matter ;
- (c) whether he has so far been able to go into the matter and decide the question of granting them any remissions or whether the matter is still under consideration ;
- (d) whether the Government intends to give any remission for *khari* crop, 1938 ;
- (e) whether any land revenue for *khari*, 1938, has been realized from the zamindars in the said district ; and, if so, how much, with the amount of land revenue which is yet to be realized ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) 17 applications and one deputation.

(b) Yes.

(c) and (d) The case has been exhaustively considered both by Government and the local officers. It was found that no ground existed for a remission on account of fall in prices, as those assumed at settlement were, according to the standards adopted, no higher than those at present prevailing. With regard to crop failure and short outturns, due to absence of rain, the local officers were directed to use their powers of suspension and remissions under the rules. It was reported, however, that except for sugarcane, much of the *khari* crop had already been cut and zamindars of this district prefer not to accept suspensions of revenue. In fact, as it will be seen from my answer to part (e) below, practically the entire demand was collected at the due time. In the circumstances Government did not see fit to sanction a special remission of land revenue, for which no precedent is forthcoming.

The essence of the trouble, from which Jullundur zamindars are undoubtedly suffering, is a fall in the water table, which is no recent occurrence but a grievance of several years' standing. The effect has been to increase the cost of *chahi* cultivation and so render the incidence of land revenue on these lands rather more onerous than was anticipated at settlement. I am glad to announce that an enquiry is now being instituted into the question whether owing to these conditions some relaxation in the assessment of *chahi* lands should not be made in the interval before the next assessment, and the result will be made known in due course.

(e) Rs. 9,61,590 have been realized, and Rs. 2,146 were outstanding on 27th February, 1939.

Mian Abdul Rab : May I know whether the Deputy Commissioner of Jullundur recommended a remission of 25 per cent on the *khari* crop of 1938 ?

Parliamentary Secretary : I think my honourable friend should be satisfied with what I conveyed to him as the decision of the Government on the question. It would not be fair on my part to tell him what each subordinate officer reported in this connection.

Mian Abdul Rab : Is that confidential ?

Parliamentary Secretary : Nothing of the kind, but it is not necessary to read on the floor of this House the reports of the various officers and subordinates who deal with this question of remission.

DISTRIBUTION OF TAQAVI LOANS IN JULLUNDUR DISTRICT.

***4278. Mian Abdul Rab :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the total amount of *taqavi* reserved for distribution among the zamindars in Jullundur district, during the years 1937 and 1938 ;
- (b) the amount actually distributed with the names and addresses of those who were granted *taqavi* loans, during these two years ;
- (c) the number of applications received during this period for loans from the zamindars in all the four tahsils, separately ;
- (d) the number of persons whose applications were refused with their names and addresses ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) None

(b) Does not arise.

(c) Five applications—three from Nawashahr tahsil and one each from Phillaur and Nakodar tahsils.

(d) Six persons. Their names and addresses are given in the statement which is laid on the table.

Mian Abdul Rab : May I know as to why no amount was specially reserved for that district ?

Parliamentary Secretary : Because it was not considered necessary.

Statement showing the names and addresses of persons whose applications for grant of taqavi loans in the Jullundur district were refused during the years 1937 and 1938.

Tahsil.	Names and addresses of applicants.
Nawashahr	1. Ram Singh, son of Jaimal Singh, caste Jat of Chak Bilgan. 2. Khair Din, son of Kamman, caste Arain of Nawashahr. 3. Kake Khan, son of Nathu Khan, Rajput of Nawashahr.
Phillaur	1. Mihan Singh, son of Charn Singh { Jats of Pal Qadim presented a joint application.
Nakodar	2. Charan Singh, son of Jowala Singh { 1. Bhola Singh, son of Sunder Singh, caste Jat of Mida.

LOSS INCURRED ON ACCOUNT OF CANCELLATION OF PERMIT
BY SHAIKH ABDUL GHANI, AHRARI.

*4365. **Pandit Shri Ram Sharma** : Will the Honourable Minister for Revenue be pleased to state—

(a) whether the Government is aware of the fact that the Collector, Rohtak, has recently received a notice from Shaikh Abdul Ghani, Ahrari, through Sayed Muhammad Shah, Advocate, at Rohtak for compensation of the loss incurred by the said Shaikh on account of the cancellation of his permit for importing *khooa* on concession rates in the said district ;

(b) if so, the action taken or intended to be taken on that notice ;

(c) whether other similar permits have also been cancelled by the Government ; if so, the reasons for cancelling such permits ?

(At this stage Lala Duni Chand occupied the chair amidst loud applause from Opposition benches.)

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) Yes

(b) Necessary action will be taken according to rule.

(c) Yes. Permits were cancelled in order to concentrate the control of fodder supply in the hands of the Deputy Commissioner and Fodder Adviser.

Pandit Shri Ram Sharma : Can you tell me how many permits were cancelled ?

Parliamentary Secretary : I cannot give you exact information about this.

Pandit Shri Ram Sharma : Were previously tahsildars also authorised to issue permits and is it a fact that they issued a large number of permits but the Deputy Commissioner later on cancelled them ? What is the reason for that ?

Parliamentary Secretary : I am thankful for that information but I cannot say whether it is correct or not ?

Pandit Shri Ram Sharma : Was the object of such action to benefit the contractors patronised by the authorities ?

Parliamentary Secretary : If everybody is permitted to purchase *toori* where Government purchases, prices are likely to increase which is not in public interest.

Pandit Shri Ram Sharma : Is it a fact that everyone can get permits in Hissar, but not in Rohtak ? What is the reason for this differentiation ?

Premier : Which tahsildar do you want this authority to be given to ? I can permit him.

Pandit Shri Ram Sharma : The Honourable Premier is in the habit of saying these things. I wanted to know the reason why they refused to grant concession certificates to all who apply for them.

Parliamentary Secretary : I stated the reason that was known to me.

Dr. Gopi Chand Bhargava : May I know if these permits are granted to import *bhoosa* from other places or to purchase it at specific places ?

Parliamentary Secretary : I am afraid I have not grasped the question put by my honourable friend Dr. Gopi Chand Bhargava.

Dr. Gopi Chand Bhargava : My question is : Are these permits granted for importing *bhoosa* after it is purchased from other places or for purchasing it at particular places ?

Parliamentary Secretary : Permits are granted for purchasing *bhoosa* at particular places.

Pandit Shri Ram Sharma : Where is the harm ? If competition is allowed *bhoosa* will be supplied at cheaper rates. May I understand that by cancellation of permits the Government intend to supply *bhoosa* in large quantity ?

Minister : Does my honourable friend think that we must issue these passes without giving any consideration to the amount of expenditure and bear the railway freight unnecessarily ?

Pandit Shri Ram Sharma : Does Government intend to curtail the number, of passes with a view to supplying *bhoosa* at dearer rates ?

Minister : If my honourable friend would read reply to question (c) I am sure he will find the answer there.

Pandit Shri Ram Sharma : What else is the object of Government ?

Parliamentary Secretary : Permits have been cancelled to stop the purchase of *bhoosa* in large quantities. If purchasers go there in large numbers, the rates will increase.

Pandit Shri Ram Sharma : Have the rates in Hissar increased and those in Rohtak decreased ?

Parliamentary Secretary : There is no question of increase or decrease.

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

DEMANDS OF DISTRICT KISAN COMMITTEE, LAHORE.

***4376. Sardar Sohan Singh Josh :** Will the Honourable Minister of Revenue be pleased to lay on the table of the House a copy of the demands sent to him by the District Kisan Committee, Lahore, on the 17th February, 1939, and state whether Government has considered those demands and proposes to take any action in the matter ; if so, the nature of such action ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (1) A copy is laid in the table.

(2) The principal demands of the Kisan Committee, Lahore district, are among the matters dealt with in the Report of the Land Revenue Committee, which is now under the consideration of Government. The Government will give the matter the attention which it deserves and their decision will be made known to the public in due course.

Sardar Sohan Singh Josh : Has anything transpired in this connection ?

Parliamentary Secretary : With whom ?

Sardar Sohan Singh Josh : With the deputation of the District Kisan Committee.

Premier : I told the deputationists that the Kisans of the Lahore district were labouring under a serious misapprehension. According to the sliding scale in the coming *hari* there will be an increase of only 2 per cent in the land revenue. Besides there will be 285 villages where the incidence of land revenue will be reduced and in the remaining villages it will be increased by two per cent.

Sardar Sohan Singh Josh : Has anything come out of this deputation ?

Premier : I do not know. It is for them to explain the matter to the people.

Sardar Sohan Singh Josh : May I know if this increase is due to enhancement in land revenue on lands already irrigated by canal water ?

Premier : Let me tell my honourable friend that the total increase amounts to Rs. 90,000 out of which Rs. 74,000 are due to *nautor* lands recently reclaimed by Government. There is an actual increase of only Rs. 16,000 which comes to about 2 per cent. If we were to exclude *chahi partas* which bring us 12 to 15 thousand rupees, the actual increase amounts to only one or two thousand rupees.

Sardar Sohan Singh Josh : I want to ask the actual increase in land revenue on areas already irrigated.

Premier : The actual increase is Rs. 16,000 which amounts to 2 per cent. Most of this increase has been effected in respect of large holdings and comparatively speaking the poor cultivators stand to gain by this arrangement.

Sardar Sohan Singh Josh : How far have the poor benefitted ?

Premier : Let my friend read the statement issued to the press. There he will find that the actual increase amounts to only Rs. 16,000.

Dr. Gopi Chand Bhargava : May I know what would the increase amount to if the decrease in revenue due to deterioration in quality of soil is not taken into consideration at the time of calculation ?

Premier : This matter is rather difficult to understand. In fact reduction in land revenue has taken place in certain villages on account of sliding scale. But where increase has taken place, it is mostly at places where *nautor* lands have been reclaimed. On the whole, the actual increase, as I have already stated, amounts to only Rs. 16,000. But it is difficult to state where 1 per cent or where 3 per cent increase has taken place. We cannot supply information about *khewats* and estates separately. Anyhow hard cases can be brought to the notice of the Government.

Dr. Gopi Chand Bhargava : Is there any land which has been assessed to less land revenue than at the time of the previous settlement on account of deterioration of the soil ?

Premier : There must be. Wherever the soil has deteriorated, it must have been removed to class 2 or 3 from class 1 for the purposes of assessment.

Dr. Gopi Chand Bhargava : May I know whether the increase of 2 per cent is due to the application of the sliding scale or is it low at 2 per cent only because when average is calculated, decrease in assessment owing to deterioration of soil is also taken into consideration.

Premier : Both.

Dr. Gopi Chand Bhargava : May I know how much of this 2 per cent reduction is due to deterioration of soil ?

Premier : If we were to find out how much of the reduction was due to each cause, it will take not weeks or months but years to collect the required figures. If a zamindar has 15 acres of land, and out of it 2 acres have deteriorated, that part of his land will have to be classified according to its fertility and thus we shall have to take into account every part of the land of every individual zamindar. Anyway if any zamindar feels that he has not received justice in the matter of assessment he can always go to the settlement officer or come to me.

Dr. Gopi Chand Bhargava : Which prices have been taken as the basis for assessment of land revenue while applying the sliding scale to the Lahore district ?

Premier : The prices prevalent in the important markets of Lahore, have been taken as the basis with a reduction of two annas in the rupee.

Lal Duni Chand : May I know if Government realise that all these demands are genuine and that the Kisans had earnestly made these demands ?

Premier : I think my honourable friend is assuming something which is not correct. Lahore district is now under a theoretical enhancement. I deliberately use the word "theoretical" because under the sliding scale a maximum theoretical limit is announced and it was due to that theoretical limit that there was a certain amount of misunderstanding in Lyallpur as well as in Lahore district which some people have tried to exaggerate. I do not challenge their motives but it is quite possible that they did not understand the implications of the sliding scale. I can assure my honourable friend that even after taking into account this maximum theoretical enhancement in Lahore the revenue is still lower than in several other districts in the Punjab.

Lala Duni Chand : May I know if the agitation has brought the honourable the Premier in a proper appreciative frame of mind about the genuineness of their demands ?

Premier : My honourable friend again is saying something which is not correct.....

Mr. Speaker : I disallow that question.

Dr. Sir Gokul Chand Narang : The Premier said that there had been enhancement in certain cases where the owner of the land was a man of position and had other sources of income, may I know if this principle has been adopted in the recent settlement of Lahore, that land revenue has been assessed not merely on the *haisiyat* of the land, but also on the *haisiyat* of the owner of the land, and on the other sources of income which the owner may possess ?

Premier : My honourable friend is not aware that this factor is also taken into consideration. For instance, take my own case. I am the most highly assessed person in the Attock district. My assessment is such that you will not find a parallel to it even in Lyallpur district which is the most prosperous district in the province.

Dr. Sir Gokul Chand Narang : Are you the largest assessed gentleman in the Attock district because you possess the largest area of land or because you draw the largest salary ?

Premier : I am a very small land owner but my land was highly assessed for two reasons. First, because in the old Council I took a great deal of interest in settlement matters (*laughter*) and secondly, because I have certain extraneous sources of income from some commercial and industrial concerns in which I was interested and one of those works was exactly on my property. That was taken into account by the Settlement Officer and my land was subjected to a higher rate of land revenue.

Dr. Sir Gokul Chand Narang : Supposing you had 10 acres of land in the Attock district and your income from industrial concerns was say 2 lakhs of rupees a year or a month, then will those 10 acres be assessed according to your income from industrial concerns or the value and the *kaisiyat* of the land ? That is my question.

Premier : The basic principle is that land is classified and a basic rate is fixed. The Settlement Officer has got the power to vary that rate to a certain extent : he possesses that latitude and that latitude is exercised in this way. Supposing I and several other people are owners of land in a village. I happen to have some income from pension or salary or an industrial concern and our land is equal. Well, the Settlement Officer is at liberty to assess my land to a higher incidence than my other neighbours because they have no other income. The capacity of the land is also taken into consideration and that is how we can give a certain amount of relief to our less fortunate brethren.

Dr. Sir Gokul Chand Narang : What is the rate in the case of a land owner who although he may have a very small area of land has a large industrial income, say, 10 lakhs, like the Revenue Minister ? Does it mean that his land would be assessed at the rate which may be ten times or twenty times higher than the rate of his neighbours. Supposing there is a gentleman whose industrial income or income from industrial concerns is only Rs. 500 a month, what will be the proportion ? What is the scale ?

Premier : No scale. It depends on the discretion of the Settlement Officer, who decides each case on its merits. He will assess at a slightly higher rate ; he cannot assess at double the rate.

Dr. Sir Gokul Chand Narang : Does it mean that once it is fixed at a time when the extraneous income of the land owner is big it will go on for twenty years or till the next settlement, although his extraneous income may fall down ?

Premier : He has to take it into serious consideration whether his income still continues or not.

Dr. Sir Gokul Chand Narang : To complete the information which I wanted, will the Premier refer to some section of the Land Revenue Act or any instructions given in the Land Revenue Manual or any other instructions?

Premier : I will refer to the Land Settlement Manual. He will find there are certain instructions with regard to the method of assessment. I may also for the information of my honourable friend state that apart from these instructions the Settlement Officer has got the latitude of varying the incidence up to 3 per cent.

Chaudhri Kartar Singh : Is it a fact that the leader of the deputation which met the Premier recently was Sardar Gopal Singh Qaumi who is neither an agriculturist nor a resident of the Lahore district, and is it not a fact that the Honourable Premier had previously refused to see Mr. Yograj on these very grounds?

Premier : My honourable friend is right. It is my duty as Premier that I should listen to a person who comes to make his complaint whether he is an agriculturist or a non-agriculturist. (*Hear, hear.*)

Dr. Sir Gokul Chand, Narang : *Hai us zood-pashiman ka pashiman hona!* You woke up to reason after five hundred men had been thrown into prison.

Premier : My honourable friend will please listen to the facts. Perhaps he has forgotten how to keep facts in view since his giving up his practice. Gopal Singh Qaumi did not come to see me on behalf of any *jatha*. He came in his own personal capacity. He did not represent those who are carrying on an agitation these days. Now, for instance, if Sir Gokul Chand Narang wishes to convey some suggestions with respect to the settlement of the Lahore district, the fact that he is a non-agriculturist will not stand in the way of my seeing and discussing things with him. The arrests of those who are carrying on agitation are not made on account of their being zamindars. They are arrested for defying prohibitory orders. We have decided not to allow any demonstrators to come within one and a half miles of the Assembly buildings. To-day this party is in power. To-morrow another party may take its place. But it will always be necessary, as it is indeed to-day, that equilibrium and equanimity of the Assembly buildings is maintained. Otherwise the conduct of work in the Chamber will become impossible. So far as my residence is concerned, people may come there any time. I was told that representatives of the *kisans* wanted to have a talk with me. I said: "They should be representatives of the *kisans* and not extraneous agitators." Sardar Gopal Singh Qaumi did not come to me as a representative of the *kisans*. He came in his individual capacity. Similarly, if any of my friends here wishes to come and see me, the doors of my house are open for him.

Chaudhri Kartar Singh : Is it a fact that the Honourable Premier declined to see Yograj?

Premier : My friend wrote to me that he was an elector for the Lahore District Board. I thought that as such he must have a stake here. I said, "He may come."

Chaudhri Kartar Singh : Is he prepared to rectify the technical mistake which he has made, in order to ease the present situation ?

Premier : Which technical mistake ?

Chaudhri Kartar Singh : Is the Government prepared to put a stop to the arrests which are going on these days in order to give proof of the fact that the misunderstanding has been removed ?

Premier : We have no misunderstanding. My honourable friends on the other side must have seen that they were labouring under a misapprehension. Now that they have realised the truth, it is up to them to ask the agitators to stop all agitation and attend to their normal business of life.

Sardar Sohan Singh Josh : Who misled the *kisans* ? Were they misled by some agitators or has the Premier himself been misled ?

Premier : For instance, you too have been misled.

Chaudhri Kartar Singh : Will the sliding scale affect the owners of five hundred acres and five acres alike on the average ?

Premier : It is not the question of average. According to the sliding scale system different charges will be made on the owners of various kinds of holdings. Naturally the charges on the owners of five hundred acres and five acres will be different ultimately. But my honourable friend should rest assured that the question of sliding scale system is not involved in the present case. In this connection, theoretical assessment has taken place already.

Sardar Partab Singh : The Honourable Premier has said something by way of assurance to the House that there will be no increase or the increase has been only two per cent in land revenue this year in the Lahore district. Could he assure as well the House on another point, namely, that this theoretical increase of 25 per cent will not be charged in any of the years under the new Settlement ?

Premier : This increase constitutes the maximum rate which may be charged in case the prices show an upward trend, say, if war breaks out. In that case if the zamindar gets ten rupees he will surely have no hesitation in paying eight annas towards land revenue.

Copy of demands by the District Kisan Committee, Lahore.

LAND REVENUE REFORM.

WE DEMAND THE ABOLITION OF LAND REVENUE AND THE TAXATION OF AGRICULTURAL INCOMES ACCORDING TO A GRADUATED SCALE (SLAB SYSTEM). INCOMES BELOW Rs. 500 SHOULD BE EXEMPT FROM TAXATION.

Explanation.—According to Baden-Powell the land revenue operates as a tax on agricultural income—a contribution to the State out of the profits on land cultivation just as the income-tax is a contribution out of the proceeds of other industries and occupations " (Land Revenue in British India, page 49).

Our demand is that what operates as a tax on agricultural incomes may be frankly levied as such, or converted into an income-tax. The taxable capacity of different classes of land-owners is not the same. Hence the need for graduation. The exemption limit suggested is four times lower than that for the non-agriculturist income-tax payer.

If land revenue is not converted into an income-tax we demand that ;

(1) *Net assets be defined as profits on direct cultivation.*

(Premier.)

Explanation.—The existing definition works against peasant proprietors, for landlords' net assets are not identical with peasant proprietor's net assets. In the recent assessment of Lyallpur tahsil costs were taken at 56 per cent. of the value of gross produce (value of gross produce was estimated at 228 lakhs and landlords' net assets at 100 lakhs, which leaves 128 lakhs as costs). If net assets were defined as profits on direct cultivation, costs, including wages for the cultivator and working members of his family, would have to be allowed for at about 75-80 per cent of the value of gross produce.

(2) *Assessment be based upon actual, as distinct from prospective net assets.*

Explanation.—Government of India resolution (1901) on land revenue policy says—

Formerly the basis of assessment was the anticipated average yield of the land during the coming period of settlement. Now it is the actual yield at the time of assessment, so that the landowner enjoys to the full any new advantages that may accrue either from his own outlay or from outside circumstances, in the interval before the next revision is made. Assessment upon actual, as distinct from prospective, assets has thus become a cardinal principle of the land revenue policy of Government" (paragraph 21).

The sliding scale treats this famous resolution as "a scrap of paper." The calculation of net assets in the sliding scale on the basis of commutation prices which are 40-50 per cent higher than actual prices, is not a calculation of actual but prospective net assets. We want Government to honour pledges solemnly given.

(3) *If the sliding scale is enforced in open violation of the resolutions of 1901 we demand that in granting remissions the comparative inelasticity of costs should be taken into account, or that remissions should be granted according to the fall in net assets.*

Explanation.—Government must admit that costs of production in the case of working owners, do not fall in the same proportion as prices. When prices fall, and remissions are granted according to the difference between commutation and actual prices, the land revenue demand must exceed one-quarter of net assets in the case of working owners. This is clear as daylight. Assume that the value of gross produce is 100 and costs Rs. 75. If now prices fall by 40 per cent and costs by as much as 33½ per cent net assets are reduced from Rs. 25 to Rs. 10. The remission in land revenue, if the demand is not to exceed one-fourth of net assets, should be 60 per cent or according to the fall in net assets, and not just 40 per cent according to the difference between commutation and actual prices.

The proportion of the fall in costs for a given fall in prices can be determined without difficulty.

(4) *Exemption be granted to owner-cultivators of one-plough holdings or less.*

Explanation.—Owing to the fall of prices cultivation has become unremunerative over a large part of the province. It would be difficult to show that owner-cultivators of one plough holdings or less earn any taxable net assets at all, over and above costs of cultivation. It may be pointed out that net assets mean the same thing, as "net profits of agriculture" or "economic rent." In settlement literature these terms have been used interchangeably (see Government of India's resolution on Land Revenue Policy, published in 1902, pages 84 and 91). 'Rent' in Douie's Settlement Manual means nothing but "economic rent," which is a true surplus above costs of cultivation full and fair wages for the cultivator and working members of his family being included in costs.

FODDER FAMINE IN JULLUNDUR AND LUDHIANA DISTRICTS.

*4379. **Sardar Sohan Singh Josh** : Will the Honourable Minister of Revenue be pleased to state whether he is aware of the fodder famine prevailing in the districts of Jullundur and Ludhiana ; if so, the steps taken by the Government to relieve the distress among the people of the affected area ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : Yes. There is scarcity of fodder in these two districts. Government have introduced concession rates for the carriage of fodder by rail into these districts.

REPRESENTATION FROM GENERAL SECRETARY, DISTRICT KISAN COMMITTEE, LAHORE.

***4414. Sardar Hari Singh :** Will the Honourable Minister of Revenue be pleased to state whether the Government has received a representation detailing grievances and demands of the Kisans of the Lahore district from the General Secretary, District Kisan Committee, Lahore ; if so, the contents thereof and the action taken by the Government to redress their grievances ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : The honourable member's attention is invited to the answer given by me to starred question No. 4976.¹

CONFISCATION OF LAND OF GRANTEES IN NILI BAR COLONY.

***4449. Mian Sultan Mahmud Hotiana :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the number of squares of land of grantees confiscated in the Nili Bar Colony by way of penalty ;
- (b) the number of squares of land confiscated because of the long absence of grantees from the land ;
- (c) the manner in which the Government have disposed of those confiscated squares of land ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) 1,171 grants have been resumed. Information as to the exact number of rectangles is not available.

- (b) The information is not available.
- (c) 192 grants have been restored and the balance is reserved for sale by public auction.

FAMINE RELIEF.

***4469. Khawaja Ghulam Samad :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the number of villages in the famine-stricken areas which have received famine relief in various shapes ;
- (b) whether it is a fact that some villages have got the relief in the shape of fodder and *taqavi*, twice, thrice and even four times but some have got only once and some not even once ;
- (c) the reasons for this distinction and the action intended to be taken in the matter ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) 2,252.

(b) Yes.

(c) *First part.*—The amount of relief granted varies with the degree of distress in the village affected.

2nd part.—Does not arise.

Khawaja Ghulam Samad : The reply to part (b) is "Yes." With reference to that reply may I know the reason for discrimination?

Parliamentary Secretary : There is no question of discrimination. Every case will be considered on its own merits and the amount of relief will be given according to the degree of distress in a particular village.

EMPLOYMENT OF NON-AGRICULTURISTS.

***4471. Khawaja Ghulam Samad :** Will the Honourable Minister of Revenue be pleased to state whether any orders have been issued by him to the Financial Commissioner, Revenue, that no non-agriculturists be employed in his office; if so, the reasons therefor?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : No such orders have been issued.

AMENDMENT OF UPPER INDIA CANAL AND DRAINAGE ACT.

***4473. Khawaja Ghulam Samad :** Will the Honourable Minister of Revenue be pleased to state whether the committee appointed to amend the Upper India Canal and Drainage Act has started taking evidence of persons concerned; if so, whether the witnesses are to be called from all parts of the province or only from the Northern Punjab, or only those who have been asked to give reply to the questionnaire put by the committee?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : Yes, the Committee started taking evidence from 11th January; the committee is touring all canal areas in the Punjab and taking evidence of those who represent various interests, and not merely of those who have been asked to give reply to the questionnaire.

LABOURERS WORKING ON TEST FAMINE WORKS AT CHHUCHAKWAS.

***4509. Pandit Shri Ram Sharma :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the average daily number of labourers at present working on test famine works at Chhuchakwas, Sahva Beri and Meham Kocha Roads;
- (b) the clerical staff employed at present at the above-mentioned centres and the number of those among them recruited as belonging to the famine-stricken area;
- (c) whether it is also a fact that a fixed amount of work is allotted to a gang of 30 labourers each day and in case the allotted work is not finished the same day six pies per head are deducted from the remuneration to be paid to each of them; if so, the reason for introducing this system of punishing some for the fault of others?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) The latest figures of the average daily number of labourers are—

Chuchakwas	..	..	..	5,216
Beri	..	..	..	1,110
Mehm	..	..	..	4,930

(b) 69 clerks in all are employed on these 3 test works out of these 61 belong to the famine-stricken areas.

(c) Yes. This is permissible under section 119 of the Punjab Famine Code.

WATERLOGGING OF KHADUR AREA.

***4531. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Revenue be pleased to state—

(a) whether it is a fact that Khadur area in district Karnal lying between the Western Jumna Canal and the river Jumna, is waterlogged ;

(b) whether it is a fact that lands and trees belonging to private persons or public institutions like temples and cremation grounds by the side of the Western Jumna Canal in village Radaur, district Karnal, have been damaged ; if so, what action Government propose to take in the matter ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : It is regretted that the answer to this question is not yet ready.

DESTRUCTION OF RABI CROPS OWING TO DEFICIENCY OF CANAL WATER SUPPLY.

***4532. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that Rabi crops in canal irrigated area of the Hissar district have been destroyed owing to deficiency of canal water supply ; if so, what action Government propose to take to give relief to the sufferers therefrom ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : No. There was some damage to crops on account of low canal supplies and insufficient rainfall, but the rain in February and the consequent improved canal supply have benefitted the crops immensely. Detailed inspection shows very little damage now and this is being dealt with under the Ordinary Kharaba Rules. Special remissions are being given where crops have been damaged by hail.

REPRESENTATIONS MADE BY THE " INSIDAD NAQAIS " COMMITTEE, GREY CANALS.

***4606. Captain Sodhi Harnam Singh :** Will the Honourable Minister of Revenue be pleased to state—

(a) the date when the deputation consisting of the members of the ' Insidad Naqais ' Grey Canal Committee, district Ferozepore, waited upon the Honourable Minister for Revenue and the allegations which the deputationists made in the representation in the course of the interview for which they undertook responsibility ;

(b) whether any action has been taken on their representation, if not, why not ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) On the 4th January, 1939.

(b) The matter is under the consideration of Government.

Sodhi Harnam Singh: May I ask as to which officer has been deputed to make inquiries?

Parliamentary Secretary: The Government is considering the matter itself.

Sodhi Harnam Singh: Certain allegations have been made and they must be inquired into. How can the Government inquire into them, if no officer has been deputed to do so?

Parliamentary Secretary: In any case every inquiry is made by the Government and it will make necessary arrangements for the purpose.

Minister: The matter is still under consideration. As soon it is decided we shall be in a position to answer the question.

Sodhi Harnam Singh: Is it a fact that the deputation asked the Government to punish the culprits or in the event of the allegations being incorrect the members of the deputation offered themselves to be punished with imprisonment?

Parliamentary Secretary: If we were to throw people in jail at the instance of deputations then it will not be long before every Punjabi is in prison.

Minister: I hope Sodhi Sahib would not himself like this. (*Laughter.*)

Sodhi Harnam Singh: I was not a member of that deputation, and so this does not arise.

REMODELLING OF 3-L MINOR OF 12-L DISTRIBUTARY OF LOWER BARI DOAB CANAL.

***4613. Munshi Hari Lal**: Will the Honourable Minister of Revenue be pleased to state—

(a) whether it is a fact that the remodelling of 3-L minor of 12-L distributary of Lower Bari Doab Canal, is intended by the Government;

(b) if so, how many times 3-L minor has been remodelled during the last eighteen years and when it was last remodelled;

(c) whether it is a fact that the zamindars of Chak No. 58/12-L have represented against the intended remodelling; if so, with what result?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) No. Investigations are, however, in progress with a view to ensuring an equitable supply to all outlets.

(b) This minor was partly remodelled in 1929 and completely remodelled in 1931, and again in 1937.

(c) No.

REPRESENTATION BY ZAMINDARS OF VILLAGE GHAWADI, DISTRICT LUDHIANA.

***4629. Sardar Kapur Singh :** Will the Honourable Minister of Revenue be pleased to state whether he is aware of the fact that about a month or so ago, a representation was made by the zamindars of village Ghawadi, tahsil and district Ludhiana, to the Executive Engineer, Irrigation, at Ludhiana complaining therein that the supply of water for irrigation purposes from the outlets, irrigating their lands was short ; if so, the steps taken by canal authorities to redress that grievance ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : Yes. The outlets are on kharif channels which were closed on 15th October and therefore their discharge cannot be checked now but their size has been checked and found to be correct. Irrigation on these outlets during Kharif 1938 was more than permissible. Government, therefore, does not intend to take any further action.

DEMAND OF LAND REVENUE IN SAMRALA TAHSIL.

***4630. Sardar Kapur Singh :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that the demand of land revenue in Samrala tahsil, district Ludhiana, exceeds $\frac{1}{2}$ of the estimated money value of net assets according to the existing assessment ; if so, by how much ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : Yes, by about 12 per cent. It may be noted that the demand in Samrala tahsil was fixed at the time of the last settlement of Ludhiana district in 1908-11 when Government's share of the net assets was allowed to be upto 50 per cent.

DEATH DUE TO STARVATION OF BHOLA JAT AND DAKHAN JATI OF VILLAGE GHIRAI, TAHSIL HANSI.

***4631. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that Bhola Jat and Dakhan Jati of village Ghirai, tahsil Hansi, district Hissar, died of starvation in the month of December, 1938 ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : No. Enquiries made show that both these persons lived together in one house and died of fever and dysentery after an illness of 10 or 12 days. *Mst. Dakhan* was a member of the local cotton spinning centre opened by Government and she regularly earned wages by spinning. Moreover Rs. 5 in cash and 85 seers of *bajra* were found in the house after their death.

SUB-TAHSIL CHICHAWATNI.

***4641. Malik Fateh Sher Khan :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the area of tahsil Montgomery and the number of villages and police stations in this tahsil ;

[Malik Fateh Sher Khan.]

(b) the number of villages attached to the sub-tahsil Chichawatni in the Montgomery district ;

(d) whether Government intends to convert sub-tahsil Chichawatni into a tahsil, and if so, when ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) (i) 790, 447 acres.

(ii) 586 villages.

(iii) 10 Police Stations.

(b) 197 villages.

(c) No.

REPRESENTATION TO DEPUTY COMMISSIONER, FEROZEPORE,
BY INHABITANTS OF LOHGARH FOR SUPPLY OF CANAL WATER.

***4645. Sardar Rur Singh :** Will the Honourable Minister of Revenue be pleased to state—

(a) whether the Government is aware that the inhabitants of village Lohgarh approached the Commissioner while on tour at Ludhiana on 10th January, 1939, and made a representation to him requesting supply of water for irrigation from Rajbah and also made one registered representation bearing no. 10 on 4th January, 1939, and another registered representation on 7th January, 1939, to the Deputy Commissioner, Ferozepore, repeating the same request therein ;

(b) whether it is a fact that soon after that the villagers of Lohgarh also made a similar representation to the Superintendent of Canal, Kingwah, and also to the Commissioner, Jullundur division ;

(c) whether Government is also aware that a deputation consisting of five gentlemen of village Lohgarh, thana Dharamkot, tahsil Zira, district Ferozepore, recently went to Ferozepore and repeated the same request to the Superintendent of Canal, Kingwah, in person ;

(d) if the answer to part (a), (b) and (c) above be in the affirmative, the action that has been taken or is intended to be taken in the matter and if no action is intended to be taken by the Government, the reasons therefor ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) and (b) Yes.

(c) No such deputation waited upon the Superintendent, Grey Canals, recently.

(d) A scheme for the supply of canal water is being worked out by the local canal authorities. It is hoped that the commanded area of village Lohgarh will be irrigated on the completion of this scheme.

Sardar Rur Singh : May I know whether it is a fact that if a *rajbaha* is constructed with the help of the villagers they are compensated with a right of irrigation?

Parliamentary Secretary : May be it is true.

Sardar Rur Singh : Has any right of irrigation been given to the residents of the village?

Parliamentary Secretary : I have stated in the course of my reply that the Government is preparing a scheme and when it matures, everything possible will be done to afford facilities to the people.

Sardar Rur Singh : When facilities are granted to other villages, why should they be denied to this particular village?

Parliamentary Secretary : I have already stated that the Government is taking steps to supply irrigation facilities to that *ilaga*.

Sardar Rur Singh : That may be so, but who is responsible for the loss that these people have sustained for want of these facilities so long?

Parliamentary Secretary : I cannot say whether there has been any loss because I have not got with me the necessary material just at present.

Sayed Amjad Ali Shah : From which canal is it intended to give water to these people?

Parliamentary Secretary : From the Grey Canals.

Sayed Amjad Ali Shah : Which of the Grey Canals?

Parliamentary Secretary : I have already stated that the Government is preparing a scheme and therefore water will be supplied from that canal from which it may be available.

Sayed Amjad Ali Shah : But I wanted to know which one of the Grey Canals was going to supply water to that village?

Parliamentary Secretary : If the honourable member comes to my room I shall be only too glad to give him the required information.

Pandit Muni Lal Kalia : May I know whether the Parliamentary Secretary knows why this system is called the Grey Canal System?

Parliamentary Secretary : Sodhi Harnam Singh will be able to tell you.

Pandit Bhagat Ram Sharma : Is the honourable member in order in asking another member of Government to receive the answer privately in his room?

Pandit Muni Lal Kalia : May I know whether by Grey Canals he means the inundation canals and whether the complaints are that water is not adequately and properly distributed?

Parliamentary Secretary : How does it arise out of the question?

Sodhi Harnam Singh : Which officer is preparing the scheme?

Parliamentary Secretary : It will serve no useful purpose to mention the name of the officer. He may be anybody. What the House is concerned with is that the scheme is under consideration.

CROPS IN BET MANSWAL IN TAHSIL GARHSHANKAR.

***4653. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that in the Ilaqa Bet Manswal of tahsil Garhshankar, district Hoshiarpur, the *kharif* crop was much below the average and the *rabi* crop of 1938-39 could not even be sown ;
- (b) if answer to (a) above be in the affirmative, whether the Government intends to give relief to this famine-stricken area ; if not, why not ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) No, the *kharif* crop was 12 annas in the *barani* areas and 14 annas in the *chahi* areas, while the area sown in *rabi* 1939 shows an increase of 17 acres.

(b) Does not arise.

‘ RODKOHI ’ IRRIGATION IN TAHSIL SANGHAR, DISTRICT DERA
GHAZI KHAN.

***4659. Khan Bahadur Mian Mushtaq Ahmad Gurmani :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that large areas of land in villages Bindi, Heroshsharqi, Dairashah, Lingah, Sheikh Jivanda, Darabi and certain other villages in that vicinity in tahsil Sanghar, district Dera Ghazi Khan, remained uncultivated during the last 3 years for want of adequate ‘rodkahi’ irrigation ; if so, what action, if any, has been taken to improve water supply in that area ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : Yes, but during the last two years only, *viz.*, 1937 and 1938. This was not due to any defect in the arrangement for Rodkahi irrigation, but on account of the scarcity of rain.

These villages are all “*paina*” villages, *i.e.*, villages lying at the tail of hill torrent distributaries. The heads of three channels in villages lying Saropa, *i.e.*, at the head of the distributaries, which used to take much water, have recently been changed. At the head of one of these channels an iron pipe was fixed in order to allow water to pass downstream to the area in question. Water has in consequence reached some of these villages recently owing to heavy rain in the hill area.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : The Parliamentary Secretary said that iron pipe was put in at the head of one of these closures. May I ask him whether this experiment has succeeded ?

Parliamentary Secretary : It has succeeded to some extent.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : With regard to the rest what further action is proposed to be taken ?

Parliamentary Secretary : The Government will sympathetically consider the question. If my honourable friend will take the trouble of interviewing the Chief Engineer the latter will give him a patient hearing and also give him all particulars.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : This does not concern the Chief Engineer at all.

Begum Rashida Latif Baji : If Parliamentary Private Secretaries ask so many supplementary questions that will deprive other members of the opportunity of putting their questions.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : If my honourable sister wants to put any supplementary question she is welcome to do so.

‘RODKOHI’ IRRIGATION IN SANGHAR.

***4660. Khan Bahadur Mian Mushtaq Ahmad Gurmani :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that ‘rodkahi’ irrigation has been inadequate in the ‘*paina*’ villages of ‘rod Sanghar,’ with result that the cultivation in those villages has decreased ;
- (b) whether the irrigation rights of the ‘*paina*’ villages on ‘rod Sanghar,’ district Dera Ghazi Khan, have been curtailed or that are receiving the same share of water which they received in 1913 ;
- (c) whether any departure from the past practice has been made in the matter of supply of water to those villages ; if so, the reasons therefor ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) The decrease in cultivation in the villages in question was due to the scarcity of rain and not to inadequate arrangements for irrigation.

(b) No irrigation rights of these “*paina*” villages have been curtailed. All of them are receiving their share of water according to the *haquo abpaski* prepared in the settlement of 1917-18.

(c) No such departure from the past practice has been made.

Khan Bahadur Sardar Muhammad Hassan Gurchani : Is it a fact that the share of the ‘*paina*’ villages has not been fixed ?

Parliamentary Secretary : I require notice for this question.

Khan Bahadur Sardar Muhammad Hassan Gurchani : Is it a fact that as compared with other villages the ‘*paina*’ villages pay less land revenue ?

Parliamentary Secretary : I will inform the honourable member after I have made complete inquiries.

‘RODKOHI’ IRRIGATION IN DERA GHAZI KHAN DISTRICT.

***4661. Khan Bahadur Mian Mushtaq Ahmad Gurmani :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that there is a general dissatisfaction with regard to ‘rodkahi’ arrangements in Dera Ghazi Khan district as expressed in a number of resolutions passed by the Anjuman Dihati Sudhar Hindi, Ltd., in Dera Ghazi Khan district and given publicity through the press ; if so, what action does the Government propose to take in order to redress the grievances of the people of Dera Ghazi Khan and to improve the system of ‘rodkahi’ irrigation in that district ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): The Rodkahi arrangements in this district are as satisfactory as one may expect with such extreme variations in the rainfall of the district. Government are not aware of any resolution passed against the Rodkahi Department by any local organisation nor has any press cutting been brought to their notice. Individual complaints are attended to by the local officers as they arise.

Khan Bahadur Mian Mushtaq Ahmad Gurmani: Do local officers deny the receipt of a copy of this resolution?

Parliamentary Secretary: I have already replied that no such copy of a resolution was received.

Khan Bahadur Mian Mushtaq Ahmad Gurmani: By Government or by local officers?

Parliamentary Secretary: I have already stated that Government are not aware of any resolution passed against the Rodkahi Department nor has any press cutting been brought to the notice of Government.

Khan Bahadur Mian Mushtaq Ahmad Gurmani: Do the local officers deny having received copies of the resolution?

Parliamentary Secretary: The reply is generally based on the information supplied by the local officers.

STARTING OF TEST WORKS IN TAHSIL BALLABGARH.

***4664. Chaudhri Sumer Singh**: Will the Honourable Minister of Revenue be pleased to state the reasons for which the Commissioner, Ambala division, rejected the proposal of the Deputy Commissioner, Gurgaon, regarding starting test works in tahsil Ballabgarh and whether the Government intends to start them now; if not, why not, if so, when?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): A test work is not, on the evidence available, considered necessary at present in the Ballabgarh tahsil.

Chaudhri Sumer Singh: May I know the reason why the Commissioner has rejected the proposal of the Deputy Commissioner?

Parliamentary Secretary: Let me inform the honourable member that the Deputy Commissioner has got powers to start test works.

Chaudhri Sumer Singh: The Deputy Commissioner says that he is not empowered to start these test works.

Parliamentary Secretary: He is empowered to do so.

REMOVAL OF WOODEN BRIDGE OF GILLPUR DISTRIBUTARY IN TAHSIL KASUR.

***4674. Mr. Dev Raj Sethi**: Will the Honourable Minister for Revenue be pleased to state whether Sardar Teja Singh and other zamindars of village Kalsian Khurd, tahsil Kasur, district Lahore, submitted a petition to the Executive Engineer, Raiwind division of the Upper Bari Doan Canal, on 12th October, 1988, complaining against the removal of a wooden bridge at Gillpur distributary by a canal officer and drawing attention to the urgent need of constructing a new bridge over the said distributary, if so, with what result?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): Yes. A petition was received, and after enquiry the petitioners were informed that as a bridge already exists for the road leading to the village, another bridge cannot be built at a distance of half a mile where petitioners want it.

**APPLICATION OF CULTIVATORS OF VILLAGE SUR SINGH re OUTLET
No. D. L. 14687 OF BASARKI DISTRIBUTARY.**

***4675. Mr. Dev Raj Sethi :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether Sardar Kishan Singh and other cultivators of village Sur Singh, tahsil Kasur, district Lahore, submitted an application, dated 31st October, 1938, to the Executive Engineer, Raiwind Division, of the Upper Bari Doab Canal, regarding their grievances about the canal outlet D. L. 14687 situated at Basarki distributary ;
- (b) if the answer to (a) above be in the affirmative, whether any inquiries were made by the canal authorities about the grievances referred to therein ; if so, with what result ;
- (c) what is the total area under the command of this outlet ;
- (d) what was the average area actually irrigated by this outlet during the last three years ;
- (e) what was the average area actually irrigated by this outlet during the three years preceding its last remodelling ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) Yes.

(b) Yes. Outlet was checked and found to be drawing permissible discharge and petitioners were informed accordingly.

(c) 256 acres.

(d) 180 acres against 192 acres permissible.

(e) 141 acres before last remodelling done in 1935.

**DAMAGE BY HAILSTORM TO CROPS IN CERTAIN VILLAGES OF
TAHSIL KASUR.**

***4677. Mr. Dev Raj Sethi :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether, on 16th February, 1939, the crops of the following villages in Kasur tahsil, district Lahore, were damaged by a hailstorm :—

Kacha, Pakka, Boorchand, Sandra, Bhakhiwind, Autar, Chela, Drajke, Bhalwanke, Mari Gaur Singh, Kalsian Kalan, Dibbipura, Asal, Valtaha, Rottoki and Kotli Wasawa Singh ;

- (b) if the answer to (a) above be in the affirmative, whether any field to field inspection was made by the Revenue and Canal authorities, if so, what was the total area affected by the hailstorm and what is the amount, if any, which the Government proposes to remit out of the amount due from the zamindars as Abiana and land revenue ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) Some damage was caused to crops in the villages in question. The exact amount cannot yet be stated.

(b) Six villages were inspected immediately by the Extra Assistant Settlement Officer, and a special girdawari is being done in all the villages affected by the hailstorm. Appropriate relief will be given by way of remission of land revenue and abiana as soon as the results of the girdawari are known, as was done in 1937.

DAMAGE TO CROPS DUE TO HAILSTORM IN AMRITSAR DISTRICT.

***4682. Sardar Partab Singh:** Will the Honourable Minister of Revenue be pleased to state—

(a) the names of the villages in the Amritsar district where damage to crops has been done by hailstorm in February, 1939 ;

(b) the estimated total amount of loss suffered by the peasants in this case ;

(c) the steps so far taken by the Government for the remission of land revenue in the village thus affected ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): The attention of the honourable member is invited to the reply given to Assembly question No. 4587¹ (starred).

ALLOTMENT OF GARDEN SITES AT MANDI BUREWALA IN NILI BAR COLONY.

***4683. Sardar Hari Singh:** Will the Honourable Minister of Revenue be pleased to state whether the five garden sites which were to be allotted at Mandi Burewala in Nili Bar Colony, have been allotted so far ; if so, to whom and on what conditions, and if not, when those sites will be allotted and on what conditions those are proposed to be allotted ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): *First part.*—No.

Second part.—Does not arise.

Third part.—After the selection of suitable tenants the sites will be allotted on the conditions published with Punjab Government notification No. 2359-C., dated the 9th April, 1938. The selection of these tenants is under consideration.

TREE-GROWING GRANTS OF LAND IN KHANEWAL, MONTGOMERY AND OKARA TAHSILS.

***4684. Malik Fateh Sher Khan:** Will the Honourable Minister of Revenue be pleased to state—

(a) whether it is a fact that the conditions governing grants of land for growing trees as laid down in the Lower Bari Doab Canal

Act apply equally to all such grantees in the Montgomery and Okara tahsils and also in the Khanewal tahsil of the Multan district ;

- (b) whether it is also a fact that the roads on which the grants on tree growing conditions in the Khanewal tahsil had undertaken to grow trees in lieu of the grants made to them, have recently been handed over to the District Board concerned and that these grantees have been granted hereditary rights over the lands granted to them and that such grantees in the Montgomery and Okara tahsils have not been relieved of the responsibility of looking after trees grown by them till the payment of *malikana* by them as indicated in the orders recently issued to them ; if so, the reasons for making the distinction between the grantees in Khanewal tahsil on the one hand and grantees in Montgomery and Okara tahsils on the other ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) Yes.

(b) I would invite the honourable member's attention to the answer to starred question No. 2044¹ in Budget session of the Assembly in 1938. Briefly, it was discovered that the practice of local authorities in the Multan district in relieving tree-planting grantees of their responsibility for the upkeep of trees before they acquired proprietary rights had not the sanction of Government. This practice has therefore been stopped and there is now no distinction between the practice in force in the Montgomery and Multan districts, viz., that the grantees must maintain the trees until they have acquired proprietary rights.

Malik Fateh Sher Khan : Why is this distinction being made to the grantees of tahsil Khanewal alone ?

Parliamentary Secretary : I may inform the honourable member that in the opinion of the Government the officers who have taken over charge of the trees have not acted rightly.

Malik Fateh Sher Khan : May I know whether a Deputy Commissioner can err for the sake of public benefit and the Government cannot ?

Parliamentary Secretary : Government are not prepared to err for the benefit of others.

Tikka Jagjit Singh Bedi : May I know whether the officer who committed such offences will be strictly dealt with ?

Parliamentary Secretary : Certainly.

Mian Sultan Mahmud Hotiana : May I know whether in order to have the hereditary rights it is necessary that the zamindars should pay *malikana* ? Is it also a fact that it is generally demanded that the condition of the trees should be good even though the lands in which they are grown happen to be *kalar* and sandy ?

Parliamentary Secretary : I may inform my honourable friend that whoever pays the sum of Rs. 1,000 is granted hereditary rights. This sum, in my opinion, is not such a big sum that one cannot pay very easily.

Mian Sultan Mahmud Hotiana : But may I know whether it is necessary that the trees should be grown very successfully ?

Parliamentary Secretary : When the Government originally gave the land the grantees knew full well the condition on which the grants were leased out to them.

DEFECTIVE OUTLETS ON WESTERN DISTRIBUTARY (KHADIR CANAL).

***4685. Mahant Girdhari Dass :** Will the Honourable Minister of Revenue be pleased to state the number of outlets on the Western Distributary (Khadir Canal) which are not working properly at present and since when these are not working properly with the reasons for not removing the defects in them so far ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : The information asked by the Honourable Member is not available. Designs for the remodelling of Warsin Distributary have been approved by the Chief Engineer and accepted by the Deputy Commissioner and Canal Advisory Committee. Remodelling of the channel has been completed and when the channel is re-opened to flow, it is hoped that any defects which were in existence in previous years will have been removed.

LEGISLATIVE ASSEMBLY (OFFICES BILL.)

Mr. Speaker : The House will now resume discussion on the motion that the Punjab Legislative Assembly (Offices) Bill be passed.
1 P.M.

Lala Duni Chand (Ambala and Simla, General, Rural). (*Urdu*) : Sir, there are three main features of the Punjab Legislative Assembly (Offices) Bill. First, that the Assembly building means not only the Assembly Chamber but also lobbies and other portions of the Assembly building and its precincts; secondly, the Bill authorises the Speaker to direct the Sergeant-at-Arms or any of his deputies to remove from the Assembly building or any part of it any person who in the opinion of the Speaker infringes the rules of procedure or otherwise behaves in a disorderly manner; thirdly, the Sergeant-at-Arms and his deputies can, in the execution of the order given by the Speaker, enlist to their aid such servants of the Crown or of the Assembly as they may consider necessary. In other words, they can requisition the services of even peons and constables for ejecting any honourable member from the House. Let us see now whether there is any justification for arming the Speaker with these powers by means of this measure. The rules of procedure amply provide for the conduct of the business of the House regarding interpellating, moving of resolutions and introducing of

Bills. Over and above this there is the Parliamentary practice which is profusely quoted by the Speaker and in which he has acquired mastery. It will be difficult for anybody to differ from the view that the Speaker has under the rules ample powers to maintain order and deal with the House. The provision that an honourable member can be ejected from the House merely on the ground that he has infringed a certain rule of procedure is simply monstrous. The honourable members very well know that occasions arise daily when members deviate in some cases from the rules of procedure but no serious notice is taken of this. Anything may be taken as an infringement of rules, say irrelevancy of a speech or any part of it or a point of order. I fail to understand the justification of the Bill on a ground like this. I could well understand the justification of the Bill if an honourable member were to be removed from the House on the ground that he infringed certain rules deliberately and persistently or behaved intentionally in a grossly disorderly manner or wilfully attempted to obstruct the business of the House. My honourable friend Dr. Narang, ~~Munshi Hari Lal~~, and other honourable members moved amendments to this effect, but it is a pity that they were all rejected. If these amendments had been accepted by the Government, that would have been a redeeming feature of the Bill and there would have been some justification on the part of the Government for placing this measure on the statute book. My own personal opinion is that in determining the liability of an honourable member for being ejected from the House, his intention to violate a rule or to obstruct the procedure in the House should be the main criterion. I venture to say that it will not be easy to pronounce judgment on the conduct of an honourable member merely on the ground that he has infringed a certain rule. The rules of procedure appear to me like those contained in the Jail Manual. According to the jail rules one prisoner is not allowed to speak to another prisoner though both might be sitting in their seats close to each other, and similarly prisoners are not allowed to exchange a word while going about. Rules of this kind are inevitably broken every day and no action is taken. If the infringement of the rules of procedure will be treated like the infringement of the jail rules, then I think this Bill even when passed into law will be a dead letter and if it is going to be a dead letter, then I see no justification for bringing it forward. Further, very often a difficult question would arise to decide, namely, whether a particular member has infringed the rules or not. Naturally there will be a difference of opinion as to whether a certain rule has been infringed or not. In this House members are to be found possessing different standards of debating ability. There are some who are well versed in parliamentary practice and therefore it will be easy for them to demonstrate that they are in the right even though they might be persisting in making irrelevant speeches. The Honourable the Speaker has very often remarked that an able lawyer can make anything irrelevant, relevant. At the same time there are other members of this House who are not adept in this art. Some can very well meet the Speaker on his own ground and others do not possess this capacity. A clever member can successfully out-maneuvre the Speaker even for half an hour or so while making an irrelevant speech while another member not so gifted may not be able to sustain himself even for two minutes and the hammer order of the Speaker will fall upon him without waiting. Sometimes members are not allowed even to complete a sentence which could convey their meaning to the Speaker.

[Lala Duni Chand.]

I am certain the conditions as they are to be found in this House will create a lot of trouble both for the Speaker and the members of this House. They shall have to face one thousand and one difficulties when dealing with clause 4 of this Bill. I venture to assert that the language of clause 4 is quite defective. The first part of clause 4 runs as follows :—

The Speaker shall have the power to direct the Sergeant-at-Arms or any of his deputies to remove or exclude from the Assembly building or any part thereof any person who in the opinion of the Speaker infringes the rules of procedure of the Assembly or otherwise behaves in a disorderly manner.

As far as I think the meaning of the clause seems to be that in one case the mere infringement of the rules will make him liable for expulsion, while in the other case he will not be liable to expulsion unless he is found guilty of a disorderly behaviour. The English language as employed means that the mere infringement of rules will be tantamount to a disorderly behaviour, but I do venture to say that the mere infringement of a rule can in no case be said to amount to a disorderly behaviour. If this is correct then the word "otherwise" should not be there. What I have said about the defect of the language is only by the way. I was submitting that different members possess different debating capacity and in case of some members it happens they are allowed only to utter half the sentence. The whole position will be reduced to absurdity and ridiculousness if they will be declared liable to be expelled from the House merely on the ground that they have infringed the rules or because they have not been able to maintain the rule of relevancy. A lot of difficulties would be experienced when clause 4 will be put into operation and the Speaker shall have to deal with the situation. It is high time that the Government should pay attention to what I have said.

There are eleven Governments functioning in eleven provinces of this country; in other words eleven Legislative Assemblies are working in this country and if Councils of State are also included, the number will be more than eleven. It will be difficult to deny that in all the provinces members of Assemblies are more or less of the same type and they do not differ very much from one another. In no other province has even an idea of appointing a Sergeant-at-Arms occurred so far. No province has felt the necessity of bringing forward such a measure. It does not mean that there is no Opposition in other legislatures; it will be wrong to think like that. There are Oppositions and minorities in other provinces also. I have had occasions to meet the Honourable Speakers of other legislatures and have found on enquiry from them that they have never felt any difficulty in dealing with the situation. They told me that they always pursue a policy of magnanimity and free latitude in dealing with the Opposition and that their utmost desire is to placate the minority. I fail to understand why the Punjab Government cannot do without a Sergeant-at-Arms. My honourable friend Diwan Chaman Lal has already told this House that no Bill of this kind has ever been enacted by the House of Commons. I am not aware of any country in the world in which a law has been enacted to the effect that infringement of rules of procedure will be a sufficient ground for expelling a member from the House. The Honourable Mr. Manohar Lal must be aware of the establishment of the Duma in Russia but no such Bill was brought forward even there.

(At this stage Mr. Speaker left the chair and it was occupied by Sardar Sahib Sardar Gurbachan Singh of the panel of chairmen.)

It is my belief and conviction that if and when this Bill comes into operation it will lower the dignity and prestige of the members of this House. I want you to draw the picture of a possible situation before your mind. The Speaker is after all a human being; he may not be able to maintain the equilibrium of temperament. The Speaker orders an honourable member to withdraw. The honourable member thus ordered to withdraw feels that injustice has been done to him and in order to vindicate himself, expostulates for a moment with the Speaker. Meanwhile the Speaker orders the Sergeant-at-Arms to remove him and he pounces upon him. He is dragged away* from the Assembly Chamber into the lobbies and from lobbies to the staircase and this dragging continues till he is out of the precincts of the Assembly. This will be the most unedifying and humiliating scene to witness. I venture to say that the action of the Government which is bound to result in such scenes will discredit it in the eyes of the public which is growing very vigilant. If the enforcement or application of this Bill is capable of creating such scenes in the House, will it, I ask, redound to the credit of the Government, this Honourable House or its members? There have been occasions.....(Mr. E. Few: On a point of order. The honourable member is repeating the argument already laid before the House by half a dozen members.)

Mr. Chairman (Sardar Sahib Sardar Gurbachan Singh): Please do not repeat.

Lala Duni Chand: I was submitting that if this Bill was enforced what would probably happen. If it is passed into law and enforced, I am sure × it will create very often serious situations in this House. I remember ugly scenes have been created in this House now and then and when I think of them I hang my head in shame. Since the time this Government has come into power hardly a day has passed when the Congress or its leaders have not been abused in this House.

Mr. Chairman: Please speak to the Bill.

Lala Duni Chand: Very well, Sir. The fundamental rule of law is that it is no respecter of persons. Similarly it can be said of the Speaker or Chairman that he too is no respecter of persons. When the Honourable the Speaker will act upon this principle what will happen? Supposing the Honourable the Premier or Honourable Sir Chhotu Ram violates the rules.

Mr. Chairman: This is not in the Bill, please go on with the Bill.

Lala Duni Chand: I am talking of the situation that is likely to arise if this Bill is placed on the statute book. It is possible that the Honourable Premier or any other Honourable Minister may err and be taken to task by the Speaker. Besides there are four lady members of this House. All of them are very particular about their rights and privileges and it may be that some of them while vindicating their rights are held guilty of disorderly conduct. How would you deal with them? Will you then bring in a Lady Sergeant-at-Arms Bill, for the Sergeant-at-Arms you are going to appoint dare not touch their persons. Again, it is possible that the Honourable Premier or any of the Ministers is picked up by you for disorderly conduct

[Lala Duni Chand.]

and is removed bodily from the Chamber. God forbid, some such situation arises ; it will be a stigma on the fair name of this Province. I would not like that such things should happen. I would therefore request you to think twice before passing this Bill. The points to which I have referred require your careful consideration. I know of some laws which ultimately remained as dead letters. For instance, the Primary Education Act passed in 1921 has practically remained a dead letter ever since. The same will happen to this Bill. But if it is going to be a living law and put into operation, it would surely create a dead-lock in the House. An honourable member might possibly be talking something irrelevant, some other honourable member might raise an objection on this score and on his insisting the Speaker may be led to take action under section 4 of the Bill and that will surely lead to the bodily removal of the member from the Chamber. This is likely to happen and then this will render the conduct of the business of the House well nigh impossible. If and when such a treatment is meted out to a member of the House or of the Opposition, it will be our duty to offer the strongest resistance whether by word or by action. I wish that such occasions should not arise but as they are bound to arise in the House, I have grave misgivings about the advisability of enacting such a measure.

Now I turn to another aspect of the matter. Let us compare clause 4 of the Bill with rule 77 (2) of Rules of Procedure. Rule 77 (2) runs as follows :—

“ He may direct any member whose conduct in his opinion is grossly disorderly to withdraw immediately from the Assembly and any member so ordered shall do so forthwith and shall absent himself during the remainder of the day's meeting. If any member is ordered to withdraw a second time in the same session the Speaker may direct the member to absent himself from the meeting of the Assembly for any period not longer than the remainder of the session and the member so directed shall absent himself accordingly.”

Now my point is that according to rule 77 there can be only one occasion on which a member can be ordered to withdraw from the Assembly, i.e., when his conduct is “ grossly disorderly.” But there is no such condition in clause 4 of the Bill according to which a member can be turned out on infringing any of the Rules of Procedure. Even if a member crosses between the Speaker and another member who is in possession of the House at the time or if a member keeps standing while the Speaker is on his legs, the aid of the Sergeant-at-Arms can be invoked to eject the member from the Chamber. That I submit is a ridiculous position. Again how would you, Sir, be able to decide whether a member deserves such a drastic punishment or not ? One member might say that the conduct of the member in question is not grossly disorderly and another might hold a contrary opinion. I can visualise cases in which there will be a conflict between clause 4 and rule 77 (2) and I would therefore suggest that the Government should take steps to reconcile rule 77 and clause 4. In spite of the fact that the Government has got very able men at its disposal to draft the Bills, there is always a chance of some defects creeping in and I have drawn the attention of the Government to one serious defect. I shall accept the interpretation of clause 4 by my honourable friend Mr. Manohar Lal as he is master of English language and if he says that my interpretation is wrong, I shall accept his verdict. But I do think that my interpretation of clause 4 is correct and therefore this defect must be removed.

I further submit that before you punish an honourable member of this House for infringing a rule of procedure you must not lose sight of the fundamental rule of jurisprudence which holds good all the world over. The fundamental rule is that a man is to be punished only if his intention is *malafide*. You must concede that the ejection of a member from the House is a very serious matter; it involves a stigma on his character. It means that he is not fit to sit in the House and therefore the Sergeant-at-Arms should catch hold of him by the ear and turn him out of the House. It is for the House to keep in view this fundamental rule of law to which I have referred. The Government can very well say that this Bill may be violating the rule and yet as they can command 110 votes or so in this House they can pass this law and thereby gag the Opposition. I can very well understand if this is the position of the Government but there can be no gain-saying the fact that you cannot defend such a measure reasonably and logically. The very idea underlying the measure smacks of brutal repression. The misuse of this Bill which is likely is bound to gag the Opposition. We may have to see what will be its reaction in the province. The people will conclude that the Government has resorted to the passing of this repressive legislation with the object of making the Opposition powerless and ineffective. Should the Government feel proud of such a thing or should they claim any credit for bringing about such a state of affairs? The Government should do everything in its power to encourage the Opposition. The function of the Opposition is to draw the attention of the Government to the plague spots of administration in the province so that the Government may remove the same. Another function of the Opposition is to make the Government members intoxicated with power, realise their sense of responsibility and wake them up from the woeful slumber.

Mr. Chairman (Sardar Sahib Sardar Gurbachan Singh): Please speak to the matter contained in the Bill.

Diwan Chaman Lal: On a point of order, may I ask you to let the House know the procedure in regard to the third reading of the Bill? The Common's procedure, I may point out, is not absolutely relevant to our procedure. Here the third reading debate is a comprehensive debate. It is a debate which ranges over the entire subject.

Mr. Chairman: It does relate to the matter contained in the Bill.

Lala Duni Chand: I was submitting that if this law is frequently made use of, the Opposition will be demoralised. Suppose we are so demoralised as to say with folded hands to the Speaker, "we are in the wrong when you call us to order and we obey your orders and resume our seats." Does the Punjab Government wish to create such humiliating conditions in the House? If this is the wish of the Government, let it pass this gagging law and take the responsibility of being held guilty of killing and demoralising the Opposition in this province. It is high time for the Government to pay serious attention to the question whether this Bill will contribute to the credit or discredit of the Government. Let me point out that there are many self-respecting men on these benches. They are bold enough to resist all attempts that might be made to humiliate or to disgrace them. I am certain that if the proposed law is brought into operation with this end in view there will be a great struggle between the Government and the members

[Lala Duni Chand.]

on this side. May I ask the honourable members sitting on the Ministerial benches if they want to bring about such a struggle and if they do not, should they insist on placing this measure on the Statute Book? This Government claims to be a National Government and therefore it is not expected to countenance measures which are calculated to intimidate or demoralise the Opposition.

I am not speaking, Sir, merely with a view to prolong discussion on this Bill. I assure you that I take care to utter every word after weighing the same. My fears are this Bill may demoralise the Opposition. I feel that silence on this occasion will be sinful and the truth must be daringly told even against heavy odds. There are occasions when to speak is a duty and silence is a sin. So far I have dealt with certain aspects of the Bill and I am of opinion that this Bill is bound to stifle the Opposition.

Every one of us knows how this Bill has originated. The Honourable Leader of the Opposition had raised a constitutional point and this Bill is a reply to that point. This is like giving stone when bread is asked for. The Government suspects that some of us on this side of the House pay scant respect to the Honourable Premier or to the Government in general. On our side there is a conviction that it is our duty to advocate the cause of the people at all costs and therefore we want to safeguard the interest of the poor with all the force that we can command. This Bill is intended to check our legitimate activities.

Mr. Chairman : Please do not repeat.

Lala Duni Chand : I am not repeating Sir, I was only referring to the situation which is likely to arise as a result of the enforcement of this Bill. The serious contest as to the passage of the Bill lies between the members of the Opposition and the Government. We feel that if the Speaker had been given larger powers that might have served as a safety valve, but there is no such safeguard provided in the Bill. It will depend on the sweet will of the Government in what manner they want to deal with a particular member. My honourable friend Mr. Manohar Lal will bear me out that the Government has got different feelings about different members of the House. An objectionable expression of a particular member may be tolerated with equanimity while a less objectionable expression on the part of another member may call forth the wrath of Government. No member can reasonably deny that contrasting scenes of this kind have been witnessed in this House now and then. We are painfully conscious that the members of Opposition do not get the same treatment as the members of the Unionist Party do. The Unionist Party has got no love for the Congress, it wants to make a short shrift of the Congress in this province. It wants to destroy it root and branch. The same is the attitude of the Government with regard to those members who represent the Congress in this House. So it will not be difficult to understand that in the event of this measure becoming law the struggle ahead will be between the Congress members on this side and the Unionist members on the opposite side. The truth of the matter is that the Government wants to gag the Opposition by means of the proposed law and we are out to expose all its intentions. I have got serious apprehensions that after this measure is brought into operation the treatment to be meted out to different members will be discriminatory and retaliatory. I will

bring my speech to a close by referring to a great legislator on a similar occasion whose name I may not disclose. He expressed himself almost in the following words: "It may be I may prove a false prophet. The law passed may remain a dead letter but all the same my fears are there and none will be happier than myself if my forebodings may turn out to be unfounded." I oppose the passage of this Bill.

Khan Bahadur Chaudhri Riasat Ali (Hafizabad, Muhammadan, Rural): Sir, I am afraid that some of the honourable members of the Opposition have been discussing the principles underlying the Bill.

Seth Sudarshan: On a point of order, Sir. There is no quorum in the House.

(After the division bells rang for two minutes.)

Mr. Chairman (Sardar Sahib Sardar Gurbachan Singh): There is quorum in the House. Khan Bahadur Chaudhri Riasat Ali may proceed with his speech.

Khan Bahadur Chaudhri Riasat Ali: I was saying that some of the honourable members on that side of the House have been discussing the principles underlying the Bill at this late stage when we have reached the third reading of the Bill. They have been, so far as this point is concerned, irrelevant. Another thing which was being emphasised was the necessity of bringing up such a measure. So far as this aspect of the question is concerned, I would request my honourable friends sitting opposite that they should recollect the trend of events and the circumstances which we have witnessed during the last two years in this House and I would like to add that it is on account of those deplorable circumstances that the Government has been forced to bring on the statute book such a measure. There have been scenes sometimes which were not only unworthy of this honourable House but they were unworthy of even a fish market or a Baisakhi fair. So far as the responsibility of this side is concerned, I would like to say that we have wished for peace, we have longed for it, we have striven for it, but if the enemies of peace have courted trouble in the way of making this Bill possible let them thank their own stars. Again it has been stated on the floor of this House that this Bill is a source of disgrace or a source of dishonour to the honourable members of this House. I can assure the honourable members that this Bill is a Bill which ensures your honour, secures your dignity and maintains your status at all costs so far as your position as members of this House is concerned. After all what is this Bill? This Bill only consists of nine clauses. Clause 1 is preamble. Clause 2 is definition. Clause 3 mentions the power which has to appoint the Sergeant-at-Arms. Clause 4 is the operative clause of the Bill. So far as this clause is concerned I would like to submit that there are two checks which are very wholesome and under the circumstances there is no possibility of this clause as it is enacted being misused. How? The clause reads—

The Speaker shall have the power to direct the Sergeant-at-Arms or any of his deputies to remove or exclude from the Assembly building or any part thereof any person who in the opinion of the Speaker infringes the rules of procedure of the Assembly or otherwise behaves in a disorderly manner.

So it is the Speaker who is to move, it is the Speaker who has to take the initiative and the Sergeant-at-Arms does not act as a free agent. So, long as a person who has been elected by ourselves is there, we need not be afraid

[Khan Bahadur Chaudhri Riasat Ali.]

of his powers. The Speaker has not been forced upon us by some foreign authority nor has he inflicted himself on us as a dictator. It is we ourselves who have given him this dignified position and once when we have raised the Speaker to this dignified position, it is our bounden duty as members of this honourable House to obey every direction which he issues and every order which he gives. So where is the harm if we legislate, if we make a provision, a more definite provision for the carrying out of the orders of the Speaker or for the maintenance of order in this honourable House. Do you think that a Speaker would be a person who would give such an order without any rhyme or reason? Can we ever imagine that a Speaker who has been elected as a Speaker of this honourable House would be devoid of all experience, devoid of all capability and devoid of all commonsense to misbehave in such a manner, that he would be so indiscreet as to ask the Sergeant-at-Arms to remove a member from the Chamber without any justification? I, for one, cannot entertain such an idea even for a moment.

Then there is another check. The proviso which has been added by the Select Committee to clause 4 is a very wholesome check on the order, direction or activities of the Speaker in this direction. The proviso reads—

Provided that this power shall not be exercised against a member of the Assembly unless he has first been directed by the Speaker to withdraw.

Now if the Speaker directs any of the honourable members to withdraw from the House, he should withdraw at once and if he obeys the Speaker he can avoid all the consequences which have been anticipated by my honourable friend Mr. Duni Chand. An amendment was moved during the discussion of the Bill, and it has also been mentioned in the note of dissent by no less a member than the Leader of the Opposition, that the words should have been, "if the Speaker asks him to withdraw and he refuses to withdraw." There was a good deal of discussion on this point and that amendment was not accepted.

Now I would submit that this was totally redundant. When a man has been asked to withdraw and if he does not withdraw, it is tantamount to "refusal to withdraw." How does the question of his refusal to withdraw as a condition precedent to his removal improve matters? He

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lends himself to the so-called trouble only if he does not withdraw when he is asked by the Speaker to do so. With these two wholesome checks I would submit that all those fears which have been expressed by my honourable friend from Ambala as to the obnoxious provisions of this Bill are baseless. We can turn this law into a dead letter by our dignified behaviour. (*Hear, hear.*)

Another point which my honourable friend, Lala Duni Chand, tried to impress upon the House was that clause 4 of the Bill was inconsistent with rule 77 of our Rules of Procedure inasmuch as that rule lays down that a member who is guilty of misbehaving in a "grossly disorderly manner" shall be turned out of the House and so on and so forth. I for one as usual am unable to follow his logic. The last three lines of clause 4 read—

Any person who in the opinion of the Speaker infringes the rules of procedure of the Assembly or otherwise behaves in a disorderly manner.

The clause clearly refers to the infringement of the rules of procedure. Then, does it not include the infringement of rule 77 also?

Lala Duni Chand : Does the honourable member concede that a member can be turned out in two cases ? Some cases may fall under the first part, namely, that he merely infringes the rule for which he can be expelled. He can also be expelled on the second ground, namely, that he is guilty of disorderly conduct. He can be expelled on any of these grounds. That is my point.

Khan Bahadur Chaudhri Riasat Ali : My contention is that rule 77 is reconcilable with clause 4 so far as the first part is concerned.

Now, clause 7 bars civil or criminal proceedings against the Sergeant-at-Arms. So far as this clause is concerned, much has been said in this House that this clause is too harsh. But the justification for this clause lies in one fact which we should not lose sight of. As already stated the Sergeant-at-Arms acts under the directions of the Speaker and not as a free agent. When we give protection under the Indian Penal Code to a person who as a free agent acts in good faith and under colour of his office, is it not reasonable that the Sergeant-at-arms also should be given similar protection especially when he is not acting as a free agent but under the orders of the Speaker. Particularly when you give that officer the status of a public servant a necessity for this provision arises. While acting under the orders of such a responsible officer as the Speaker if he is given a slap, is it not justified that we should give him protection ? Under section 332 of the Indian Penal Code a man who voluntarily causes hurt to a public servant in the discharge of his duties is punishable with imprisonment for two years. Again a person who assaults a public servant to obstruct him from the discharge of his public duties is also punishable under the Indian Penal Code, section 353. Even in the recent Act that we passed a few days ago, I mean, the Punjab Motor Spirit (Taxation of Sales) Bill in clause 21 we have afforded protection to the taxation officer. What is then unnatural so far as the protection to the Sergeant-at-Arms is concerned ? Clause 5 describes the duties of the officer, clause 6 the method of the appointment of his subordinates and clause 8 gives him the status of a public servant, clause 9 is the ordinary rule-making power. It was argued by Sardar Sohan Singh Josh that no such legislation exists in any other province in India nor even outside India in any of the western countries. But the conditions in all parts of India or in other countries are not alike. They vary from province to province. In a province a certain thing may be indispensable while it may be a luxury in another. You may be familiar with the saying "one man's milk is another man's poison." Further, supposing an epidemic like plague breaks out in a particular area and the authorities in that area choose not to take any preventive measures, does it stand to reason that in another area also where the epidemic breaks out no action should be taken ? It is no argument that if a particular government under a particular set of circumstances have failed to take definite steps, governments in other provinces also should similarly fail to take necessary steps. Then, Sardar Sohan Singh Josh also contended that our hands were being tied by the law. But that is the only way in which people can be bound. If he can suggest any magic pills, amulet or enchantment for the evil contemplated in this Bill, I at least shall welcome it. In the absence of any such remedy the only way in which this evil can be cured is by making legislative provision.

[Khan Bahadur Chaudhri Riasat Ali.]

Another point which was raised was that members of this House will suffer a lot on account of this measure being enacted into law. I may remind the honourable members that if they behave properly there will be absolutely no cause for fear from this legislation as the proverb goes—

اُن رَا كِه هَمَاكِ پَاكِ اَسْت اَز مَحَابِبِه چِه بَاكِ

If they improve their behaviour then there is the least possibility of their being put to any trouble under this law.

Another point which was discussed by Sardar Partab Singh was that it was very objectionable that the Governor has been given the power of appointing the Sergeant-at-Arms and his deputies. The main argument which he gave was that he would fix the salary of the Sergeant-at-Arms at a very high pitch. I cannot understand that the mere fact that the appointing power rests with the Governor is in itself an indication that a very high rate of salary will be fixed. Government has never lost sight of its finances and I do not think for a moment that so far as this particular thing is concerned it will misbehave in any manner. One important amendment has been lost sight of by my honourable friend. He was saying that it should be the Speaker who should appoint the Sergeant-at-Arms and it should be the Speaker who should remove him and not the Governor. My honourable friend has lost sight of the fact that an amendment had been tabled and had been carried on the floor of the House proposed by a member of the Government to the effect that the Governor or "such person as he may direct" might appoint. Such person might include the Speaker himself or the Premier or any one of the Ministers. There is no possibility of the Speaker being entirely excluded from the matter of appointment of the Sergeant-at-Arms.

Then my honourable friend, Sardar Sohan Singh Josh, also said that in some cases answers to questions are not given properly and information is withheld. This is a very uncharitable view so far as our ministry is concerned. The Government has always been giving more than elaborate answers and they have never concealed any information. As a matter of fact in regard to questions where it was said that action should be taken against officers, if you take the facts and figures, it will be found that in two years action has been taken in more cases than in the whole life term of the last Council. But why should this question alone make my honourable friend apprehend that the Act will be misused at all. No occasion will arise and if an occasion arises he should not be terrified that he will be made to suffer under this Act.

Another apprehension of my honourable friend, Lala Duni Chand, was that "disorderly conduct" has not been defined anywhere in the Bill. He may rest assured that so far as this thing is concerned the words "disorderly conduct" will not be distorted in any manner by a dignified person like the Speaker of the Assembly simply to find an occasion to turn a particular member out of this House out of mere vindictiveness. I would like to add that it is not compatible with the dignity of the Chair which we should always maintain.

The last thing which I would like to submit is that the fear which my honourable friend there expressed that this measure was brought simply with a view to wash out the Opposition is totally ill-founded. We have got an

Opposition which exists with double force in spite of so many Bills and we need not fear that such a wholesome measure which is bound to ensure our honour and conduct will in any way take away the strength of any member of the Opposition.

Pandit Shri Ram Sharma (Southern Towns, General, Urban), (Urdu): Mr. Chairman, the Bill now before the House has been under discussion for the last so many days. To-day it has reached its final stage and its third reading has been moved. In other words, this is the third and the final chance for the Government to ponder over the inequity they have perpetrated over us and realise their mistake for bringing forward this reactionary measure. When we moved an amendment to the effect that this Bill should be circulated for eliciting public opinion and also when it was considered clause by clause, the Government had ample opportunities to admit their error and consequently withdraw the measure. But we hoped against hope and thought perhaps wiser counsels would prevail with the Government and they might rectify the wrong they were going to perpetrate on the House. The honourable member who just preceded me, was pleased to remark that Government was obliged to bring forward this measure. I categorically repudiate this remark. There is no question of Government being compelled, it is rather the members of the Opposition who are carrying on in the face of difficulties. The treatment meted out to them by the Government is simply iniquitous. Government are unnecessarily apprehensive of some irregularity taking place in the House. Then I may submit as I have already mentioned in one of my speeches that our Government which holds the destinies of our province, is a third class bureaucracy of the meanest type. Now I say they employ rather a fourth class Fascist method (Laughter).

Diwan Chaman Lall : Rather a first class Fascist Government.

Pandit Shri Ram Sharma : No, I would call it fourth class, as in my opinion, first class methods are adopted only by Hitler and Mussolini, while our Government employ fourth rate methods.

Now I turn my attention to the title of the Bill. It reads as Punjab Legislative Assembly (Offices) Bill. In my opinion the title is a misnomer. It ought to be the Punjab Legislative Assembly Danda Bill of 1939. I can assert with all the force at my command that the spirit underlying this Bill is the same as is being exhibited by the Government outside the Assembly Chamber in its administrative affairs. The Kisan *morcha* is an instance in point. The police repression that is being carried on in Asaudha, Rohtak district, as well as in the various parts of the province, proves my contention. I tried to bring these facts to the notice of the honourable members by means of adjournment motions and interpellations. What I mean is that Government want to employ brute force everywhere, whether in this House or outside it. I would submit that no convincing argument has so far been advanced by the Government in support of this Bill. In spite of the fact that we have dealt with every clause by bringing forth dozens of useful amendments to be incorporated almost in every clause, but they have been rejected by the Government. We have expressed their drawbacks clause by clause and we have extended useful suggestions to them, but the Government have lent us no ear. I understand why they have done so. They are fully aware of the fact that they have got a solid majority behind them.

[Pandit Shri Ram Sharma.]

We may to any extent raise hue and cry in this House, but the Government would only do whatever they like and will not hear what minority is crying. As you are aware, Sir, regarding clause No. 2 many useful and to the point amendments have been advanced by this side of the House, but they have also been thrown to the winds by the majority. We suggested to the Government that "Assembly building" should mean "Assembly Chamber" and lobbies and all other portions of the Assembly building and its precincts should not be included in the definition. It is clear by "Assembly Chamber" itself that Assembly Chamber means the Chamber only in which the Assembly meets and carries on its deliberations. The idea underlying this amendment was this that if ever an honourable member is asked to withdraw from the House and he does not do so then the Honourable Speaker may direct the Sergeant-at-Arms to remove or exclude that member from the House. At that particular time when the matter comes to such a pass the honourable member should be ordered to remain outside the Assembly Chamber and he may not be forcibly asked to withdraw from the lobbies and other portions of the Assembly building. What we wanted to insert in that clause No. 2 was merely what I have just now mentioned.

Now, I would like to submit a word or two in relation to the object of the Bill. The object underlying this Bill can be expressed by one word and that is this that the whole structure of the Bill has been founded on vindictive spirit. I will make this point clear later on as to how far my statement is correct and elaborate. First of all, this measure if enacted would empower the authorities to exclude or remove any member who infringes the rules of procedure intentionally or otherwise. Even on infringement of rules of procedure a Nadir Shahi order can be given to Sergeant-at-Arms or his Deputy to remove that particular member who has infringed the rules of procedure. In case that member resists the Sergeant-at-Arms can call for a Police force from Kotwali in order to tie him up and to carry him away from the Assembly Chamber and leave him away from even grassy plots which are situated in front of this building.

If at all this Bill was considered to be most necessary and indispensable, its object simply should have been to the effect that if ever a member grows rowdy in this House he shall be forcibly removed or excluded from the Chamber by a Sergeant-at-Arms. But the Government was vindictive and they wanted to create as many difficulties in the way of the honourable members as they possibly could and that is why that object alone which I have mentioned could not satisfy them. As far as the different clauses of this Bill are concerned or, I would rather say, as far as the whole Bill is concerned, it is not well-founded and it has been drafted in a moment of heat. To remove a member forcibly from the Assembly building and leave him outside the Assembly precincts seems to be shameful in itself and indecent on the part of the Government. I would call it injustice. You might remember, that once at Simla the honourable Speaker felt the necessity of keeping a Sergeant-at-Arms in order to take assistance from him in petty works of carrying files and other important official documents. And I think, the House might also remember that a sub-inspector of police was seen sitting beside the Honourable Speaker's throne and much hue and cry had been raised on that score and even the Government did not like the idea of having

a stranger in the House. I, therefore, fail to understand this point of the Government that when the Speaker felt the necessity of having a Sergeant-at-Arms near his throne the Government obstructed him in doing so and did not tolerate that venture of the Speaker for a moment. And now when a rowdy situation appeared and according to the Government version there was a disorderly behaviour, they called up a confidential meeting and decided to punish the Opposition as rudely as they possibly could.

Premier : This is a wrong statement.

Pandit Shri Ram Sharma : The Honourable Premier may be right in saying that he did not call up a confidential meeting. But I would submit without fear of contradiction that this idea first struck him at a time when his blood was boiling on account of anger and rage and this was the cause of the introduction of the measure which the Government have now introduced before the House.

Chairman (Sardar Sahib Sardar Gurbachan Singh) : Please speak to the matters contained in the Bill.

Munshi Hari Lal : He is giving you the genesis of the Bill.

Pandit Shri Ram Sharma : The Government could not do anything at that time as their hands were quite tied in that respect. But now I would submit that the fact of the matter is that only arrogance, bitterness, anger and rage of the Ministers are responsible for this measure being brought on the floor of this House. I feel it necessary at this time to remind the Government of that particular incident when Nadir Shah lost his temper centuries ago at Delhi and ordered his soldiers to slaughter everybody whom they came across and he closed himself in the Golden Mosque, keeping his blood-thirsty sword unsheathed, for hours and hours together. Similarly the object underlying this Bill is the bitterness of our Premier and in other words the foundation of this Bill, I would not hesitate in saying, is laid on vindictive spirit of the Government. I could not, therefore, refrain from saying that all these clauses of the Bill are venomous and vindictive. Strictly speaking the Bill as a whole is revolting in character. If the Government really want to let the House work smoothly they may lay down that any member guilty of gross disorderly conduct would be forcibly removed from the Chamber. But what have the Government done in this respect? I fail to understand why they are going to rob the honourable members of their prestige and dignity by legislating this sort of measure. I am afraid they rather intend to insult them on the floor of this House and see a *tamasha* being done in this honourable and august legislature, with smiling eyes. Please just imagine what is going to be done. The Speaker would direct the Sergeant-at-Arms and he would remove the member, who refuses to withdraw from the House and resists being dragged away from the Assembly building.

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

I was submitting that in regard to clause 2 most useful amendments were moved from this side of the House, but what has happened to them? Every member is aware of it. Not a single one has been accepted by the Government.

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Now, Sir, I beg to draw your attention to another injustice and excess that is going to be done to members on account of this measure being enacted into law. As far as Rule 77 of Rules of Procedure is concerned, it says—

He may direct any member whose conduct is, in his opinion, grossly disorderly to withdraw.

In view of this rule whenever a member's conduct in the opinion of the Speaker is grossly disorderly, he may direct that member to withdraw from the Assembly. But this rule which I have just mentioned has failed to pacify the rage of our Government. It is now palpably clear from this point that the feelings with which this Bill has been brought about are not sincere and true. Now let us see what does this Bill say in this respect? Clause No. 4 of the Bill runs like this—

The Speaker shall have the power to direct the Sergeant-at-Arms or any of his deputies to remove or exclude from the Assembly building or any part thereof any person who in the opinion of the Speaker infringes the rules of procedure of the Assembly.

The sponsors of the Bill have not intentionally mentioned the words "grossly disorderly". They have deliberately neglected them with a particular motive in their mind. I would say they have done so in order to serve their own purpose. I think they are aware of the fact that supposing a member on this side of the House gets excited by a Government's folly and if he grows rowdy he should be tied hand and foot and in such an insulting way the Sergeant-at-Arms along with his deputies would dare to drag him along the Chamber.

Pandit Muni Lal Kalia : On a point of order. I understand that there is no quorum in the House at the moment.

Sir Shah Nawaz Khan : We are thirty-one.

Mr. Speaker : Yes, I think we are 31.

Pandit Shri Ram Sharma : I am submitting that in reference to rule 77 only that member shall be asked to withdraw whose conduct would be grossly disorderly, but according to this Bill even that member would also be asked to withdraw who infringes the rules of procedure. The words "disorderly conduct" are present there in rule 77 but here in this Bill the words "disorderly manner" have been inserted. It means that the rules of procedure are not going to give us any protection whatsoever and the rules of procedure have got no importance in the eyes of the sponsors of this Bill and therefore they have totally been overlooked by the Government. I do realise the real motive of the Government why they have inserted the words "disorderly manner" in place of "grossly disorderly conduct." Supposing a member is very careful and he keeps himself away from grossly disorderly conduct and therefore does not easily fall a prey to the Government's tactics, in that case he may be blamed of behaving in a disorderly manner on a slight pretext. I mean to say that this "disorderly manner" can be interpreted in any way. It has no limitation and that is why I am submitting that this Bill if enacted into law would deprive us of necessary protection and safety. Another point which I want to submit is this that there are more than 100 rules included in the rules of procedure of this Assembly. It is, therefore, quite likely that a member may infringe a rule at a certain

occasion and he simultaneously may be ordered by the Speaker to vacate the House and supposing he does not hear that order in noise and thus if he delays in obeying that order, he would be removed forthwith from the Assembly buildings and precincts by a Sergeant-at-Arms. It seems to be very indecent on the part of the Government to treat an honourable member like this. In this connection I would like to draw your attention to the last incident on the basis of which this Bill has been brought forward. Unfortunately my honourable and learned friend Pandit Muni Lal Kalia sitting besides me fell a victim to the rage and anger of the Honourable Deputy Speaker. The fact of the matter was this that Pandit Muni Lal Kalia, as he stated afterwards, had not heard the order given by Mr. Deputy Speaker, because there was a great noise in the House at that time. My object in reminding you of this incident is this. Supposing a rule of procedure is infringed by a member and a great noise is made in the House and the Sergeant-at-Arms is directed by the Speaker to remove that member who in reality has not heard the order of withdrawal given by the Speaker, has the Government ever imagined what would be done in such cases? That poor member may cry in order to clarify his case but the Speaker would say "I have given my orders to the Sergeant-at-Arms to remove you. Now nothing can be done." I am not a lawyer and therefore I do not know much about law. I cannot say which of the provisions either of the Rules of Procedure or this Bill would stand. But I am fully aware that much injustice has been done to us, particularly in clauses Nos. 2 and 4 of the Bill which the Government has brought before this House.

I would further submit that in clause 6 the matter has come to a more precarious and dangerous pass about which my learned friend Munshi Hari Lal has already made remarks in a very apt and efficient manner. The clause originally lays down—

The Punjab Government may appoint such officers, messengers and other attendants on the Assembly as may be required to assist the Sergeant-at-Arms * * *

but the Government has amended it by substituting the word 'persons' for the word 'attendants.' What does this clause as amended indicate? It indicates that the vindictive feeling of the Government was so strong that it could not be appeased by the original clauses of the Bill. Would you please allow me to submit that this Bill is a *Dunda* Bill which is fundamentally wrong and foolish on the face of it and therefore should be opposed tooth and nail. It has already been made clear that the Government as a matter of fact have got no soft corner in their heart for the Opposition. What they have done is this that they have tied the Opposition hand and foot and closed all avenues against us. And now if at all the Government have been disposed to make an amendment they have done it in their own way that for the words "attendants in the Assembly" the words "persons" be substituted and it is done to make it still worse. I understand there are certain fat, heavy and unwieldy members also, like Khan Bahadur Gurmani, and for their removal a battalion of strong and stout men would be required. (*Laughter.*) At first the Government thought of utilizing only those people, in case of emergency, who would be posted within the Chamber under this measure and, if it be necessary, other attendants. But when our honourable friends opposite found that in this way the police could never

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be requisitioned to create a similar state of affairs inside the Chamber as the police had already arranged at Asaudha, the Government got the relevant clause amended in a manner by which the Sergeant-at-Arms would be free to enlist to his aid any persons he may consider necessary for executing the orders given by the Chair. And so this clause empowers the officer in question to call upon police men to help him as soon as any emergency arises. This clause does not at all define the rank and position of such a police official. He may be an ordinary constable or may be a gazetted officer. We had moved an amendment to the effect that in case of emergency if at all the Sergeant-at-Arms thinks fit to have recourse to the services of any policeman such an official should be in all cases a responsible officer, but there is no limit in the Bill. In spite of the fact that the Police Department is nothing but a devil's workshop, and we cannot easily distinguish between big or small officers or rank or file, yet we moved an amendment simply with a view to ward off unpleasant situation which may arise by the presence of any ordinary constable in the House. But this amendment of ours was turned down by the Government. And so the inadequacy, in respect of throttling the Opposition, that we experienced in clauses 2 and 4, has been made up in clause 6. I have reasons to believe that this Bill has been introduced in a vindictive spirit. I am sure that the Chair would never be obliged to have recourse to this measure. It is a fact that none of us has ever dared to flout your authority. If any unpleasant event has ever taken place in the House it was only due to the stubborn attitude of the ministerial benches which they often adopt. I can assert without fear of contradiction that we have never created any disturbance in the Chamber. It is only the constant arrogant behaviour of the Government which always makes us sometimes furious. Personally I fail to find any reason in widening the scope of clause 6 by empowering the Sergeant-at-Arms to enlist as many outsiders to his aid as he thinks fit. I am perfectly confident of the fact that the whole Opposition party would never stage any concerted obstruction inside the House. And so the widening of the scope for requisitioning more men is absolutely unnecessary and uncalled for (*Interruption*). But if the Government has incorporated this part of the clause in the Bill by way of a precautionary measure against fat and fleshy people like my honourable friend opposite who is now interrupting, the Government should bear in mind that it should not be afraid of him unless he comes over to this side of the House. I am sure the Government is mistaken if it thinks that the present measure would be of any practical use. Supposing the Honourable Premier on a certain occasion provokes us to anger and some 50 or 60 honourable members from this side of the House are forced to infringe certain rules and thus a grave and gross disorder breaks out in the Chamber, I do not think that anybody would be so foolish as to get on with the business of the House after requisitioning extra men to get the whole Opposition tied with ropes and turned out of the Assembly Chamber. No man with any grain of sense in his head can imagine that the Government can continue the business of the House after creating such an undignified and unpleasant situation. I again assure you, Sir, that we have never taken and would never take initiative in creating such a situation. But if the Government would ever have the audacity to provoke us in future, it should bear in mind that the present measure with all its creatures in the form of Sergeant-at-Arms,

his deputies, his assistants and extra men requisitioned by him, would fail to do us any harm whatsoever. Under such circumstances the whole measure would be flung to the winds. I do not expect of any Speaker to bear the sight of ejecting the whole Opposition party by force. I do not think that there could be any Speaker who would direct his Sergeant-at-Arms to turn out forcibly a whole party from the Chamber. The best course open to a Speaker under such circumstances is to suspend the proceedings of the House for some time under Rule No. 77. In the meanwhile the misunderstandings can be removed by informal discussion on the situation. That is what happened during the last session when the Deputy Speaker suspended the proceedings twice. This suspension yielded very wholesome and beneficial results. The honourable Leader of the Opposition himself stated on the floor of the House that the members who were responsible for creating disturbance had remained outside the Chamber simply to save the situation from being still further worsened. I sound a note of warning to the Government to refrain from enacting a measure which is absolutely derogatory to the honour and dignity of the House. But if it is bent upon passing this Bill it should make it a point not to have recourse to the latter part of clause 6. The presence of any police official in the Chamber would add to the difficulties of the Government. Instead of relieving the situation the Government would worsen it by its own follies. The suspension of the proceedings of the House would be much more effective than the requisition of the police force in the Chamber. It is neither wise nor desirable on the part of the Government to strew thorns in its own way simply with a view to strike terror in the Opposition by means of this clause. I again warn the Government that it should desist from acting on the policy of cutting one's nose to spite one's face. It should note that a party which can effectively keep a *morchha* at Asandha and Lahore can do the same here also under the very nose of the Government. But my respectful submission is that the present Bill has gone a long way in lowering the prestige of our province in the eyes of others. It is a direct insult to the independence of the House. In short the Government has taken an unwise and improper step in the matter.

There is one thing more which I would like to bring to your notice, Sir. While discussing the Bill clause by clause the Government benches often referred to the Parliamentary practices and conventions. But it is a matter of regret that when the Government aims at exploiting the situation and gaining something by means of a certain measure it always tries to justify its action by consulting the Parliamentary practice and similar other books of reference, but when it finds that a certain Parliamentary convention, practice or rule goes in favour of the Opposition party it begins to play the rôle of a bureaucratic government, and stubbornly persists in depriving this side of the House of the benefits that may accrue from a reference to such a convention, practice or rule. Unfortunately the Government quotes Parliamentary practice whenever it wishes to create bad conventions. For healthy conventions, it does not wish to emulate Parliament.

I shall make another submission before I finish my speech. I see many honourable members both on this side as well as on the other who wish to speak at this stage. I shall, therefore, be brief. We feel, Sir, that this Bill is based on intimidation, high-handedness and tyranny the like of which one comes

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across only in the police lock-ups or in jails, the Minister in charge of which is smiling over there. In gaols, whenever it is proposed to inflict punishment on an unfortunate prisoner he is thrown in a cell. His mouth is gagged and then he is given a sound thrashing without being able to utter a cry. Such facts are coming to light in connection with the Multan Central Jail case which is now pending before a court. The present Bill, also, aims at gagging the Opposition without allowing the cry to go up. Previously the words "grossly disorderly" were there and now "infringes the rules" have also been added. It means that the Government does not propose to give members on this side of the House any opportunity to ventilate their grievances. You will be pleased to recall that all disorderly scenes which were witnessed on the floor of this House were provoked by the Government benches. Now this Bill has been brought forward which will tarnish the fair name of the Punjab. I say this Bill is a proof positive of the fact that the Punjab Government has been absolutely lost to reason. I want to warn my friends of the Unionist party. It is just possible that they may cease to occupy Government benches to-morrow. In that event they will fall a victim to the cruel instrument invented by them. They should, therefore, pay all attention to this matter now before them and hesitate to lend their support to this measure. I, for my part, would oppose it with all the strength that I possess.

Honourable Members : Question be now put.

Mr. Speaker : Four gentlemen have spoken from the Opposition side, while only one has spoken from the Government side.

Diwan Chaman Lall : We have not deliberately spoken because we wanted my honourable friends opposite to say what they have got to say before we can express our opinion with regard to this particular measure. It would be an unreal debate if any other member on the other side does not speak. The honourable members on the Treasury benches should exercise their right of speaking and thereafter permit us to give them the necessary reply.

Mr. Speaker : From the very outset this Bill has been discussed in detail. Every provision and clause of it has been discussed at length. The same arguments have been and are being advanced over and over again, but as a Bill can be discussed at various stages, there is no rule which prohibits discussion again and again on the same lines.

Dr. Sir Gokul Chand Narang : There is another point also. So far as the discussion on the third reading of a Bill is concerned, it may also serve to show the intensity of resentment against the measure. It is not necessary that every speaker who gets up should be inspired. Let him speak for two minutes. That would show the volume of opposition.

Premier : As a matter of fact the volume of opposition and resentment of my honourable friend has been indicated at every stage. He was opposing every clause when the Bill was discussed clause by clause. I hope that he has by now sufficiently ventilated himself.

Dr. Sir Gokul Chand Narang : I do not intend to speak.

Diwan Chaman Lall : My honourable friend has just said that the intensity of opposition has already been evidenced during the various stages of the Bill. I do hope that it is not going to be a precedent because the most valuable stage in regard to the discussion of a Bill is the third reading stage, and that stage has now arrived. We want the front Treasury benchers to say exactly what they have got to say on the third reading of the Bill. It would be an unreal debate if my honourable friends do not exercise their right of speaking. I would certainly exercise my right to say a few words in regard to this particular measure. There will be no repetition of the arguments. I can guarantee that.

Mr. Speaker : Does the honourable Diwan Sahib wish to speak? (*Honourable members :* Every one of us wants to speak). I cannot allow every one.

Diwan Chaman Lall : I understand that the Honourable Premier has now got up to make a speech. Then you will permit us from these benches to answer those arguments in regard to this particular matter. I think the matter can be settled.

Mr. Speaker : How long will the honourable Diwan Sahib take?

Diwan Chaman Lall : It all depends upon the speech of my honourable friend. If he does not speak, then I will exercise my right to say what I have got to say on the motion.

Premier : If I am entitled to make a speech, I should be glad to participate in the discussion, although it would be merely a repetition to some extent of what has been said by some of the speakers. But I am not entitled to do so.

Diwan Chaman Lall : There is no objection to any Minister of this Government participating in this discussion. After all there is absolutely no prohibition. If my honourable friends get up and wish to make speeches there is no prohibition.

Mr. Speaker : The Honourable Premier may like to speak at the end of the debate.

Diwan Chaman Lall : But we want to know what the Government have got to say in regard to this particular measure. We do not want to hear the back benchers but we want to hear the arguments from the front benchers.

Rao Pohop Singh (East Punjab Landholders) : Sir, the objections taken against the passage of the Bill are on account of clauses 2, 3, 4, 5 and 6. The first objection is that the appointment of the Sergeant-at-Arms is an insult or affront to the dignity and prestige of this House. The second objection is that it is not necessary and expedient to have the Bill containing these clauses as the present one. The third objection is that the appointment of the Sergeant-at-Arms will involve some useless and unnecessary expenditure. The fourth is that the power to appoint and dismiss the Sergeant-at-Arms should not be given to the Governor but should vest in the Honourable the Speaker.

Regarding the first point, I would say irrespective of history and origin of the institution of Sergeant-at-Arms that there is a Sergeant-at-Arms in the House of Commons which is termed as the Mother of Parliament.

Mr. Speaker : All these things have been said over and over again.

Rao Pohop Singh : I shall put it in one or two lines. If it is not considered to be an insult to the dignity of that House, it is beyond apprehension, as was ably argued by the Honourable Malik Barkat Ali, how it can be an insult to the dignity of this House. To say that the appointment of the Sergeant-at-Arms is an insult to the dignity of the respectable and honourable members of this House is just like saying that the appointment of police officers to execute warrants of judicial courts against the criminal offenders is an insult to the dignity of the respectable citizens of the province. The criminal offenders might feel it troublesome, they might feel the appointment of policemen as irksome, but it affords protection to the honourable and respectable citizens of society. I would submit that it is not an insult. The conception of liberty and freedom carries with it some responsibility which puts restrictions and limitations on the free will and actions of individuals, and these limitations and restrictions are the real foundation of true liberty and freedom. We know that the members of this House have got the power to pass this Bill or to reject it, and the restrictions that are to be imposed by this Bill will be self-imposed restrictions, and they cannot in any way mean an insult. Regarding the expediency and necessity, I would say that there were scenes in this House which were most undignified. you have prohibited to bring the Speaker into discussion, otherwise I would have shown how the authority of the Deputy Speaker was flouted and how he was abused downright, in this very House. Dr. Gokul Chand Narang was pleased to quote *in extenso* some passages from Lord Snowden's biography to show that even more undignified scenes took place in the House of Commons. He meant thereby to justify the undignified scenes in this House.

Dr. Sir Gokul Chand Narang : Not at all.

Rao Pohop Singh : A very suitable reply was given to him by the Leader of the Opposition—

Dr. Sir Gokul Chand Narang : I did quote some instances, but I did not justify them. On the other hand I expressly said that I did not justify them but I only pointed out that these things were inevitable.

Rao Pohop Singh : He quoted *in extenso* and with what purpose?—simply to justify that even more undignified scenes took place in the House of Commons and it mattered little if they took place here. I would submit that such scenes howsoever undignified they may be could be passed over. It was not for these scenes that this Bill has been so introduced. It was for some other reason. It was very vehemently contended on the floor of this House that the Speaker had no power to remove a member from this House if he refused to withdraw if asked by the Speaker to do so, and it was again argued that the Sergeant-at-Arms had no authority to enter the floor of this House and to touch the body of an honourable member.

You were not in the chair, but if you look into the proceedings, you will see that it was very vehemently argued that the Speaker had not that power, and forgetting the doctrine of non-violence many of the honourable members of the Opposition stood up in tens and threatened that they would use the right of private defence if the Watch and Ward Officer stepped into the floor and touched the body of any member. It was contended that the Honourable

the Deputy Speaker had no alternative but to adjourn the House and the House was adjourned twice. An *impasse* was created. There was a deadlock, and it was stated that the proceedings would not be carried on unhampered unless there was a clear provision regarding the power of the Speaker and the position of the Sergeant-at-Arms or the Watch and Ward Officer was clarified. It was for this reason that this Bill was contemplated and then introduced in this House. I would say for the sake of argument, suppose for a moment one of the honourable members unabatted even by a single member of this House gets into his head that he will not allow the proceedings of the House to continue. He stands up and makes a row. When he is asked by the Speaker to withdraw, he refuses to withdraw. If the Speaker has only the power to adjourn the House, the House is adjourned. The proceedings of the Assembly in such cases would become impossible. It was to provide against such a deadlock that the Bill was introduced, not to gag or throttle the voice of the Opposition. Is there any necessity greater, is there any matter of graver concern than to ensure that the meetings and the proceedings of the Assembly would be carried on unhampered? There can be no necessity or expediency greater than this.

Regarding that question I should submit that even now there is the staff of watch and ward. That will remain. There will be only the addition of a Sergeant-at-Arms. I would submit that the complaint on the ground of expenditure of those of us who break the rules is just like the complaints of those criminals who say that the appointment of policemen is useless and unnecessary expenditure. Can they have the face to say that this expenditure is unnecessary and useless? I say that no expenditure can be said to be extravagant which is incurred in order to ensure the proceedings of this House to continue unhampered. I may point out that a few weeks ago one day was wasted in this useless discussion and about Rs. 5,000 was lost on that day. (*Hear, hear*). Again, I may say that there are certain members on the front Opposition benches who do speak with force. But there are many others who make weak speeches which do not impress anybody. They get up and talk for hours simply to abuse Government giving it all sorts of names. I would say that if they resist the temptation to make such speeches simply to get publicity much of our expenditure will be saved.

Rai Bahadur Mr. Mukand Lal Puri : Is the honourable member in order in levelling accusations of this sort on the honourable members on this side?

Mr. Speaker : No.

Rao Pohop Singh : So many things are said on the other side which nobody would hear in a debating club with patience. The benches would be emptied immediately as they were emptied here a few minutes ago. (*Inter-ruption*). I only meant to say that a good deal of the poor tax-payers' money would be saved and nothing more.

Regarding the fourth point, many honourable members tried to draw you out to say whether you would like to have a Sergeant-at-Arms. It is beyond doubt that you possess keen intellect, ready wit, humorous disposition, vast experience, deep and stern voice, a thorough, intimate and critical

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knowledge of the rules of procedure, an impartial attitude and last, an august personality that commands the respect of us all. (*Hear, hear*). We are proud of you for all these qualities.

Mr. Speaker : Will the honourable member please speak to the motion ?

Rao Pohop Singh : We have in you a Speaker whose equal cannot be found in any other Assembly in India. It will be admitted on all hands that you can do without the help of a Sergeant-at-Arms. But such combination of so many qualities in one person is a rare phenomenon. (*Hear, hear*). But it is possible that you may have to be absent from the chair and some one else might occupy it who does not possess all these qualities. Some of these qualities are gifts of nature. To acquire vast experience and intimate and thorough knowledge of the rules of procedure requires time. Therefore anybody else who occupies your chair may need the help of a Sergeant-at-Arms as was felt a few weeks ago. So, if anybody says that it is a slur on the Speaker to allow the passage of this Bill, I would say that when you are in the chair nobody can say that you were weak and, therefore, you allowed the passage of this Bill. It is only proper that this Bill should be passed when you are in the chair, because it will then be said that you were not vain enough to say that you would depend on your personal qualities for the conduct of the proceedings of this House. The passage of this Bill in your time will only enhance your prestige.

Mr. Speaker : The honourable member should not be personal.

Rao Pohop Singh : Many things have been said about this Bill, that honourable members would be dragged out of this Assembly. These things can occur only in the imagination of honourable members. They cannot take place when there is a Speaker in the chair. The Leader of the Opposition and the Deputy Leader said that the Sergeant-at-Arms will be like a sword of Damocles. I may submit that the Sergeant would work strictly under your orders. He will take no initiative of his own. He will be under your vigilant eyes and his conduct will be under the constant observation of the 174 members of this House. He will be a public servant and he will depend for his sustenance on the pay he will get. He will be, therefore, foolish if he for a moment entertains the idea of disrespect towards any member of this House or towards the Chair. Regarding his appointment, the Government of India Act does not allow it. Otherwise this House must have given that power to you. But it matters very little whether the power of appointment is with you or not. The Secretary and the Deputy Secretary of this House are appointed by the Governor. But are they not honestly and promptly carrying out your behests ? The Sergeant-at-Arms will be here to carry out your orders and even a word from you that that officer is unfit to hold the post will be enough for the Government to remove him. The Government dare not keep that man even for a minute in this House without your consent. Honourable members of the Opposition are sitting in this House. They are not sitting in a jungle and the Sergeant-at-Arms will not be a beast of prey that he should pounce on anybody and everybody at his sweet will and caprice. So they need not be nervous and they need not entertain unnecessary fears and apprehensions.

Mian Sultan Mahmud Hotiana (Pakpattan, Muhammadan, Rural) (Urdu) : Sir, before I proceed with my speech I feel called upon to say one thing and that is that not only I but also the Premier and for the matter of that the whole Government regret to have introduced a Bill which has not so far been introduced in any of the legislatures in India. (*Interruptions*). The reason is not far to seek and I can assert that the oppositions in other provincial legislatures are not so irresponsible as that of the Punjab Legislative Assembly. (*Hear, hear*). Sir, it has been your experience that owing to scenes created in the Assembly Chamber by the Opposition you were compelled to adjourn the House several times. Even in Lahore a year back you were forced to adjourn the proceedings of the House on account of unseemly and undignified scenes.

Mr. Speaker : May be.

Mian Sultan Mahmud Hotiana : I am certain that you did. It was in the Old Council Chamber. Well, Sir, I was submitting that owing to rowdy and stormy scenes which were the creation of the members of the Opposition, the Government felt called upon to introduce a measure by virtue of which order and dignity of the House could be maintained. Another point which moved the Government to bring forward this Bill was that the orders of the Chair were persistently and deliberately defied by certain honourable members opposite. The Government could not brook this indignity to the Chair. But you will be pleased to see, Sir, that the honourable members on the ministerial benches have all along been keeping their heads cool and have never infringed any rule or behaved in a disorderly manner.

Again, when this Bill is put into operation, Government will have to incur a great expenditure. In this connection I would like to make a suggestion. That is just as the expenses of a punitive police post are realised from the people upon whom it is imposed, similarly a provision should be made in the Bill whereby the salary of the Sergeant-at-Arms and his staff could be paid out of the allowances of the opposition members who have forced this Bill on the Government (*Laughter*). When the shoe pinches they will give an undertaking not to behave in a disorderly manner.

Now I advert to the objections raised by my honourable friend Dr. Narang. He was pleased to remark that when this Bill is enforced, it will create reaction in the Opposition. It is just like saying that if law and order is strictly preserved by the police there will be a reaction on the part of the thieves. Again, an honourable member glibly remarked that the Honourable Premier was the most interruptive member of the House. But I categorically repudiate the remark. He is not the most interruptive but the most interrupted member. Then my honourable friend Dr. Narang made a remark that we were acting like babes in introducing this Bill. I may point out that this is a frivolous argument. The Bill was introduced to curb the activities of the "*satra batra*" members over there.

Dr. Sir Gokul Chand Narang : We learn from the mouths of babes.

Premier : The honourable member should not be personal.

Mian Sultan Mahmud Hotiana : Sir, I am not personal. I am making those remarks while addressing you. (*Laughter*).

Sardar Sahib Sardar Santokh Singh : Sir, the honourable member has used the words *satra batra*. I took them to apply to my honourable friend Sir Gokul Chand Narang. But he says he addressed them to you. If they apply to you, it is still worse. We all know what they mean. They mean *ki ohdi mat marni gai hai*. He should be asked to withdraw them.

Dr. Sir Gokul Chand Narang : I am quite prepared to learn wisdom from the mouths of babes as you know.

Mian Sultan Mahmud Hotiana : I used the words *satra batra* for their activities but it appears that the cap fits my honourable friends.

I have yet to reply to two objections raised by the Opposition. We are poor zamindars, take simple food and use *lassi*. But my honourable friends over there are very strong and eat *halwa* and *puri*. We know our weakness and in view of that we want to requisition the services of the police to maintain order in this House. Again it has been said that the Bill now before the House is a vindictive measure. I would say in reply that it is not a vindictive but administrative measure. (*Hear, hear*). Well, Sir, we have already taken a fortnight over the consideration of this Bill only because of the superfluous and unnecessary amendments moved by my friends over there. You can very well imagine how much public money has been wasted on that account. I would request my friends to refrain from wasting any more public money over this and finish it to-day.

Lala Sita Ram (Trade Union, Labour) Urdu : Sir, I rise to oppose the Bill now before the House. Before I proceed to give expression to my views I would say that the remarks made by the honourable member who has just resumed his seat sufficiently justify our opposition to this Bill. I must say that it has become a habit with the honourable members of this House to use objectionable words. They never hesitate to use words like *مستقر* and *مستقر*. It is really regrettable that the honourable members whether they are sitting on this side or on that side of the House should use such objectionable words. A little while ago the honourable member who preceded me used an expression of *مستقر* about my learned friend Dr. Sahib. He used the objectionable phrase but the pity is that the Treasury benches instead of stopping him from using that expression, cheered him up and said "*Hear, hear*." Is this the way in which we should behave? It is high time that we should stop using such objectionable phrases in this House.

Premier : It appears that the honourable member did not understand the honourable member who preceded him. He did not use the word *مستقر* but he used the word *مستقر*.

Lala Sita Ram : That is a mere discussion of words and technicalities. You have been pleased to rule more than once that a capable member can manage to say unpalatable things in an unobjectionable manner. Very often it so happens that a member on this side makes a remark that is replied to by a member on that side but on the insistence of the former a wordy war begins. The Speaker intervenes in vain. This is how the matter sometimes assumes a serious form. I do not want to go into the merits or demerits of each clause of this Bill. The long and short of the matter is that the Government want to empower the Honourable Speaker to turn a member who may be guilty of disorderly conduct out of this Chamber because

according to the rules and procedure now in force he cannot do that. What at the most he can do at present is to adjourn the House. On the other hand, the view of the Opposition is that the Speaker should take no such action, for it would be tantamount to insulting an honourable member of this House. I, for one am definitely of the opinion that the orders of the Chair should be scrupulously obeyed under all circumstances. (*Hear, hear*). It is the bounden duty of each member of this House to bow before the ruling of the Chair even if it is erroneous or one sided or however one may differ from it. (*Hear, hear*). While supporting this measure the honourable members over there have referred us to the Mother of Parliaments. But we are not bound by what has been done there. Well then the question is what is the remedy? The remedy does not lie in the passage of this Bill into law. Here too you are displaying the same mentality which you displayed while enacting the agrarian laws which intended to punish the whole community of *sahukars* for the wrongs done by a few of them. If an individual member has failed to obey the orders of the Chair, it would be as inadvisable as unreasonable to punish the whole House. This action of yours is not likely to prove conducive to good Government. Do not try to rule by force. It is always better to rule by love than fear. Why not create such confidence in us that no one may dare to defy your orders. You say that the Punjab is leading in all matters. But for God's sake let it not lead in this matter at least for if it does it would be a stigma on its fair name. I would respectfully submit that nothing should be done that may be contrary to the dignity of this Honourable House. You are here as legislators and I wonder that you want to enact law for reforming yourself. It is just like the complaint once made about the street lights in Lahore that the light of the street lamps was so dim that light was required to look at them. A member in the heat of the moment makes a remark and is not prepared to withdraw it and in order to turn him out of this Chamber you require the help of the police or the military. I for one cannot agree to this suggestion. Mr. Speaker I know you do not require such help. You have been the President of the Lahore Municipal Committee for years. I know you are very tactful, prudent and fully conversant with the rules and procedure. But when you get these powers and use them it will not redound to your credit. You know the case of the Lahore Municipal Committee. There were 94 members of the committee including Muhammadans, Hindus, Christians and even some lady members all pitched against the President who was a member of the Unionist Party. The committee was superseded for the sake of one Unionist member. (*An honourable member*: Was he Mian Abdul Aziz?) No, he was not Mian Abdul Aziz. Mian Abdul Aziz is very popular. Well Sir, you should think twice before you give your assent to this Bill. If this Bill is passed into law just think what will be the position. The Honourable Speaker picks up an honourable member for disorderly conduct and asks the Serjeant-at-Arms to remove him bodily from this Chamber. What an ugly scene it would be. But the question is what is the remedy? Let me suggest that. Let us always keep in view the dignity of the House. Let the leaders of the different parties, the Leader of the House, and the Leader of the Opposition rise to the occasion and announce to-day on the floor of the House that henceforward they will not allow any member of their respective parties to challenge the ruling of the Chair. And if anyone does that they would see that he is turned out of the Chamber. If that is done

[Lala Sita Ram.]

the need for this measure will cease to exist and there will be no risk of a member being insulted or disgraced. That is my suggestion and I believe it is a sound one. I, therefore, submit that the Government would be well advised if they drop this Bill. In the end I would submit that a little mutual respect, a little mutual trust, a little give and take would solve our difficulties and all would be very well. After all this is not a class measure intended against any one community. It concerns all of us. Let us put our heads together and find a way out of this difficulty.

Honourable Members : Question be now put.

Mr. Speaker : I would like to know if the House wishes to finish this Bill to-day ? (*Honourable members :* Yes, yes). Then I propose to allow two more speakers, i.e., the Deputy Leader of the Opposition and the Premier.

Diwan Chaman Lall : I will certainly carry out your mandate and take as little time as possible but I cannot see how it will be possible to finish the debate to-day. Since the Honourable Premier has also got to sum up the debate and he has got to lay down the general policy, I do not think that this debate can be finished to-day. I have only got about forty minutes at the present moment. I should like to take at least one hour.

Premier : The question may then be put. (*Voices :* Question be now put.)

Mr. Speaker : I am inclined to accept the closure motion.

Diwan Chaman Lall : Several days have been taken up in the detailed discussion of this measure. Two stages of the discussion have passed and the third stage, which is the most important, i.e., the third reading stage is now before you and for this purpose we have been allowed only a few hours. Discussion on this measure started at 1 p.m. to-day and now it is 3-50 p.m. Four days have been taken in discussion and a large number of speeches have been made from all sides. It is my duty, unfortunately, because the Leader of the Opposition is not here, to sum up the case for the Opposition. It is a very important and complicated measure and I do hope that you will give me the necessary latitude to place the case of the Opposition not only before you and before my honourable friends opposite but I must remind you that this case is to be placed before the province.

Premier : May I remind my honourable friend that on the last day when we sat it was intended that the Bill should be finished that very day, but my honourable friend the Leader of the Opposition suggested to interrupt the business at 6-30 on that day and to finish the Bill the next day, i.e., to-day. I agreed. I think it would be unfair to the House and to the province to protract the debate any longer. There still remain 40 minutes. If my honourable friend will be content with a speech for 30 minutes to sum up his case I will be willing to take only 10 minutes.

Mr. Speaker : Diwan Sahib may take the rest of the time.

Premier : If Diwan Sahib takes 40 minutes I will waive my right of making a speech and you may finish to-day.

Diwan Chaman Lal : Mr. Speaker, I am very grateful to you but I am in a very great difficulty with regard to this measure. First of all, it is difficult to know what at this stage is the opinion of the Treasury benches even after all the appeals made to them. Secondly, it is impossible for me to sum up the entire situation with absolutely nothing to go upon or to make any reference to what my honourable friend the Premier is thinking and what his colleagues are thinking in regard to this measure. Thirdly, my difficulty is this that you have limited me in my time in regard to my speech. I have got before me 30 minutes in which to lay the case. I submit that this matter is of very great importance to us and a new departure in constitutionalism is going to be made. It is necessary that I should lay the constitutional position before the House, and not only the constitutional position but, as a reference was made by my honourable friend the Premier to the historical parallel between the creation of the post of Serjeant-at-Arms in this House and the post that exists in the House of Commons, I should say something about the historical parallel. I am debarred from doing all that and have to confine myself merely to a few stray arguments that have been advanced by the other side of the House in reference to this measure. You will agree with me that this difficulty is a real one as far as I am concerned. Also it forebodes a very serious state of affairs regarding the third reading of a measure of this nature. I bow to your ruling but at the same time you will permit me to register my protest against any encroachment on the right of debate on the third reading which is unlimited. You will permit me to say that I have been amazed at what—I shall say—the unsatisfactory debate on the third reading of this measure. Honourable members, I submit, have got up and attempted to make fun of this measure and of the opposition in reference to this measure. May I ask them to be a little less uncharitable. May I ask my honourable friends opposite to remember that we in this House are doing our duty, that every step that the Opposition or any member of the Opposition has taken he has taken not to flout you or your deputy or to disobey the rules of this House. Every step has been taken with the object—may be a mistaken object or may be a correct object—of vindicating the authority and the impartiality of the Chair (*Hear, hear*). You will ask me to substantiate that statement of mine. I intend with your permission to substantiate that statement. You will recall that this measure has its origin in what transpired on the 16th January in this House. On that particular day my honourable friend the Premier raised a point of privilege which he laid before the Deputy Speaker who was presiding at that time in your absence, a particular point in reference to an attack made on the Deputy Speaker by a newspaper named the *Partap*. My honourable friend with the paper in his hand went to the Deputy Speaker and laid this complaint before him. Now ordinary procedure would indicate to my honourable friend that a complaint like this is to be laid before the Deputy Speaker on the floor of the House and no attempt should be made by my honourable friend to go behind this House and lay the complaint before the Deputy Speaker in private conclave. My honourable friend without the knowledge of a single member of the Opposition goes to the Deputy Speaker behind our back and behind the back of every other honourable member of the House.

Premier : That is not correct.

Diwan Chaman Lall : I will prove that it is correct.

Mr. Speaker : Reference to matters which have nothing to do with the question under discussion is out of order.

Diwan Chaman Lall : I am only referring to the origin of the Bill, as to how this Bill originated. I say this is what happened. My honourable friend probably has forgotten. What was the sequel? When my honourable friend lays this particular complaint before the Deputy Speaker before any honourable member had any opportunity to utter a single word in regard to this matter, the Deputy Speaker gets up with a type-written statement in his hand to read to the House as to what his ruling is. I submit that it is an unheard of procedure. It was such a procedure that it shocked me: it shocked every other honourable member here on the Opposition benches who desired to uphold the impartiality and the dignity of the Deputy Speaker. When we saw this shocking state of affairs that had arisen, my honourable friend perhaps remembers it, we said that the Deputy Speaker was aware that my honourable friend was going to make a motion of privilege on the floor of the House although no other member knew that this was going to happen and the matter rested probably between the Deputy Speaker and the Honourable Premier. Then, Sir, what happened? We on the floor of the House for a moment were shocked that such a thing should have happened, and that it should be possible for the Honourable the Leader of the House to go behind the back of the House and behind the back of the Opposition.

Premier : I may point out that my honourable friend is not fair to make that charge. It is the duty of every member to go to the Speaker and point out to him that he is going to raise a certain point. My honourable friend perhaps does not know that the Leader of the Opposition was aware of the fact that the point of privilege was going to be raised by me.

Diwan Chaman Lall : I am sorry my honourable friend is not correct. The Leader of the Opposition knew not one word that the Deputy Speaker had made up his mind and had a ruling in his hand. If anybody says that the Leader of the Opposition knew this he is uttering that which is not true. He did not know that the Deputy Speaker had made up his mind and had a written ruling in his hand which he was going to read. I refer to this matter to refresh my honourable friend's memory and I am referring only to the causes of the origin of the measure, because a lot of statements, childish, puerile statements have been made by childish, puerile people regarding this particular measure and the attitude of the Opposition in regard to this measure.

I submit that the attitude of the Opposition has been an attitude which proves that it desires to uphold the dignity and impartiality of the Chair. (*Hear, hear*). My honourable friend may turn to page 360 of our debates, and he will find that I got up and said, "Mr. Deputy Speaker, will you kindly permit us to say a word in regard to this particular matter." I drew the attention of the Deputy Speaker to the fact that some steps had been taken in the Central Legislature by the late Mr. V. J. Patel who, when his attention was drawn to the statement made by the correspondent of the *Morning Post*,—or I think it was the *London Daily Telegraph* or the *Times of India*—allowed honourable members of the House to have their say in regard to that matter.

4 P.M.

The matter went on for a long time before he took serious action against the newspaper. We told the Deputy Speaker that that was the step taken in the Central Legislature and that we wanted to say a word in reference to that matter. We pointed out to him the actual legal and constitutional position regarding his ordering the withdrawal of the representative of the newspaper. We were debarred from uttering one single word in reference to that matter. My honourable friend on my left said—

I only want to know whether it is in order for the Honourable Premier or any member of Government to see you in private and then in consultation with you to prepare a statement and also ask you to prepare a reply to that statement, and then to read that statement in the House and thereafter for you to read your previously prepared reply in the House without giving any opportunity to any member to say a word which he may have got to say against the statement of the Premier? If this is in order, under what rule or law is this procedure justified?

Premier : Those allegations were made by my honourable friend Dr. Gokul Chand Narang.

Diwan Chaman Lall : I am prepared to give way to my honourable friend.

Premier : The thing to which I want to draw the attention of my honourable friend is this that those allegations were made by my honourable friend Dr. Sir Gokul Chand Narang. I cannot say if they were true.

Dr. Sir Gokul Chand Narang : Nobody protested then.

Malik Barkat Ali : On a point of order. Is it open to the honourable member to discuss the conduct of the Deputy Speaker while he was in the Chair on that occasion?

Diwan Chaman Lall : I have no intention of discussing the conduct of the Chair and I am not discussing it.

Mr. Speaker : I have ruled more than once that at this stage the debate must be restricted to matters contained in the Bill and not to its history or origin.

Diwan Chaman Lall : The argument that has been used is that a statement was made by my honourable friend in reference to this matter and we were not allowed to utter one word with regard to it. I do not intend to refer to the dignity and the conduct of the Deputy Speaker. I do not desire to impugn the conduct of the Deputy Speaker in reference to this matter. I would be out of order if I did so. I am at the present moment merely dealing with the origin of this particular measure, and the attitude of the Opposition, which has been condemned in every speech that has been made by the Ministerial Party. I ask my honourable friend when he says that these allegations were made by my honourable friend here, at that time what was the reply of the Deputy Speaker? He said, "There is no point of order involved." Did my honourable friend at any time contradict it in the House or outside the House? He has got an entire department of public misinformation at his disposal and that public misinformer could be asked to make a statement that the Honourable Premier never approached the Deputy Speaker.

Premier : Why should I?

(At this stage Lala Deshbandhu Gupta stood up to say something).

Mr. Speaker : The honourable member cannot speak without the permission of the Chair which has not been given.

Lala Deshbandhu Gupta : May I ask a question through you ? Is the Honourable Premier in a position—

Mr. Speaker : Not at this stage.

Diwan Chaman Lal : I take my honourable friend's statement and I accept it without demur when he says that. I ask him to remember one thing. When he had spoken to the Deputy Speaker, when the statement drafted and typewritten by the Deputy Speaker was read out, you can remember what the feelings of the Opposition must have been.

Premier : That is a different matter.

Diwan Chaman Lal : That is exactly the matter in issue. I submit that that was the origin of this trouble and the origin of this Bill. My honourable friend must realise that it is in upholding the impartiality and the dignity of the Chair that the Opposition took whatever action it did. I submit that although no member on the floor of the House would willingly destroy the dignity of the Chair and would want to destroy it or disobey the Chair, yet there are moments which might arise when one's conscience revolts and those are the moments when an individual must be left to the choice of obedience to his own conscience or obedience to the rules of this House. I submit that that unfortunately happened to be one of those occasions. I hope fervently that it may be a very rare occasion.

Premier : The last time.

Diwan Chaman Lal : I agree with my honourable friend that it may be the last time. He and his party also owe a duty to the House. The Speaker, although elected by the vote of the party to which he belongs, keeps under control every individual, and no attempt of any type should be made by any individual, no matter what office he holds, to influence the Chair behind the back of the House and to bring pressure to bear upon the Chair. *(Cheers from the Opposition.)* My honourable friend said just now, "We are very glad that you are in the Chair." I personally am glad that you are in the Chair and I corroborate this fact particularly regarding your ability, regarding your knowledge of rules of procedure and equally regarding the dignity with which you often hold your office. May I ask my honourable friends over there, if they are so careful of the dignity of the Chair and if they are so zealous of the dignity of the Chair, what prevented them from consulting you in regard to this particular measure and leaving the powers in your hands or announcing on the floor of the House that this particular office is going to be filled by you and that it shall be filled by you and nobody else ? Is that the measure of trust and confidence that they repose in the Speaker ? When an amendment was moved saying that before the appointment is made, the requisition should go to the Governor from the Speaker himself, it was turned down, and who were the people who moved this amendment ? That amendment was moved by the Opposition holding faith in the Chair *(hear, hear)* and who were the people who opposed that amendment, those were my honourable friends opposite who now uphold—

Premier : Your expression of faith in the Chair.

Diwan Chaman Lall : True, but not the expression of coercion which my honourable friends may seek to exercise against the Chair.

That is what I am against, that is what the Opposition is against and that is what this House is up against. As long as a single member of the Opposition remains in this House and if at any time there is the slightest suspicion of such coercion being exercised against the Speaker, all my friends opposite should remember and realise that every type of agitation will be put forth from this side of the House against such coercion.

Premier : The honourable member need not worry.

Dr. Sir Gokul Chand Narang : The Premier is justifying his reputation as a most "interruptive" member.

Diwan Chaman Lall : I am delighted with my honourable friend the Premier's interruptions. I am always ready to give way to him, as I know he is always ready to give way to me. In regard to these interruptions I do not worry in the least.

The honourable member here talked about the dignity of the Chair. The things in reference to this Bill that must be remembered are the dignity of the Chair and how the authority of the Chair can be set aside by the penal and coercive measures that are adopted to influence the Chair. In so far as the dignity and the authority of the Chair are maintained, in so far as they are of a high standard, in so far as the authority of the House is impartial, the orders of the Chair will be obeyed. But the moment there is the slightest suspicion that the authority of the Chair is not being exercised impartially that very moment arises the danger point in this House, and I submit that no amount of legislation to procure the services of policemen or of the Serjeant-at-Arms can ever prevent that disorder from arising in this House if that suspicion is created in the Opposition and a body of members have not the confidence that they should have in the impartiality of the Chair. Therefore my honourable friend has been wrong in bringing this measure before this House. He should have satisfied himself that the main source of trouble has been something entirely different, the main source of trouble is always the suspicion that the dignity and the authority of the Chair may not be exercised impartially, and when my honourable friend desires to coerce the Speaker or the Deputy Speaker into non-obedience of these rules he should not take that step, but the other essential step, namely, secure for this House a complete belief in the impartiality and the justice and the authority of the Chair. I submit that the action that he took on the 19th of February precludes my honourable friend from arguing about the impartial dignity and the authority of the Chair. My honourable friends may talk about what a Speaker should be like. I submit that if my honourable friends were not drinkers of *lassi* only but drinkers in the well of historical record and readers of literature on the subject, they would have referred to the reign of Henry IV when Mr. Tiptof, the then Speaker said as to what a Speaker ought to be. I want you to listen to every word—

"Your Speaker ought to be a man big and comely."

and I take it, Mr. Speaker, that these two points apply to you. (*Interruption*). You want to know what comely means. "Comely" means handsome, Mr. Speaker. (*Laughter*).

Mr. Speaker : That applies to you (*Laughter*).

Dr. Shaikh Muhammad Alam : Handsome is that handsome does.

Diwan Chaman Lall : Mr. Tiptot said—

Your Speaker ought to be a man big and comely, stately and well spoken of, his voice great, his carriage majestic, his nature haughty and his purse plentiful.

It is amusing to find that in the reign of Henry IV a description was given by the then Speaker of what the Speaker ought to be which applies to-day. The Speaker at that time used to be a servant of the King. In the reign of Henry IV and later on he was appointed by the Crown and it was then that he told us what the Chair was expected to be even in those unregenerate days. But at the time he used to be modest and of the type of person who would say : Please do not appoint me. In pursuance of this particular explanation he gave this particular description of what the Speaker ought to be. At the same time there is no doubt that this was the time when the Speaker used to be subservient to the King. The first period of the Speaker's history shows that he was the creature of the King, and it was not until the 17th century or the beginning of the 18th that there was found any sense of independence in him. From that time the Speaker has been absolutely impartial. And how often has the impartial Speaker been disobeyed in the House of Commons ? My honourable friends referred only to one case, the case in which the services of the Serjeant-at-Arms were used, in which case forcible ejection of a member was ordered by the Speaker during a division, and even in that case the constitutional *pundits* have expressed great doubts as to the validity of that section. I think it was in 1901 when this happened, and even in that case it was considered doubtful whether the forcible ejection of an honourable member should be effected or not. Not knowing the historical facts, not being well-versed in such matters, you cannot expect people who are engaged in the daily task of government, who have so much to do in carrying on the administration of this province, that they would have time to look into the historical facts. My honourable friends have talked about the parallel between the appointment of the Serjeant-at-Arms here and in England. I submit that there is no parallel at all. My honourable friends would realise that originally, although the Serjeant-at-Arms was the King's servant and he had to attend upon the King, yet his services were lent to the House of Commons and he had to attend during its session. That is, Mr. Speaker, the origin of this practice, namely, the appointment being made not by the House of Commons but by the King himself because originally the man was the servant of the King. Even to this day at the Coronation of Edward VIII (who abdicated) the Serjeant-at-Arms was brought in to perform the duties of a groom of the robes, although his main duties are in the House of Commons. That was the reason why the appointment of this officer was not made by the House of Commons, which practice, as you know, has grown not by statutes but by convention, and nobody has bothered to see that an Act should be passed for the purpose, leaving the services to be regulated by appointment by the House. That is the real reason. Therefore there is no analogy which my honourable friend seeks to bring forward on the floor of this House by stating that the Government must make this appointment. I submit that if my honourable friend is anxious and eager or had been anxious or eager that the services of the Serjeant-at-Arms should be available to the Speaker in the manner in which the Speaker himself should specify those

services, he should have taken the Speaker into his confidence instead of foisting upon him this officer to the great detriment of the dignity of the House, and carried out the mandate of the Speaker who is presumed to be an impartial person.

I submit that every human instrument through which the Speaker acts must be impartial. There should be no suspicion attached to these instruments that they are creatures not of the Speaker but of the Government which happens to dictate to the House by the strength of its majority. That is a very serious and valid objection to this law. It is a serious enough objection and I appeal to my honourable friends opposite to take note of the volume of feeling in this House in regard to this Bill. The other day the Leader of the House said that the Unionist Government will last 5,000 years. The Empire of Napoleon did not last fifty years. The Empire of Cæsar did not last that period. The empire of Alexander the Great did not last more than thirty years (*loud laughter*). Taking human destiny to be what it is, there is no guarantee that my honourable friend's Government will last even its full term of office. If it does not last its full term of office, then the present Opposition may take its place and exercise its authority by its majority. Therefore not much stress should be laid upon the use of majorities in matters of great interest to the dignity and authority of the Chair. In matters of this nature things should not be carried by the strength of the majority. They should be discussed with the Opposition and with the Speaker and primarily with the Speaker. To begin with, the matter should be discussed with the Speaker and settled out of court and an agreed formula should be arrived at. That has not been done in the present case and that is one fundamental objection to the passing of this particular measure. The Honourable Premier has said that he not only has decided to appoint the Serjeant-at-Arms, his deputy and his assistants but that he is willing to take in the services of policemen or any servant of the Crown who would be willing to act under the instructions of the Speaker. I submit that this discloses what I might, without meaning any offence, describe as police mentality. It is the mentality of a police state. I am afraid that the charge is true that as far as the Punjab Government is concerned, under provincial autonomy it is becoming more and more a police state and not a democratic state. This very measure has got this evidence in it of the attitude of my friends who desire to strengthen their hold upon this House with the assistance not of persons appointed by the impartial and dignified Speaker, but appointed by the Government itself from among policemen. One honourable member trying to play to the gallery and to the sentiment of the House argued that we might attack and assault honourable members on the other side and, he said, therefore we need the services of policemen. I submit such an argument should not be employed in reference to a measure which is going to be of serious import to the dignity of this House. I submit that my honourable friend should not have used this argument and should have realised the seriousness of the step that he was taking in getting here into this Chamber policemen,—to do what?—practically to arrest, and commit assault and battery on honourable members if occasion should arise. My honourable friend shakes his head. I take it that he means that he does not intend bringing in these men but the provision is there in the Bill itself. Is there

[Diwan Chaman Lall.]

anything to prevent my friend from taking that step? If he does not intend taking that step, may I ask him if he will not even at this stage concede the request made to him and withdraw this measure or make it inoperative considering that he himself has avowed on the floor of the House that the temper of the House is now entirely different? It depends upon him as to what the temper of the House should be and since he agrees that the temper is different, I ask him once again to withdraw this measure and allow us to get on with other business. My honourable friend complained about the time that has been consumed in debating this measure. But what is this House for? Is it for the purpose of holding party meetings? Is it for the conduct of the business of this province or not? This House should be in session practically the whole year and conduct the business of this province. Instead of that he complains that four days have been taken in discussing a measure of this nature.

Mr. Speaker : May I request the honourable member to wind up his speech if possible?

Diwan Chaman Lall : I have not even touched the fringe of the subject. If you so desire I shall continue the speech to-morrow. Besides the Premier has yet to make his speech.

Premier : I do not want to make any speech. If at all, I shall say only one sentence with regard to the last request of my honourable friend.

Mr. Speaker : I hope the honourable member will try, as undertaken, to wind up his speech now.

Diwan Chaman Lall : I never said that I would wind up my speech at 6-30. All I said was that I would try to accommodate you.

I suggest that the debate may continue to-morrow.

Mr. Speaker : Please wind up your speech.

Diwan Chaman Lall : May I appeal to you? It has never been the procedure of this House to interrupt a speech in winding up a debate. I submit that such bad precedents should not be created that a member should be asked to wind up his speech even in the middle of it and particularly when even the fringe of the subject has not been touched.

Mr. Speaker : The honourable member did not expressly say so, but I understood him to say that he will do his best to finish his speech within the short time left.

Diwan Chaman Lall : What I said was that I would try my level best to accommodate you and nothing more. I never said that I would limit my speech in this particular manner.

Mr. Speaker : I request the honourable member to satisfy the understanding which he gave.

Diwan Chaman Lall : I suppose you are not charging me of breaking any understanding. You only wanted me to try to finish my speech within time and I said I would try to accommodate you. I am sorry you are charging me of breaking any understanding.

Mr. Speaker : I am not charging the honourable member of breach of understanding. I am simply asking him to satisfy the understanding which I understood he gave.

Diwan Chaman Lall : I protest against this. Neither the Speaker nor any honourable member has a right to interrupt the debate like this.

Mr. Speaker : A closure motion can be made and accepted even whilst an honourable member is addressing the House.

Diwan Chaman Lall : You have no business to accept closure at that stage, because you must protect the rights of minorities even according to the rule relating to closure.

Mr. Speaker : In the case of a closure motion the discretion of the Chair is absolute and is not open to dispute.

An Honourable Member : The question be now put.

Mr. Speaker : The question is—

That the question be now put.

(At this stage division was called and the division bells were ringing.)

Dr. Gopi Chand Bhargava : I want to make one submission.

Mr. Speaker : Division is now in progress.

Dr. Gopi Chand Bhargava : I rise on a point of order. You never declared your opinion and nobody asked for a division.

Mr. Speaker : I did declare and division also was claimed.

Dr. Gopi Chand Bhargava : I have been trying to say a word on the closure motion.

Mr. Speaker : The motion will now be put.

Dr. Gopi Chand Bhargava : Sir, if we are to be gagged and treated like this we have no option but to go out.

(At this stage Dr. Gopi Chand Bhargava and other members of the Opposition walked out.)

Mr. Speaker : The question is—

That the question be now put.

The Assembly divided : Ayes 92, Noes Nil.

AYES.

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Abdul Rahim, Chaudhri (Gurdaspur).
Abdul Rahim, Chaudhri (Gurgaon).
Afzaalali Hasnie, Sayed.
Ahmad Yar Khan, Chaudhri.
Ali Akbar, Chaudhri.
Allah Bakhsh Khan, Khan Bahadur Nawab Malik.
Amjad Ali Shah, Sayed.
Anant Ram, Chaudhri.
Ashiq Hussain, Captain.
Badar Mohy-ud-Din Qadri, Mian.
Balwant Singh, Sardar.
Barkat Ali, Malik.
Bhagwant Singh, Rai.
Chhotu Ram, The Honourable Chaudhri Sir.

Faiz Muhammad Khan, Rai.
Faiz Muhammad, Shaikh.
Faqir Hussain Khan, Chaudhri.
Farman Ali Khan, Subedar-Major Raja.
Fateh Jang Singh, 2nd-Lieut. Bhai.
Fateh Khan, Khan Sahib Raja.
Fateh Muhammad, Mian.
Fazl Ali, Khan Bahadur Nawab Chaudhri.
Fazal Karim Bakhsh, Mian.
Ghazanfar Ali Khan, Raja.
Ghulam Mohy-ud-Din, Khan Bahadur Maulvi.
Ghulam Qadir Khan, Khan Bahadur.
Ghulam Rasul, Chaudhri.
Ghulam Samad, Khawaja.
Gopal Singh (American), Sardar.

Gurbachan Singh, Sardar Sahib Sardar.
 Habib Ullah Khan, Malik.
 Hans Raj, Bhagat.
 Harnam Singh, Captain Sodhi.
 Het Ram, Rai Sahib Chaudhri.
 Inder Singh, Sardar.
 Jafar Ali Khan, M.
 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 Amin, Khan Sahib Shaikh.
 Muhammad Ashraf, Chaudhri.
 Muhammad Azam Khan, Sardar.
 Muhammad Faiyaz Ali Khan, Nawabzada.
 Muhammad Hayat Khan Noon, Nawab Malik Sir.
 Muhammad Hussain, Chaudhri.
 Muhammad Jamal Khan Leghari, Nawab Sir.
 Muhammad Nawaz Khan, Major Sardar.
 Muhammad Qasim, Chaudhri.
 Muhammad Saadat Ali Khan, Khan Bahadur Khan.
 Muhammad Sarfraz Khan, Chaudhri.
 Muhammad Sarfraz Khan, Raja.
 Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.

Muhammad Yasin Khan, Chaudhri.
 Muhammad Yusuf Khan, Khan.
 Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
 Muzaffar Ali Khan Qizilbash, Sardar.
 Muzaffar Khan, Khan Bahadur Captain Malik.
 Muzaffar Khan, Khan Bahadur Nawab.
 Nasir-ud-Din, Chaudhri.
 Nasir-ud-Din Shah, Pir.
 Nasrullah Khan, Rana.
 Naunihal Singh Mann, Lieutenant Sardar.
 Nawaz ish Ali Shah, Sayed.
 Pir Muhammad, Khan Sahib Chaudhri.
 Pohop Singh, Rao.
 Pritam Singh Siddhu, Sardar.
 Ranpat Singh, Chaudhri.
 Ripudaman Singh, Thakur.
 Roberts, Sir William.
 Shahadat Khan, Khan Sahib Rai.
 Shah Nawaz, Mrs. J. A.
 Shah Nawaz Khan, Nawab Sir.
 Sham Lal, Rai Bahadur Chaudhri.
 Sikander Hyat-Khan, The Honourable Major Sir.
 Singha, Diwan Bahadur S. P.
 Sohan Lal, Rai Sahib Lala.
 Sultan Mahmood Hotiana, Mian.
 Sumer Singh, Chaudhri.
 Sunder Singh Majithia, The Honourable Dr. Sir.
 Suraj Mal, Chaudhri.
 Talib Hussain Khan, Khan.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sardar.

NOES.

Nil.

Mr. Speaker : The question is

That the Punjab Legislative Assembly (Officers) Bill as amended be passed.

The motion was carried.

The Assembly then adjourned till 12 Noon on Tuesday, 18th April, 1939.

PUNJAB LEGISLATIVE ASSEMBLY.

FIFTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Tuesday, 18th April, 1939.

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

STARRED QUESTIONS AND ANSWERS.

FODDER DISTRIBUTION IN HISSAR DISTRICT.

***4698. Chaudhri Sahib Ram :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether whole or a part of the Hissar district is famine-stricken, if only a part of it then which part ;
- (b) quantity in maunds of fodder and price at which and also the number of cattle for which fodder was distributed by the Government tahsil-wise in Hissar district from September, 1938, to 18th February, 1939 ;
- (c) the number of *parchis* issued every month for obtaining fodder on loan, tahsil-wise, in the said district, by the Government during the same period as in (b) above and the quantity of fodder in maunds for which they were issued ;
- (d) the expenditure incurred by the Government on relief works in the said district every month with the average number of persons who were provided with work during the period mentioned in (b) above ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : Part (a) The whole district.

Parts (b), (c) and (d) The information is being collected and will be supplied as soon as it is available.

REMISSION GRANTED TO HISSAR DISTRICT

***4699. Chaudhri Sahib Ram :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the amount of remission granted to Hissar district in *abiana* for kharif crop 1938, as a relief measure against famine ;
- (b) whether the Government is aware that the crops in the commanded areas of the said district, have suffered badly due to shortage in water supply ; if so, the manner in which the Government intends to compensate the loss so suffered by the zamindars ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a)
Rs. 6,71,971.

(b) The honourable member is referred to reply given to Assembly question No. *4532.¹

SALARY OF AND TRAVELLING ALLOWANCE DRAWN BY OFFICER IN CHARGE :
OF FODDER IN HISSAR DISTRICT.

***4700. Chaudhri Sahib Ram** : Will the Honourable Minister of Revenue be pleased to state the salary of and travelling allowance drawn by the officer in charge of fodder in Hissar district and the monthly expenditure on the staff under him during the period he and his staff have been working in connection with famine relief ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (1) Pay and travelling allowance of Fodder Advisor from the date of appointment up to the 31st March, 1939—Rs. 11,128-10-0.

(2) Monthly expenditure on account of staff including contingencies is as follows :—

December, 1938.	January, 1939.	February, 1939.	March, 1939.	Total.
Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
1,866 9 0	3,192 12 0	2,418 14 0	4,027 14 0	11,506 1 0

TRANSFER OF LAND OF SAID OF VILLAGE KAKKA KAUKO, TAHSIL
WAZIRABAD.

***4707. Chaudhri Nasir-ud-Din** : Will the Honourable Minister of Revenue be pleased to state—

(a) whether it is a fact that the Collector of the Gujranwala district by his order, dated 26th July, 1937, transferred 50 kanals 8 marlas of the land of one Said, son of Daulat, caste Jat, of village Kakka Kauko, tahsil Wazirabad, judgment-debtor, in favour of Gopal Dass, son of Lala Bhag Mal, caste Arora, of village Kakka Kauko, tahsil Wazirabad, creditor, for a period of 12 years in satisfaction of a decree for Rs. 599 and left behind 11 kanals 2 marlas of Nehri land and 17 kanals 19 marlas of Chahi land for the maintenance of the judgment-debtor's family.

(b) whether it is a fact that out of the 11 kanals 2 marlas of Nehri land and 17 kanals 19 marlas of Chahi land left for the maintenance of the judgment-debtor's family, the 11 kanals 2 marlas of Nehri land is Banjar and not suitable for cultivation and that there was evidence to this effect on the record ;

- (c) whether it is a fact that judgment-debtor has a family consisting of wife, two sons, one daughter-in-law and four children ;
 (d) if answers to (a), (b) and (c) are in the affirmative, what action, if any, can Government take or intends to take ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a)—(c) I take it that the information required relates to certain execution proceedings transferred to the Collector, Gujranwala, by a Civil Court under section 4 of the Punjab Debtors' Protection Act. A copy of the order which would give full particulars is obtainable from the Collector's office on the payment of the usual fees.

(d) Government has no power under the Act to modify or set aside the order of a Collector passed under section 5 of the Act. If any party is not satisfied with the Collector's order it is open to him under section 6 to carry the matter further in accordance with law.

CROPS DAMAGED BY HAILSTORMS IN DISTRICT MONTGOMERY.

***4708. Sardar Ajit Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that crops in some areas near Montgomery, Kassowal and Mian Channu in the Multan division, were badly damaged by hailstorms on the night of 28th February, 1938 ;
 (b) how much area was so affected ;
 (c) what relief has been given to people whose crops have been so damaged ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) Yes.

(b) The honourable member's attention is invited to the last but one paragraph of the *communiqué*, dated 17th March, 1939.

(c) A thorough inspection of the area is being carried out by the local Revenue and Canal Officers, and when once the results of the special *gir-dawari* are known, appropriate remissions will be given in land revenue and *abiana*, as was done in 1937. Taccavi is not yet required but will be given as soon as it is, probably next month.

CONSOLIDATION OF LAND IN ONE COLONY OF PEOPLE WHO OWN IT IN LOWER BARI DOAB AND NILI BAR COLONIES.

***4709. Sardar Ajit Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that some people have got land in both Lower Bari Doab and Nili Bar Colonies ;
 (b) if so, whether they are permitted to consolidate their land in one colony ;
 (c) if not, why not ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) Yes.

(b) No.

(Raja Ghazanfar Ali Khan).

(c) Exchanges involve various complications and difficulties which are described in paragraphs 356 and 357 of the Colony Manual, and it is on account of these difficulties that it was decided some years ago that once proprietary rights have been acquired no exchange will be allowed. Some latitude is allowed when proprietary rights have not been acquired.

CONVERSION OF NAROWAL TAHSIL INTO A SUB-DIVISION.

***4714. Sheikh Karamat Ali :** Will the Honourable Minister of Revenue be pleased to state whether there is any proposal before the Government for the creation of a tahsil at Zafarwal and converting the Narowal tahsil of the Sialkot district into a sub-division ; if so, when is this proposal likely to mature ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : *First part*
No.

Second part : Does not arise.

TRANSFER OF SUPERINTENDENTS OF DEPUTY COMMISSIONERS AND COMMISSIONERS' OFFICES.

***4720. Khan Muhammad Yusaf Khan :** Will the Honourable Premier be pleased to state—

- (a) whether there is a notification of the Government to the effect that superintendents of Commissioners' and Deputy Commissioners' offices cannot remain posted at one place for more than five years ;
- (b) whether it is a fact that in some districts there are superintendents who have been posted for more than five years and are still carrying on their duties in disregard of the said notification ;
- (c) if the reply to (a) and (b) be in the affirmative, what measures the Government propose to adopt to give effect to the said notification ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) No. I would like however to state that while there is no regular notification or other order of Government on this subject, the Financial Commissioners take stock of the position in regard to superintendents of Commissioners' offices and order transfers where such appear to be called for in the interests of the administration. Similar action is taken by Commissioners in regard to superintendents of Deputy Commissioners' offices.

(b) and (c) Do not arise.

REPORT OF LAND REVENUE INQUIRY COMMITTEE.

***4723. Sardar Hari Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) when the Report of the Land Revenue Inquiry Committee was received by the Government ;
- (b) how long the report has been under consideration of the Government ;

- (c) how long will it take the Government to finish its consideration ;
- (d) when is the report likely to be published ;
- (e) what reasons prevent the publication of the report before the Government has considered it finally ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) On the 12th December, 1938.

(b) The report has not yet been considered by Government.

(c) A definite period cannot be given, but it is hoped to consider the report some time in Simla.

(d) As soon as it has been considered by the Government.

(e) Its relation to existing land revenue policy and the probable effect on provincial finances which Government must consider in all its bearings.

Sardar Sohan Singh Josh : Will the Parliamentary Secretary please state how many times such answer has been given ?

Parliamentary Secretary : As many times as this question has been asked.

Sardar Sohan Singh Josh : Can we expect that some early action will be taken ?

Parliamentary Secretary : As long as these conditions continue, no action is possible.

Sardar Hari Singh : May I know if the Government intends to place the report on the table of the House during the Simla session ?

Parliamentary Secretary : I do not know whether there will be a session in Simla or not.

Khan Bahadur Nawab Muzaffar Khan : It is a case of wish being the father to the thought.

DAMAGE TO CROPS IN ZAIL KARAMPUR BY HAILSTORM.

***4742. Munshi Hari Lal :** Will the Honourable Minister of Revenue be pleased to state—

(a) whether the Government is aware that a severe hailstorm has completely destroyed crops of Zail Karampur, tahsil Mailsi, district Multan, recently ;

(b) if so, has the Government taken steps to appraise the loss and how does the Government intend to afford relief to the sufferers ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : Attention of the honourable member is drawn to the detailed reply given to the short notice question¹ asked by Mahant Girdhari Das.

DAMAGE DONE TO CROPS IN SEVERAL VILLAGES OF DISTRICT LYALLPUR.

***4744. Sardar Kartar Singh :** Will the Honourable Minister of Revenue be pleased to state—

(a) whether the Government is aware that extraordinarily strong windstorm followed by a severe hailstorm damaged wheat

(Sardar Kartar Singh),

gram and toria crops, etc., and also houses, walls and trees on the 28th of February, in several villages in the district of Lyallpur ;

(b) whether the Government is aware that several deputations of zamindars of the said villages waited upon the district officials, requesting them for remission of land revenue and water rates ;

(c) whether the Government has received any reports from district and canal officials of Lyallpur district in this connection ; if so, will the Honourable Minister of Revenue be pleased to place those reports on the table of the House ;

(d) what action is proposed to be taken to help the said victims of hailstorm and windstorm ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) and (b) Yes.

(c) and (d) Special enquiries are being made by the local officers and on receipt of the results of these enquiries, action will be taken by Government on the lines adopted in 1937.

— — —

DEMAND FOR PAYMENT OF ZAILDARI DUES FROM CERTAIN VILLAGES
IN AMBALA DISTRICT.

***4750. Lala Duni Chand :** Will the Honourable Minister for Revenue be pleased to state—

(a) whether it is a fact that recently the muafidars of the villages Mataur, Mumbara, Sohana, Syahimajara, Behlohpore, Muhali and Manauli, tahsil Kharar, district Ambala, have been ordered to pay their quota of zaildari dues ;

(b) whether it is a fact that such a demand was never made previous to this ;

(c) the reasons for making the demand ;

(d) whether it is a fact that a representation signed by the muafidars of the villages mentioned above has been made to the Collector, Ambala district, recently against this demand and if so, what action has been taken thereon ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) Yes.

(b) No.

(c) Under rule 11 of the Land Revenue Rules each muafidar is required to contribute towards the remuneration of zaildars and inamdars.

(d) No.

— — —

INCREASE IN WORK ON ACCOUNT OF AGRARIAN MEASURES.

***4751. Khan Muhammad Yusaf Khan :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that the agrarian measures passed by the Assembly will increase considerably the work of the revenue officers, especially of the patwaris and revenue assistants ; if so, the measures Government intend to adopt to cope with the increased work ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : The agrarian legislation recently passed will certainly throw extra work on Collectors and other revenue officers.

It remains to be seen whether the additional work involved will necessitate the employment of additional staff.

CONCESSION IN GOVERNMENT DUES TO AREAS AFFECTED BY
HAILSTORM ESPECIALLY IN KHANEWAL TAHSIL.

***4757. Makhdumzada Haji Sayad Muhammad Wilayat Husain Jeelani :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that the Government intends to allow some concession in Government dues to the areas affected by the recent hailstorm especially in the Khanewal tahsil of the Multan district ; if so, its particulars ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : Attention of the honourable member is drawn to the detailed reply given to the short notice question¹ asked by Mahant Girdhari Das.

REMISSION OF LAND REVENUE IN SHAKARGARH AND GURDASPUR
TAHSILS.

***4758. Makhdumzada Haji Sayad Muhammad Wilayat Husain Jeelani :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether he is aware that there have been no rains in Shakargarh and Gurdaspur tahsils of the Gurdaspur district for the last six months and the crops have been destroyed ;
- (b) if so, does he intend to allow any remission of the land revenue in these areas ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) No. Since the middle of January the rainfall has been sufficient, and the condition of crops is, on the whole, average.

- (b) Does not arise.

RESERVOIRS FOR HILLY PARTS OF GURGAON DISTRICT.

***4759. Chaudhri Muhammad Yasin Khan :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether he or his subordinate officials have received applications for constructing bunds (water reservoirs) for the water which runs down from the hilly parts of the Gurgaon district ;
- (b) if so, how many bunds does he propose to build in the Gurgaon district and by what time ;
- (c) if it is a fact that zamindars of Ilaga Taora police station, tahsil Nuh, submitted several representations on the subject to the Honourable Minister of Development at Hodal on 6th March, 1939 ; if so, what action has so far been taken regarding these representations ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) Yes.

(b) The matter is still under investigation by the local officers. For the present it has been decided to strengthen Righar bund and to construct Bandhwari bund. They will be taken up as test works and will be completed within 3 or 4 months by famine labour.

(c) Yes. The matter is under consideration.

FAMINE TEST WORKS.

***4760. Chaudhri Muhammad Yasin Khan** : Will the Honourable Minister of Revenue be pleased to state—

(a) whether the Government intends to start famine test works in all the tahsils of the district Gurgaon ; if not, why not ;

(b) how many have already been started and how many more are intended to be started and where and when they will be started ;

(c) if he is aware of the fact that no famine test works have so far been started in Nuh Tahsil ; if so, reasons for the same ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) Government have approved the opening of six tests works in the Rewari, Gurgaon and Firozpur-Jhirka tahsils. The question of opening others elsewhere in the district will be considered, if necessitated by local conditions.

(b) Five test works have already been started, and the sixth is about to be started.

(c) No test work has been opened in the Nuh tahsil, as none has been considered necessary so far.

MOHARRIRS EMPLOYED IN VARIOUS FAMINE TEST WORKS IN GURGAON DISTRICT.

***4761. Chaudhri Muhammad Yasin Khan** : Will the Honourable Minister of Revenue be pleased to state—

(a) the number of Moharrirs employed in various famine test works in the Gurgaon district and how many of them are statutory agriculturists belonging to the villages affected by the famine ;

(b) if few or a few, what action Government propose to take in the matter ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) Thirty-nine, of whom 26 are statutory agriculturists. Only three belong to areas not affected by famine.

(b) Does not arise.

Chaudhri Muhammad Yasin Khan : What was the number of moharrirs on the day the test work started ?

Parliamentary Secretary : I have said that the total number is 39, of whom 26 are statutory agriculturists.

Pandit Shri Ram Sharma : May I enquire whether these clerks who are appointed on the famine test work belong to the famine-stricken area ?

Parliamentary Secretary : The Government is trying to see that those men should be appointed who belong to famine-stricken areas.

AMOUNT SPENT TO HELP FRUIT INDUSTRY IN KANGRA DISTRICT.

***4792. Pandit Bhagat Ram Sharma :** Will the Honourable Minister of Development be pleased to state the total amount spent so far from 1st April, 1937, up to the 15th March, 1939, by the Government to help the fruit industry in the Kangra district, and what special measures are taken by the Government to encourage the fruit farming of the district?

The Honourable Chaudhri Sir Chhotu Ram : It is regretted that the information asked for in the first part of the question is not available, as separate accounts in this connection are not maintained.

A statement showing the various special measures taken by the Punjab Government to encourage fruit farming in the Kangra district is attached.

Pandit Bhagat Ram Sharma : May I understand from the first part of the answer given by the Honourable Minister of Development that there is no account kept by the Punjab Government?

Minister : No separate accounts in respect of districts are kept.

Chaudhri Muhammad Hassan : Has the Honourable Minister ever considered the desirability of keeping separate accounts in order to know how far encouragement is being given to fruit growing in the province?

Minister : No.

Pandit Bhagat Ram Sharma : Can the Honourable Minister give us the approximate amount?

Minister : No, Sir.

Statement showing the various special measures taken by the Punjab Government to encourage fruit farming in the Kangra district.

1. The carrying out of research at the Punjab Agricultural College and Research Institute, Lyallpur, on the preparation of fruit products from pears, etc., grown in the Kulu Valley and of squashes, juices and other products from citrus and other fruits in other parts of the Kangra district.
2. Research to determine means of controlling San Jose Scale, Woolly Aphis and other insect pests which infest fruit trees, particularly in Kulu Valley.
3. The establishment of a fruit experimental farm (25 acres) at Palampur in 1936-37. The area has been planted under a large variety of fruit trees which have been imported in many cases from California and other places outside India.
4. Supply of fruit nursery plants to cultivators in the Kulu Valley at cheap rates.
5. Supply of imported fruit plants (almond, pista, etc.) to progressive fruit growers, free of cost on the condition that performance records of these trees are kept and that in the event of the Agricultural Department requiring budwood, seed, grafting material, etc., for the propagation of further trees of the varieties supplied it will be allowed to remove as much of these materials as it requires.
6. Spraying of fruit trees as a demonstration or on payment for the control of insect pests.
7. Award of prizes for the encouragement of vegetable growing and fruit cultivation in the Kangra district, by the Commissioner, Rural Reconstruction, Punjab.
8. Taking over of the District Board garden at Kulu (1½ acres) by the Agricultural Department in 1934-35 for growing good vegetable seed and nursery plants.
9. Holding of a Hill Fruit Show at Simla in order to afford an opportunity to fruit growers *inter alia*, of the Kulu Valley of displaying their fruits and thus enhance their sales.

TAQAVI LOAN AND REMISSIONS IN LAND REVENUE OF KHARABA
GIVEN TO KANGRA DISTRICT.

***4795. Pandit Bhagat Ram Sharma :** Will the Honourable Minister of Revenue be pleased to state the total sum advanced to the agriculturists in the Kangra district from 1st April, 1937, to 15th March, 1939, in the form of (i) taqavi loan ; (ii) remission in land revenue and (iii) Kharaba separately ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (i) Taqavi loan.—Nil. No application for an advance was considered genuine.

(ii) Remission in land revenue.—Rs. 2,450 on account of damage by hailstorm and drought.

(iii) Kharaba.—Nil. As there are no canals in this district.

Chaudhri Muhammad Hassan : Is it a fact that *kharaba* rules are not being strictly enforced ?

Parliamentary Secretary : The question of *kharaba* does not arise in a place where there is no canal.

Chaudhri Muhammad Hassan : Have complaints about the fact that rules of *kharaba* are not strictly enforced been received by the Government ?

Parliamentary Secretary : There is no canal in the district about which the question is asked.

Pandit Bhagat Ram Sharma : Can I ask whether he knows that in Kangra district there are minor canals and there is canal irrigated area ?

Parliamentary Secretary : I have already stated that there is no canal in that district. Can you name any canal ?

Pandit Bhagat Ram Sharma : May I ask whether there are minor canals or not ?

Parliamentary Secretary : I think my honourable friend does not know the definition of a canal.

Pandit Bhagat Ram Sharma : Is there a minor canal or not ? Is there any area under minor canals or not ?

SQUARES OF LAND FOR THE ZAMINDARS WHOSE LANDS
HAVE BEEN WASHED AWAY BY RIVERS.

***4810. Chaudhri Abdul Rahim :** Will the Honourable Minister of Revenue be pleased to state whether the Government intends to distribute squares of land among the zamindars of those villages whose lands have been totally ruined on account of floods in the rivers ; if so, the conditions on which those squares will be granted ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : *First part :* No.

Second part : Does not arise.

Chaudhri Abdul Rahim : May I enquire from the Honourable Parliamentary Secretary as to how many villages have been washed away on account of floods in the Ravi ?

Parliamentary Secretary : Reply in that connection has already been given.

Chaudhri Abdul Rahim : Does the Honourable Parliamentary Secretary know that the floods in the Ravi river have washed away many houses of the zamindars in the Gurdaspur district ?

Parliamentary Secretary : It does not arise out of the question.

SALES AND MORTGAGES OF AGRICULTURAL LAND IN FAVOUR OF
NON-AGRICULTURISTS.

***4888. Dr. Sir Gokul Chand Narang :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that information is being collected at present in some parts of the Punjab regarding the sales of land effected by agriculturists in favour of non-agriculturists after the passing of the Punjab Alienation of Land Act ; if so, the object with which the inquiry is being made and whether it is intended to bring forward any Bill setting aside or modifying the sales or mortgages effected after 1901 by agriculturists in favour of non-agriculturists in the Punjab ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : Certain information is being collected regarding mortgages and redemptions between agriculturists and non-agriculturists and between agriculturists *inter se* for official use.

No such legislation is contemplated.

Dr. Sir Gokul Chand Narang : Mortgages relating to what period ? After 1901 ?

Parliamentary Secretary : After 1901.

Dr. Sir Gokul Chand Narang : What is the official use to which this information is likely to be put ?

Parliamentary Secretary : The Government wants to know the present situation and is collecting the figures just for its own information. As there were misapprehensions in the minds of some people, the Government has issued circular letters to all the deputy commissioners in the province explaining that it has not under contemplation any legislation and that it wants the figures for its own official use.

Dr. Sir Gokul Chand Narang : No information regarding sales is being given.

Parliamentary Secretary : That does not arise out of this question.

FINANCIAL ADVISER TO PUNJAB GOVERNMENT.

***4071. Lala Duni Chand :** Will the Honourable Minister of Development be pleased to state—

- (a) whether it is a fact that on behalf of the Indian Chamber of Commerce, Lahore, a strong protest in writing has been made to the Punjab Government against the attempt to import a foreigner as its financial adviser by advertising for the post

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in the English Press and ignoring the Indian Press ; if so, what action, if any, has been taken thereon ;

- (b) whether on behalf of the Indian Chamber of Commerce at Lahore, a representation has also been made as regards the replacement of the present non-Indian Secretary to the Punjab Board of Economic Enquiry by an Indian and if so, what action has been taken thereon ?

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

Second part : None. Appointment to the post of Financial Adviser will be made on the advice of the Punjab and North-West Frontier Provinces Joint Public Service Commission.

It may be mentioned for the information of the honourable member that the post was advertised twice in India and it appeared in the leading papers of the various provinces.

(b) *First part :* Yes.

Second part : The Board of Economic Enquiry, Punjab, is a non-official body and elects its Secretary in accordance with the rules and regulations framed by the Board. Government do not propose to take any action in the matter.

Lala Duni Chand : May I know how much burden it will mean to the tax payer of the province when the appointment of the Financial Adviser is made ?

Minister : When the appointment has been made and the terms are definitely known, then my honourable friend will be in a position to calculate it for himself.

Lala Duni Chand : Is not the Government in a position to know what is the cost of appointment of the Financial Adviser ?

Minister : No applications have been received so far and it is impossible to say on what terms the candidate will be engaged.

Lala Duni Chand : Will the Financial Adviser have his own establishment and if so, how much would that establishment cost ?

Minister : The previous gentleman was getting Rs. 2,500 with certain other advantages. Now the maximum amount of the pay of the post has been fixed at Rs. 1,500. I shall require notice in respect of other incidental establishments.

Lala Duni Chand : May I know the particular reasons and the necessity that has arisen for securing the services of the Financial Adviser ?

Minister : This post has existed for a number of years ; no fresh necessity can be indicated.

Lala Duni Chand : Who was the last incumbent of this post ?

Minister : Mr. Macpherson.

Lala Duni Chand : When was it ?

Minister : He retired three or four months ago.

REGISTRATION OF FACTORIES.

***4315. Sardar Sohan Singh Josh :** Will the Honourable Minister for Development be pleased to state whether any factories were registered in 1938 in the Amritsar district ; if so, their number and names ?

The Honourable Chaudhri Sir Chhotu Ram : Yes. Nine factories were registered under the Factories Act in the Amritsar district during the year 1938. Their names are as under :—

- (1) The Parkash Weaving Mills, Chheharta.
- (2) Hamidia Woollen Mills, Amritsar.
- (3) Joshi Glass Factory, Amritsar.
- (4) India Cloth Mills, Amritsar.
- (5) Brij Mohan Shanti Sarup Oil Mills, Amritsar.
- (6) Hari Silk and Woollen Mills, Amritsar.
- (7) Northern India Steel Works, Amritsar.
- (8) Cawnpur Chemical Works, Limited, Khassa.
- (9) Kapur Textile Finishing Mills, Amritsar.

Sardar Sohan Singh Josh : May I know how much time it usually takes to register a factory ?

Minister : It is rather difficult to supply this information ; but if the honourable member gives notice in respect of any particular factory I shall try to furnish him the requisite information.

VETERINARY HOSPITALS IN THE KANGRA DISTRICT.

***4623. Rai Bahadur Lala Gopal Das :** Will the Honourable Minister of Development be pleased to state—

- (a) the total number of veterinary hospitals in the Kangra district at present ;
- (b) the veterinary hospitals opened and other veterinary facilities so far provided for the Kangra district, out of the Special Development Fund ;
- (c) the steps which Government propose to take to provide more veterinary facilities in the backward hilly areas of the Kangra district ?

The Honourable Chaudhri Sir Chhotu Ram : (a) Thirteen veterinary hospitals and 52 outlying dispensaries which are visited by the Veterinary Assistants concerned, weekly or fortnightly.

(b) No veterinary hospital has been opened out of the special Development Fund, but the following veterinary facilities have been provided in the district out of this Fund :—

- (1) Four First Aid Veterinary Centres under the charge of trained members of the co-operative societies have been started in the Kangra tahsil at a cost of Rs. 100 per centre.
- (2) Two one-day cattle show at a cost of Rs. 150 per show were held during the year 1938-39 in the Kangra tahsil.
- (3) Ten foot baths at a cost of Rs. 25 each were constructed in the Kangra tahsil.

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- (4) With a view to improving the breed of cattle in the district, the survey of all the tahsils of the district, except Nurpur, has been completed, and 49 bulls have been selected for monthly subsidies of Rs. 5 per bull. The survey of Nurpur tahsil is in progress.
- (5) Sixteen one-day shows at a cost of Rs. 62-8-0 per show are to be held in the district.
- (6) Demonstrations in shearing wool have been given at certain wool producing centres.

In addition to the above-mentioned facilities the following schemes are in force in the district :—

- (1) Under a five-year scheme which aims at the improvement of milk supply in the district 16 Montgomery bulls costing Rs. 2,000 are being distributed free every year since 1936-37 to the zamindars of villages situated in the vicinity of towns.
- (2) $3\frac{1}{4}$ bred merino rams are being supplied every year to flock owners in the district at a concession rate from the Government Cattle Farm, Hissar. This scheme is in force since 1928-29 and about 70 sheep are distributed annually to *bonafide* breeders.
- (c) Under the Special Development Programme all the veterinary facilities provided in 1938-39 will be repeated during the year 1939-40. Government is fully alive to the great scope of veterinary development in the district. The question of opening more veterinary hospitals will be considered when the District Board is willing to contribute its share of expenditure on their maintenance, etc.

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APPOINTMENT OF PAID STAFF IN PLACE OF HONORARY INSPECTORS, CO-OPERATIVE SOCIETIES.

***4657. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister of Development be pleased to state—

- (a) whether it is a fact that this year the honorary inspectors of co-operative societies are being replaced by the paid staff ;
- (b) whether it is a fact that the Registrar, Co-operative Societies, Punjab, Lahore, has spoken well of the work done by the honorary inspectors in his annual report ;
- (c) if the answers to (a) and (b) above are in the affirmative, the benefit in view in appointing the paid staff and the reasons why the services of honorary inspectors are dispensed with ?

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

(b) Yes.

(c) Because departmental control over the honorary inspectors cannot be as strict and efficient as over paid inspectors.

REALISATION OF DEBTS BY CO-OPERATIVE CREDIT SOCIETY, NAISANG AND BY OTHER SUCH SOCIETIES IN THE PUNJAB.

***4669. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Development be pleased to state—

(a) whether he is aware that the co-operative credit society of Naisang, tehsil Karnal, in the famine-stricken area is realising its debts, and attaching and auctioning the property of its debtors in spite of the fact that famine conditions are prevailing in the area ; if so, what action, if any, does the Government propose to take in the matter ;

(b) whether there are any such co-operative societies in the Ambala division or other parts of the province also which are realising debts in areas where famine conditions prevail ?

The Honourable Chaudhri Sir Chhotu Ram : (a) It is not correct to say that Naisang is in the famine-stricken area ; nor is it clear which of the three co-operative societies there is referred to. It may, however, be stated that when the Assistant Registrar visited the village last December the societies were trying to realize their debts only from defaulters who were withholding payments wilfully. Two of the three societies were in special difficulty, because some of their members had applied for insolvency.

(b) The Co-operative Department long ago issued instructions that members of societies were not to be pressed in famine-stricken areas and there is no reason to suppose that these instructions are not being carefully complied with.

Pandit Shri Ram Sharma : May I know if these laws relating to indebtedness apply to these societies ?

Minister : The honourable member's question does not arise out of the original question or the answer thereto.

Pandit Shri Ram Sharma : Where was the harm if you had supplied the information ?

Pandit Shri Ram Sharma : In view of the answer given to part (b) of the question may I enquire if these societies made any recoveries of debts during the last year ?

Minister : I have already given a reply to that question. We have already issued instructions to these societies that they should not press the debtors in the famine-stricken areas ;

Pandit Shri Ram Sharma : I want to know if these societies have made any recoveries in Rohtak and Hissar districts.

Minister : I have already stated that no debtor has been treated harshly. But those who could afford to pay were asked to pay their debts.

Pandit Shri Ram Sharma : Were any recoveries made ?

Minister : Presumably some recoveries have been made.

Pandit Shri Ram Sharma : Has it come to the notice of the Government that co-operative societies in the Rohtak district spent Rs. 476 on litigation resulting in recoveries to the extent of Rs. 15 only ?

Minister : That has not come to my notice.

Pandit Shri Ram Sharma : These are the things that should come to your notice. (*Laughter.*)

STUDENTS ADMITTED TO PUNJAB VETERINARY COLLEGE, LAHORE.

***4696. Lala Duni Chand :** Will the Honourable Minister of Development be pleased to state—

- (a) the total number of students admitted into the Punjab Veterinary College, Lahore, last year and the number of students so admitted community-wise ;
- (b) to what extent and in which cases the standard of fitness for admission was lowered to make up or to maintain the proportion of communal representation in the above-mentioned institution during this period ;
- (c) whether Government has observed any deterioration in the quality of the output of the above institution since the admission on communal basis has been decided upon ?

The Honourable Chaudhri Sir Chhotu Ram : (a) Eighty-five candidates were admitted last year as follows :—

Muslims	..	..	..	84
Hindus ..	..	..	..	34
Sikhs ..	..	..	..	17
Total ..				85

(b) In no case whatever.

(c) No. Intellectual capacity would not appear to be the monopoly of any particular community.

INDUSTRIAL SCHOOL FOR GIRL STUDENTS.

***4717. Begum Rashida Latif Baji :** Will the Honourable Minister of Development be pleased to state whether he is aware of the fact that there is no industrial school in Lahore having a hostel attached to it to accommodate girl students coming from *muffasils* and desirous of receiving industrial education ; if so, whether and when it is intended to open such a school in Lahore ?

The Honourable Chaudhri Sir Chhotu Ram : There are two industrial schools for girls in Lahore. Neither of them has a hostel attached to it. The question of the need and feasibility of providing hostel accommodation will be considered.

DEPUTY DIRECTOR OF AGRICULTURE, GURDASPUR.

***4756. Makhdumzada Haji Sayad Muhammad Wilayat Husain Jeelani :** Will the Honourable Minister of Development be pleased to state—

- (a) whether the Deputy Director of Agriculture, Gurdaspur, who has been posted there for the last 4 years has ever inspected

the tahsil of Shakargarh or delivered any lecture on agriculture for the benefit of the agriculturists ;

(b) whether the officers of agricultural department are expected to tour regularly in the areas under their jurisdiction ;

(c) if the reply to the above be in the affirmative, what action Government proposes to take in the matter ?

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

(b) Yes.

(c) Does not arise.

Chaudhri Abdul Rahim (Shakargarhi) : Is it a fact that the Poultry Farm, Gurdaspur, is also under the administrative control of the Deputy Director of Agriculture, Gurdaspur ?

Minister : I think it is under him.

Chaudhri Abdul Rahim : Has any embezzlement taken place in the said Poultry Farm ?

Minister : Embezzlement of hens ? (*Laughter.*)

Chaudhri Abdul Rahim : Not of hens but of public money.

Minister : I require notice of that question.

YUSAFWALA AGRICULTURAL FARM.

***4780. Chaudhri Kartar Singh :** Will the Honourable Minister of Revenue be pleased to state—

(a) the total number of squares of land situated in the Yusafwala Agricultural Farm, district Montgomery ;

(b) whether at some previous time the Government had decided to distribute half of the land of the above-named farm among the zamindars for producing better seed ; if so, the action, if any, taken or intended to be taken in this connexion ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) One hundred and twenty-five rectangles, 12 acres, 5 kanals and 11 marlas.

(b) *First part :* Yes.

Second part : The matter is under consideration.

Chaudhri Kartar Singh : May I enquire as to whether the Government intends to distribute those lands in 1941 ?

Minister : We have not yet formed any proposal on the subject.

Chaudhri Kartar Singh : Does the Honourable Premier propose to distribute these lands at the end of the term of the present Assembly, so that he may derive a political advantage out of the distribution ?

Mr. Speaker : I disallow that question.

TOTAL AMOUNT SPENT ON INDUSTRIES IN KANGRA DISTRICT.

***4789. Pandit Bhagat Ram Sharma :** Will the Honourable Minister of Development be pleased to state the total amount spent on different industries in Kangra district including Kulu sub-division and the amount

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of loan, if any, advanced under the Industrial Loans Act or State Aid to Industries Act, during the financial year 1938-39 ?

The Honourable Chaudhri Sir Chhotu Ram : A statement showing the schemes operating in the Kangra district including Kulu sub-division for the industrial development of the area together with figures of budget estimate for the year 1938-39 is laid on the table.

Loans amounting to Rs. 5,200 only were advanced under the Punjab State Aid to Industries Act in the said area during the financial year 1938-39.

Pandit Bhagat Ram Sharma : May I know the name of the industry for which this loan under the Punjab State Aid to Industries Act was granted ?

Minister : I cannot answer this question without a fresh notice.

Statement showing schemes operating in Kangra district including Kulu sub-division for the industrial development of the area.

Name of scheme.	Budget estimate, 1938-39.	
	Rs.	
1. Government Industrial School, Kulu	12,015	
2. Willow Plantation	1,000	
3. Demonstration Wool Spinning and Weaving Party, Kangra district	7,700	
4. Women's Travelling Demonstration Party, Kulu	4,020	
5. Wool Teasing, Carding and Finishing Station, Kulu	9,036 (R.).	
6. Sericulture Grainage	13,280 (N. R.).	
	10,000	

SPINNING AND WEAVING PARTY SENT TO KANGRA DISTRICT.

***4790. Pandit Bhagat Ram Sharma :** Will the Honourable Minister of Development be pleased to state the date on which the spinning and weaving party was sent to the Kangra district with the total amount spent on the pay and travelling allowances of the staff of the said party from the date of its appointment up to the 15th of March, 1939 ?

The Honourable Chaudhri Sir Chhotu Ram : The Government Demonstration Spinning and Weaving Party reached Palampur on 4th August, 1938, but actually started work from the end of September, after fitting of looms had been completed and students admitted.

The following amounts have been spent on the pay and travelling allowance of the staff up to the 15th March, 1939 :—

	Rs.	A.	P.
Pay	939	13	0
Travelling allowance	30	9	0

Pandit Bhagat Ram Sharma : May I know how many students are under training ?

Minister : I cannot answer this question without a fresh notice.

DEBT CONCILIATION BOARD, KANGRA.

***4791. Pandit Bhagat Ram Sharma :** Will the Honourable Minister of Development be pleased to state the total number of cases entertained by the Debt Conciliation Board, Kangra, and the number of cases decided by it up to the 15th March, 1939 ?

The Honourable Chaudhri Sir Chhotu Ram :

Number of applications entertained	..	..	493
Number of cases decided	..	..	31

**NAMES OF PERSONS EMPLOYED BY THE HONOURABLE MINISTER OF
DEVELOPMENT FROM THE SOUTH-EASTERN DISTRICTS
IN DEPARTMENTS UNDER HIM.**

***4820. Chaudhri Sahib Ram :** Will the Honourable Minister of Development be pleased to lay on the table a statement showing caste-wise the number and names of those employed in the departments under him since 1st April, 1937, from each of the districts of Rohtak, Gurgaon, Hissar and Karnal and the ratio of the number of persons employed from Rohtak district as compared to the total number of persons employed from these districts during this period in the said department ?

The Honourable Chaudhri Sir Chhotu Ram : The collection of the information asked for will involve labour not commensurate with the results obtainable.

Pandit Shri Ram Sharma : May I enquire as to whether the Honourable Minister has appointed so many persons from these four districts that now he thinks it is difficult to count them.

Mr. Speaker : Does not arise from the answer given.

Pandit Shri Ram Sharma : The question is quite simple and plain. The honourable member who has put this question only asks as to how many persons from these four districts have been employed in the departments under him and what is the ratio of the number of persons employed from Rohtak as compared with the total number of persons employed from these districts ?

Minister : There are so many departments and so many posts, so many districts and so many tribes that it is almost impossible to collect the required information.

Pandit Shri Ram Sharma : Am I then to understand that he has employed so many persons under him that now it is feared that collection of the required information regarding them would involve too much time and labour ?

Pandit Shri Ram Sharma : May I ask as to how many departments are under him at present ?

Minister : At least six.

STATE AID FOR INDUSTRIAL DEVELOPMENT IN HARYANA.

***4924. Pandit Shri Ram Sharma :** Will the Honourable Minister of Development be pleased to state—

(a) the schemes introduced or proposed to be introduced, investigations made or proposed to be made and loans already advanced or proposed to be advanced under State Aid for Industrial Development in the Haryana districts (Rohtak, Gurgaon, Hissar and Karnal) ;

(b) what special steps the Government propose to take in order to industrialize these districts ?

The Honourable Chaudhri Sir Chhotu Ram : (a) A statement is laid on the table.

(b) The claims and needs of the districts in question have received and will continue to receive the attention of Government. After the survey, now in hand, is completed it should be possible to draw up a planned programme of industrialisation.

Pandit Shri Ram Sharma : On a point of order, Sir. Since we cannot read the statement laid on the table it is extremely difficult for us to put supplementary questions and gather further information in the matter. It is, therefore, requested that in future the Minister concerned should be asked to supply a copy of such a statement to the member who had put that question, before the question hour begins.

Mr. Speaker : Our Rule 27 provides exactly what the honourable member has suggested.

Pandit Shri Ram Sharma : Assuming that the figures given in the statement are inadequate, may I enquire from the Honourable Minister as to why the Government does not care to pay special attention to these four districts with respect to state aid to industries, and other help in the direction of industrialisation.

Minister : I am afraid my honourable friend's assumptions are absolutely unfounded.

Pandit Shri Ram Sharma : May I request him to read out his statement provided it is not lengthy ?

Minister : No, Sir, it is very lengthy.

Statement.

Schemes introduced.

Government maintains the following industrial institutions in the districts of Rohtak, Gurgaon, Hissar and Karnal :—

- (1) Government Industrial School, Rewari. It provides training in weaving and leather work.
- (2) Government Industrial School, Rohtak. It imparts training in weaving as the main trade.
- (3) Government Industrial School, Panipat. Wool spinning and weaving is the main trade taught in the school.
- (4) Government Industrial school, Hissar. A wool spinning and weaving party also works in the district.
- (5) S. P. G. Mission Industrial School, Gurgaon, which teaches leather work and carpentry is in receipt of grant-in-aid from Government.

The following parties are working in the aforesaid districts :—

- (1) Government Travelling Demonstration Party to help the village blacksmith. This party has started working in the Gurgaon district.
- (2) Government Travelling Demonstration Party for glue makers. It has given training at Rohtak and Rewari.
- (3) Government Travelling Demonstration Party for the betterment of vegetables and essential oil industry. This party started work in Hissar district. It is now working at Jhajjar (Rohtak district).

In order to encourage industrial education in rural areas, a provision has been made for the grant of 20 stipends of Rs. 7 per mensem each for training in (i) improved methods of dyeing and printing, and (ii) manufacture of leather goods. Some of these stipends will be awarded to persons from the aforesaid districts.

Scheme proposed to be introduced.

Party to teach improved methods of extracting and manufacturing ammonium chloride (Naushadar).

This party will work in Karnal district.

Investigations proposed to be made.

Government has undertaken an industrial survey of the province which would include the districts of Rohtak, Gurgaon, Hissar and Karnal.

Loans granted under the Punjab Industrial Loans Act and the Punjab State Aid to Industries Act.

The following loans have been granted in these districts—the industry assisted in each case has been noted :—

Serial No.	Name of the borrower.	Industry assisted.	Amount of loan.
			Rs.
1	Mr. Sukh Lal Adharmi, Karnal ..	Shoe making	3,000
2	Shaikh Muhammad Ismail of Hissar ..	Tanning	2,000
3	Messrs. Abdul Rahim, Wazir-ud-Din of Hansi, district Hissar.	Tanning	3,000
4	Chaudhri Fayaz Hussain of Panipat, district Karnal.	Tin and Brass work ..	1,500
5	Shaikh Muhammad Ismail of Hissar ..	Tanning	4,500
6	S. Rajendar Singh of Birbal Suha, district Karnal.	Manufacture of sugar ..	4,000
7	Chaudhri Harphul Singh of Kanonda, district Rohtak.	Manufacture of silk saris in Textile Factory at Amritsar.	5,000

AGRICULTURAL FARMS IN SOUTH-EASTERN DISTRICTS.

*4826. **Pandit Shri Ram Sharma** : Will the Honourable Minister of Development be pleased to state—

- (a) the yearly income and expenditure, separately of the agricultural farms in the South-Eastern districts (Rohtak, Gurgaon, Hissar and Karnal);
- (b) the improvement in agriculture in districts with farms as compared with those without farms;

[Pandit Shri Ram Sharma.]

- (c) special improvements and experiments made and instructions and guidance imparted to the zamindars by each farm of these districts ?

The Honourable Chaudhri Sir Chhotu Ram : (a) A statement showing the annual income from and expenditure on the agricultural farms in Rohtak, Gurgaon, Hissar and Karnal districts is placed on the table.

(b) It is impossible to draw a comparison between the state of agriculture in districts which possess farms and those which do not. The object underlying this part of the question appears to be intended to bring out the value of such farms from a demonstration point of view, but in no case is the object of any of the farms in question primarily demonstrative ; and since each of the districts in the South-East Punjab possesses a farm, that part of the province does not afford the necessary means of comparison stated in the question. These farms are all used primarily for experimental work in order to discover methods of cultivation, improved seeds, etc., which are best for the localities concerned.

(c) It is not possible to go into this part of the question in detail. In many cases the research has not yet reached a stage when it has produced results which can be finally recommended to the cultivator. Thus, the dry farming experiments at Rohtak are still at an early stage. On the other hand results of definite value have been obtained and put into practice on a wide scale as a result of work done on some of the farms. For instance, the work at Hansi has produced the now well-known Bhatla Desi cotton sown extensively in the south-east of the Province. Sirsa has produced some useful varieties of *bajra* and *jowar* and Karnal has indicated definitely the varieties of sugarcane which thrive best in the tract. As soon as research has proved the value of a new method or a new kind of seed at any of these farms, it is advocated by the district work staff and the cultivators in general in the locality affected, are advised to adopt it ; at the same time demonstrations are given on their holdings to show the local value of the improvement.

Pandit Shri Ram Sharma : May I know when the farm at Rohtak was established ?

Minister : Probably it was established in 1914.

Pandit Shri Ram Sharma : How is it that all the schemes which are being worked at this farm are yet in an experimental stage ?

Minister : The honourable member is probably unaware that during the last four or five years the Rohtak farm has undergone a metamorphosis. It is now being financed by the Government of India and experiments in dry farming are being conducted on it.

Pandit Shri Ram Sharma : In how many districts of the province are there no agricultural farms ?

Minister : In three or four districts there are no farms.

Pandit Shri Ram Sharma : Is it that the people of those districts are not desirous of improving their agriculture and so they have not.

approached the Government with a request to establish farms in their districts ?

Minister : They do complain that they are being ignored and request that their case may also be sympathetically considered.

Pandit Shri Ram Sharma : Which are those districts that applied for farms ?

Minister : I require notice.

Statement showing the income from and expenditure on the agricultural farms in Rohtak, Gurgaon, Hissar and Karnal districts, during the year 1937-38.

Serial No.	Name of the Farm	Area in acres.	Expenditure.	Income.
			Rs.	Rs.
1	Rohtak	100	34,352	2,228
2	Gurgaon	100	969	926
3	Hansi	589	22,836	7,732
4	Sirsa	145	35,824	2,769
5	Karnal	100	6,407	1,765

RULES FRAMED REGARDING THE AGRICULTURAL PRODUCE MARKETS BILL.

***4387. Sardar Sahib Sardar Santokh Singh :** Will the Honourable Minister of Development be pleased to state when he expects to bring before the Assembly for its approval the rules framed in respect of the Agricultural Produce Markets Bill and whether he hopes to do this in the present session of the Assembly ?

The Honourable Chaudhri Sir Chhotu Ram : Rules have not been framed so far. When they have been framed they will be published and the Assembly will have an opportunity of expressing its views regarding such changes as it may desire. But the previous approval of the Assembly is not necessary.

MR. ALI MUHAMMAD, SUB-DIVISIONAL OFFICER.

***4351. Munshi Hari Lal :** Will the Honourable Finance Minister be pleased to state—

- (a) whether it is a fact that a report under section 342, Indian Penal Code, was registered at the police station Alpa, tahsil and district Multan, against Mr. Ali Muhammad, Sub-Divisional Officer, Canal, for wrongfully confining and beating one Ghulam Nabi in or about July, 1938 ;

[Munshi Hari Lal.]

- (b) whether the police investigated the case, if so, with what result ;
- (c) whether it is a fact that the statement of the complainant and the witnesses were recorded by a magistrate at Multan under section 164, Criminal Procedure Code, in the case ; if so, who was the magistrate and when did he record the statement ;
- (d) whether it is a fact that sanction was sought for from the Local Government for the prosecution of the above-mentioned sub-divisional officer ; if so, was it given or refused and if so, when ?

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

(b) Yes. The police investigated the case and requested the District Magistrate, Multan, to obtain the sanction of the provincial Government to the prosecution of Chaudhri Ali Muhammad.

(c) Yes. The statements of the complainant and the witnesses were recorded on the 15th and 16th August, 1938, by Mr. D. W. M. Skeaf, Section 30 Magistrate, Multan, under section 164, Criminal Procedure Code.

(d) Yes. Sanction for prosecution under section 323, Indian Penal Code was given on the 10th of November 1938.

FILLING OF VACANCIES UNDER LEGAL REMEMBRANCER.

***4357. Munshi Hari Lal :** Will the Honourable Finance Minister be pleased to state—

- (a) whether it is a fact that applications were recently invited by the Legal Remembrancer to Government, Punjab, Lahore, for clerkships under his control ; if so, how many appointments were to be made ;
- (b) whether appointments were to be made by selection or competition ;
- (c) whether vacancies were to be filled community-wise ; if so, in what proportion or number ?

The Honourable Mr. Manohar Lal : (a) Yes. Eight appointments are to be made.

(b) By selection.

(c) No proportions according to communities have been prescribed for recruitment to these appointments but the Legal Remembrancer is conscious of the general need for preserving a proper communal balance in his office.

COMPANIES WOUND UP OFFICIALLY BY THE HIGH COURT, LAHORE.

***4523. Dr. Gopi Chand Bhargava :** Will the Honourable Finance Minister be pleased to state the number of companies wound up officially by the High Court, Lahore, their names, the names of the Liquidators who worked in connexion with the liquidation of those companies and the rate of remuneration and total amount paid to each of them so far, after 1st April, 1937 ?

The Honourable Mr. Manohar Lal : As has been explained on more than one occasion the appointment and remuneration of official liquidators is a matter within the judicial discretion of the High Court. So far as Government are aware the number of companies which have been in course of liquidation in the High Court during the period from the 1st April, 1937, onwards is 14. Statistics on the subject will doubtless be published in due course in the Note on the Administration of Civil Justice.

TRAVELLING ALLOWANCE DRAWN BY HONOURABLE MINISTERS.

***4528. Dr. Gopi Chand Bhargava :** Will the Honourable Premier be pleased to state—

- (a) the travelling allowances drawn by each of the Honourable Ministers during the period 1st August, 1938, to 25th February, 1939 ;
- (b) the places visited by them and the dates of these visits during this period ;
- (c) the offices inspected by them or other business transacted by them at these places ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :
(a) Such travelling allowance as was due under the rules and within the vote of the Assembly has been paid.

(b) and (c) The collection of this information would require an expenditure of time and labour out of all proportion to the results likely to be obtained. The information asked for in part (b) is usually given in the press at the time of the visit and if the honourable member attaches importance to it he should be able to obtain it from that source.

Pandit Shri Ram Sharma : On a point of order, Sir. It has been asked in this question: What is the amount of the travelling allowance drawn? The answer to it has been given by the Government that the amount was paid according to the rules. It is just like saying *sawal gandum, jawab chini*. Perhaps some inconvenient questions are parried by saying that the labour and cost involved in collecting the required information will not be commensurate with its result.

Parliamentary Secretary : This is probably the third or fourth time that such a question has been asked and the reply given.

Mr. Speaker : The honourable member may take the answer as a refusal to answer the question.

Chaudhri Muhammad Hassan : Is it a fact that since the amounts of the travelling allowance are very great, the answer is not supplied ?

Premier : The amounts are given in the budget.

SUPERSESSION OF CERTAIN ASSISTANT SUPERINTENDENTS OF JAILS BY NEW ENTRANTS.

***4662. Diwan Chaman Lal :** Will the Honourable Minister for Finance be pleased to state—

- (a) whether it is a fact that officiating Assistant Superintendents from serial Nos. 16 to 24 in the gradation list of the Upper

[Diwan Chaman Lall.]

Subordinates of the Executive Staff of the Punjab Jail Department, as it stood on 1st January, 1934, were appointed Assistant Superintendents from 1st April, 1933 ;

- (b) whether it is a fact that in February, 1934, when 8 more candidates who had received the training and passed the departmental examination in January, 1934, were going to be posted as officiating Assistant Superintendents, the Inspector-General of Prisons revised the existing gradation list in force, and in this list gave elevated positions to those eight in preference to those, who were already in service since 1st April, 1933 ;
- (c) whether it is a fact that in enforcing this revised list in February, 1934, the following action was resorted to ;
 - (i) the Assistant Superintendent on position No. 16 of the gradation list, dated 1st January, 1934, was degraded to position 19, and positions Nos. 15, 16, 17 and 18 were offered to candidates who had passed in January, 1934, and who were posted in February, 1934 ;
 - (ii) the special circumstances under which this official was degraded when he had a uniform good record of service up to date and the reasons which led to the 4 new entrants being given this elevated position, when they were being appointed to Jail Service for this first time ;
 - (iii) the Assistant Superintendent on position No. 17 of the gradation list, dated 1st January, 1934, was degraded to position 24 and position No. 20 was offered to a new candidate who joined the service in February, 1934, position No. 21 was reserved for a new candidate who joined up as late as June, 1935, position No. 22 was reserved for a candidate who joined in July, 1934, and position No. 23 for a candidate who joined in June, 1934 ;
 - (iv) the special circumstances under which this candidate who was already in service since 1st April, 1933, was degraded and these elevated positions were offered to new entrants, who were neither in service then nor had they any such prospects for some time to come ;
 - (v) that consequent upon this the officiating Assistant Superintendents holding position Nos. 18 to 24 in the gradation list, dated 1st January, 1934, were degraded to positions 25 to 31, respectively ;
- (d) if the answers to the above be in the affirmative, the circumstances under which the officiating Assistant Superintendents already in service and holding a definite position were degraded from their positions without any cause when their record of service up to that date was uniformly good and also the special circumstances under which the above new entrants were given this preferential treatment ?

The Honourable Mr. Manohar Lal : If the honourable member will refer to the answers given to starred questions Nos. 4085¹ and 4896² he will find that the points raised in the present question have already been explained. I am afraid that all these questions are based on a misunderstanding of the position of these candidates. They were approved as candidates in May 1933 and it was specifically stated that they were approved in no order of merit at that time, although it was well known to Government that some of them were actually officiating as assistant jailors and had been trained as assistant jailors while others were untrained and had not so officiated. Further, each one of these candidates at the time of taking training was clearly told that the training created no claim whatsoever to subsequent appointment. Government deliberately refrained from admitting any claim to priority on any account, though it was said that in giving permanent appointments, the main considerations would be the records of these candidates while under training and in officiating positions. If subsequently the policy of always offering officiating appointments in order of length of service had been adopted, those most junior might have had little or no opportunity of officiating before a permanent vacancy occurred and there thus would have been no material on which to judge their relative capacities in officiating appointments. Government have not admitted and do not admit any obligation to give these candidates officiating vacancies in any order of seniority at all. The fact that the Inspector-General of Prisons has from time to time made out lists of these candidates in varying orders of merit for his own convenience does not alter this fundamental position. Subject to what I have said the answers to the various parts of the Honourable Member's question are as follows :—

(a) This is not entirely correct. These candidates had been officiating as Assistant Jailors at the time when they were approved as candidates by Government. They were allowed to draw the pay of officiating Assistant Superintendent from the 1st of April, 1933. They were not appointed Assistant Superintendents on that date nor have they subsequently been so appointed. They are still merely approved candidates.

(b) As I have already explained, these candidates although officiating as Assistant Superintendents were not appointed as permanent Assistant Superintendents from the 1st of April, 1933. They were approved candidates who, though trained earlier, belonged to the same batch as the others who received their training and passed their departmental examination in 1934. I should point out that the printed gradation list of 1st January, 1934, only shows those candidates who happened at that time to be officiating as Assistant Superintendents. Later gradation lists show all approved candidates whether they are in fact officiating as Assistant Superintendents or not. I must further make it clear that the printed list of January 1st, 1934, is not the original list made by the Inspector-General according to the order of merit he had considered correct. As this list only contains officiating assistant superintendents it obviously had to omit all the untrained candidates who were not yet in a position to officiate. But the Inspector-General had already in July 1933, made out a provisional order of merit of all the candidates.

¹Vol. VIII, page 893.

²Page 3 ante.

[Minister for Finance.]

based on the material then available. Marks were given for the various qualifications as I have already mentioned in my answer to question No. 4085. Certain marks were actually allotted for previous jail service but in spite of this advantage some of these who had previous jail service were unable to obtain as large a total sum of marks as other candidates who had no previous jail service and consequently received no marks on that account. The result was, that in the list made in July 1933 certain untrained candidates obtained a higher place in the Inspector-General's list than the candidates who had been trained. The revision of the Inspector-General's order of merit in February 1934 after all candidates had received their training did not affect the position of the trained candidates as fixed in July 1933. It only affected the order of merit of those trained in 1934 *inter se*.

(c) and (d) In view of what I have said, it will be recognised that no question of elevation or degradation in February 1934 arises. The position of the earlier trained candidates *vis-a-vis* the later trained candidates was not changed then from the position that had already been allotted in July 1933. When the question of any permanent appointment arises, due consideration will be paid, other things being equal, to length of service in the Jail Department.

PURCHASE OF LAND BELONGING TO LATE LALA HARKISHAN LAL
BY A DISTRICT AND SESSIONS JUDGE.

***4667. Dr. Gopi Chand Bhargava :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that a district and sessions judge purchased during the years 1937 and 1938 in the name of his wife and son from Special Official Receiver, agricultural land in Sheikhpura district, which belonged to late Lala Harkishan Lal or Messrs. Harkishan Lal and Sons, if so, the area of the land purchased by him and the price at which it was purchased ;
- (b) whether before purchasing the land the said district and sessions judge, obtained the sanction of the Government as required by Government Servants Conduct Rules (1935) No. 9 (iv) ;
- (c) whether similar land was sold in this village during those days ; if so, at what price ?

The Honourable Major Sir Sikander Hyat-Khan : (a) The immovable property of Harkishan Lal's estate was offered for sale in December 1936 and notices to this effect appeared in ten newspapers. In the case of two lots (detail below) an offer made by the wife and son of Khan Bahadur Sheikh Din Muhammad, District and Sessions Judge, was the highest received :—

	Rs.
About fourteen squares of land situated in Mission village (Sheikhpura)	14,100
Seventy-two kanals of land in the Shahdara tahsil (Sheikhpura)	1,400

After taking into account the condition and yield of the lands the offer was accepted by the High Court, in February, 1937.

(b) No. Government sanction was not necessary since the purchase was made by the wife and son of the officer. In his annual declaration these purchases were shown, as required by standing orders.

(c) Government have no detailed information of any such sales.

Some land was sold in Mission village at Rs. 19 per kanal in 1938-39 and in Shahdara at Rs. 88-11-0 per kanal in 1937-38.

TRAVELLING ALLOWANCE DRAWN BY MINISTERS AND PARLIAMENTARY SECRETARIES WHO TOURED THE FAMINE-STRICKEN AREAS OF HISSAR DISTRICT.

***4702. Chaudhri Sahib Ram :** Will the Honourable Premier be pleased to state—

(a) the names and designations of Honourable Ministers, Parliamentary Secretaries and other high officers of the Punjab Government who toured the famine-stricken areas of Hissar and the total amount of travelling allowance or daily allowance drawn by them or bills for payment given by them ;

(b) the dates on which the Honourable the Premier Sardar Sir Sikander Hyat-Khan, the Honourable Minister of Development Chaudhri Sir Chhotu Ram, Sir Sunder Singh Majithia the Honourable Minister of Revenue and the Parliamentary Secretaries, General and Finance, toured the famine-stricken area of the Hissar district from September, 1938, to 18th February, 1939, and the amount of travelling allowance drawn by each of them ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a) The collection of this information would require an expenditure of time and labour out of all proportion to the results likely to be obtained.

(b) The information asked for in the first portion is usually given in the press at the time of the visit and if the honourable member attaches importance to it he should be able to obtain it from that source. As regards the last portion such travelling allowance as was due under the rules and within the vote of the Assembly has been paid.

Chaudhri Kartar Singh : Is the Parliamentary Secretary aware of the fact that separate accounts are kept for every department in the office of the Accountant-General ?

Parliamentary Secretary : Yes, it is so.

Chaudhri Kartar Singh : Is it not possible to find out the accounts of every department ?

Parliamentary Secretary : All the accounts are there in the books.

Chaudhri Kartar Singh : Then what stands in the way of my honourable friend to obtain the required information ?

Parliamentary Secretary : I am glad to find a Jat friend so well-versed in the matter of accounts. (*Laughter.*)

Dr. Gopi Chand Bhargava : Is a non-agriculturist Parliamentary Secretary justified in hinting that the Jats do not know any thing about accounts ? (*Renewed laughter.*)

Pandit Shri Ram Sharma : If figures about the expenditure on ministers and parliamentary secretaries are not available it must at least be possible to find out the expenditure on travelling allowances on other high officials ?

Pandit Muni Lal Kalia : May I know how much expenditure is involved in collecting the information ?

Premier : On an average Rs. 250 are spent in collecting the necessary information to answer one question. And for every minute that my honourable friends take for speech making the province suffers to the tune of Rs. 20.

Pandit Muni Lal Kalia : The responsibility for that waste rests with you who do not allow us to proceed and keep on interrupting us without any rhyme or reason.

***4705.** *Cancelled.*

DECREASE IN STRENGTH OF JUDICIAL STAFF DUE TO DECREASE
IN CIVIL LITIGATION.

***4722. Khan Muhammad Yusuf Khan :** Will the Honourable Finance Minister be pleased to state—

- (a) whether it is a fact that civil litigation in the province has decreased during the last two years ;
- (b) if the reply is in the affirmative, whether the Government intend to effect a proportionate decrease in the judicial staff, if not, why not ?

The Honourable Mr. Manohar Lal : (a) Yes, so far at any rate as money suits are concerned.

(b) The possibility of reducing the number of subordinate judges has been constantly in the mind of Government for the last three years. It has now been decided, after discussion with the Honourable Judges, to hold in abeyance five subordinate judgeships which have been in existence on a temporary basis for some years past, and not to fill these posts unless it is necessary to do so in order to provide for officers reverted from special appointments or for other exceptional reasons. The whole question is to be examined again towards the end of the year in the hope that it may be found possible to effect a further reduction.

FLOGGING OF PRISONERS IN PUNJAB JAILS.

***4735. Sardar Sohan Singh Josh :** Will the Honourable Minister of Finance be pleased to state the number of cases of flogging of prisoners in the Punjab jails in the year 1938 and the reasons in each case of the flogging of these prisoners ?

The Honourable Mr. Manohar Lal : Eight prisoners were flogged in the jails of the Punjab during the year 1938. Three were flogged for offences connected with sodomy, four for assaults on jail officials and one for assaulting a fellow convict.

Sardar Sohan Singh Josh : Has the Government issued any circular in regard to flogging ?

Minister : No circular has been issued.

Sardar Sohan Singh Josh : Has the Government any considered policy in regard to flogging ?

Minister : It is not the policy of the Government to encourage flogging.

Lala Deshbandhu Gupta : Has there been any change on the part of Government in regard to this matter ?

Minister : I do not know whether I could discuss the big question of policy in answer to a question but I think I can fairly say that Government is discouraging flogging.

Lala Duni Chand : Has Government ever considered the question of abolishing flogging ?

Minister : If by Government I am meant, I have considered the question with some care and anxiety.

Pandit Shri Ram Sharma : Is flogging in jails on the increase or decrease ?

Minister : I find it very difficult to answer this question, but I am inclined to think that it is less.

Lala Deshbandhu Gupta : In what manner has the Honourable Minister tried to discourage this practice of flogging ?

Minister : My views do not remain unknown.

Lala Deshbandhu Gupta : Has he issued any circular ?

Minister : No.

Lala Deshbandhu Gupta : Has he given oral orders ?

Minister : My views are fairly known.

DEATHS OF PRISONERS IN PUNJAB JAILS.

***4736. Sardar Sohan Singh Josh :** Will the Honourable Minister of Finance be pleased to state the number of deaths of prisoners that took place in the year 1938 in the Punjab jails and the reasons for these deaths in each case ?

The Honourable Mr. Manohar Lal : 118. A statement is laid on the table.

Statement.

1. Pneumonia	22
2. T. B. Lungs	32
3. Other T. B.	2
4. Heart Failure	4
5. Cerebro-spinal Fever	8
6. Opium poisoning	1
7. Chronic Nephritis	2
8. Hyperplasia	1
9. Atrophic Cirrhosis of Liver	3
10. Erysipelas	1
11. Injury	3
12. Chronic Bright's disease	1
13. Malaria Malignant	1
14. Melancholia	1
15. Enteric Fever	5
16. Intestinal Colic	1
17. Stricture of Urethra	1
18. Cerebral Thrombosis	2
19. Septicæmia	2
20. Heat Stroke	8
21. Asphyxia due to strangulation	2
22. Carcinoma of bowels	1
23. Chronic Alcoholic Gastritis	1
24. Septic Cystitis	1
25. Dysentery	1
26. Congested Prolapsed Rectum	1
27. Pyæmia	1
28. Chronic Bronchitis	1
29. Influenza	2
30. Debility	1

QUESTION OF IMPOSING EMPLOYMENT TAX ON CIVIL SERVANTS.

***4740. Sardar Hari Singh :** Will the Honourable Minister of Finance be pleased to state whether the Government has considered or intends to consider the question of imposing employment tax on Civil servants drawing high salaries ?

The Honourable Mr. Manohar Lal : Government has not considered any such question, but the general question of a tax on professions, trades, callings and employments in terms of item 46, 7th Schedule, List II of the Government of India Act, 1935, is under the consideration of the Committee on Resources and Retrenchment.

FRESH SOURCES OF REVENUE.

***4741. Sardar Hari Singh :** Will the Honourable Minister of Finance be pleased to state whether Government has considered or intends to consider the question of tapping fresh sources of revenue, if so, what?

The Honourable Mr. Manohar Lal : Government will consider the question on receipt of the report of the Resources and Retrenchment Committee.

CONTRACT FOR CARRYING PRISONERS.

***4763. Lala Duni Chand :** Will the Honourable Premier be pleased to state—

- (a) the name of person or persons to whom the contract of carrying prisoners in lorries from jail to courts and back and from one place to another place in the Punjab by motor-vehicles, has been given ;
- (b) the rate of charges and the yearly cost of the same ;
- (c) on what basis the selection of a contractor or contractors has been made ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :
(a) The British Automobile Engineering Company of Lahore.

(b) Rs. 68,880 a year. This covers the supply of fifteen vans for the conveyance of prisoners in ten districts. Under the main agreement the vans are not normally to be used when the number of prisoners to be carried is less than five, and there is a subsidiary clause to cover cases when it is found necessary to employ the vehicles to convey such small parties. Expenditure under this special clause amounted to Rs. 324 in 1937-38 and Rs. 464 in 1938-39. In addition a contract has been made with the same company for the conveyance of prisoners between the subsidiary jail and the district courts at Amritsar at the rate of Rs. 100 per mensem.

(c) The firm mentioned was selected as having specialised in undertakings of this type. The present contracts expire on the 22nd November next, when the Inspector-General proposes to invite tenders for a new contract.

Lala Duni Chand : May I know why this monopoly has been given to one firm ?

Parliamentary Secretary : There is no question of monopoly. The contract was given to this firm by the previous Government.

Lala Duni Chand : Did the Government invite tenders ?

Parliamentary Secretary : This contract was given by the previous Government and not the present Government. The present Government intends to invite tenders when the contract expires.

1 P. M.

SHORT NOTICE QUESTION AND ANSWER.

LATHI CHARGE BY POLICE AT BEHRAMPUR.

Lala Duni Chand : Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that on 10th April, 1939, a public meeting was convened at Behrampur, tahsil Rugar, district Ambala, which was to be addressed by the Honourable Minister for Development ;

[Lala Duni Chand.]

- (b) whether the public meeting was open to the public and whether it is also a fact that through a written notice, zamindars were particularly asked to place their grievances before the Minister in that meeting ;
- (c) whether it is a fact that a number of men supposed to be Congress workers or Congress sympathisers were forcibly dragged away by the police and expelled from the meeting ; if so, the reasons therefor ;
- (d) whether it is a fact that a little later the police force assembled there, made a *lathi* charge upon an innocent crowd including those expelled with the result that good many of them received injuries ; if so, the reasons for making the *lathi* charge on the innocent crowd ;
- (e) whether it is also a fact that the hair and beards of some of the Congress men were pulled out and notable Congress men were forcibly disgraced and humiliated ; if so, on what grounds ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh): I regret the information is not yet available. It has been called for urgently and will be communicated to the honourable member as soon as it is received.

Lala Duni Chand : May I remind my honourable friend that an adjournment motion on this subject is awaiting him ?

Lala Deshbandhu Gupta : May I enquire from you, Sir, whether when the Government accepts a question at short notice, it does not imply that the Government is in a position to answer it ? Otherwise, what is the use of accepting it at short notice ?

Mr. Speaker : Does the honourable member mean that the Government should agree to answer a short notice question only in case the information asked for is already collected and available ?

Lala Deshbandhu Gupta : They could as well refuse to answer it at short notice on the ground that the information is not ready.

Mr. Speaker : The Parliamentary Secretary's answer is that the required information has been called for urgently.

Lala Duni Chand : If the information was not available, the Honourable Premier could get that information easily from the Honourable Sir Chhotu Ram who was present on that occasion.

ADJOURNMENT MOTIONS.

MEDIUM OF INSTRUCTION IN RECOGNISED SCHOOLS IN GURGAON DISTRICT.

Pandit Shri Ram Sharma : I ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the discontinuance of Hindi and Gurmukhi languages as medium of instruction in the middle classes of the recognised schools in Gurgaon district from 1st April, 1939,—*vide* circular order No. 717, dated 22nd March, 1939, and circular dated 2nd April, 1939, from the office of the District Inspector of Schools, Gurgaon.

Minister for Education (The Honourable Mian Abdul Haya) : My submission is that Government has no information about the circular which is supposed to have been sent out by the District Inspector of Schools, Gurgaon. Government has issued no circular nor has the Education Department. I am afraid that we cannot have a proper debate or a useful discussion on this motion to-day. I shall have to make the relevant enquiries to collect the necessary information. As soon as the necessary information is in my possession, I shall put myself in communication with the honourable member and after we have discussed it if he still thinks it necessary, he can renew notice of his adjournment motion. I may, however, point out that to me it looks that there was scarcely any necessity for the District Inspector of Schools to issue a circular of this nature, because according to the information that is available at the headquarters there is not even a single middle school in the Gurgaon district where Gurmukhi is the medium of instruction. The same appears to be the case as regards Hindi. I speak subject to correction. However, I undertake to collect the necessary information and I would ask my honourable friend not to insist on moving this motion and in the alternative, if he insists on moving it, I would request you not to allow it because no proper debate can be held at this stage.

Pandit Shri Ram Sharma : With your permission I would like to say a few words in connection with my adjournment motion. In the first place I wish to point out that if I do not move my adjournment now, then according to the rules now in force it will no longer remain an adjournment motion. Secondly, if I withdraw it now and move it later then it will be stated that the matter is not so urgent as to admit of discussion. It is a matter of great regret that the Honourable Minister for Education is not aware of the things that are being done under his very nose. In this connection I wish to read an extract from the circular so that the Honourable Minister for Education should know as to what is happening in the departments under his control.

Mr. Speaker : The honourable member may see the Honourable Minister in his room.

Minister : Possibly the honourable member has a private copy of the circular. He had better not read it.

Pandit Shri Ram Sharma : If you permit me and if the Honourable Minister has no objection I will read it out on the floor of the House.

Mr. Speaker : No, as it might result in discussion which does not appear to be necessary.

Pandit Shri Ram Sharma : There is no question of discussion at all. I wish to read the contents of the circular on the floor of this House. It is as follows :—

Lala Deshbandhu Gupta : If the Honourable Minister cares he can at least explain the point as to whether according to the policy that is followed by his department the question of issuing such a circular could arise and whether it is the policy of the Government to discourage Hindi as the medium of instruction.

Mr. Speaker : I disallow the question.

Pandit Shri Ram Sharma : I wish to know the exact time up till which I should hope for the reply. May I take it one day, two days or more. I want this assurance so that I should get a reply during this session. I am afraid that the session may come to an end and my adjournment motion remain unanswered.

Lala Deshbandhu Gupta : May I know what objection there is to put a question to the Honourable Minister? If the Honourable Minister agrees to give the answer, it may be allowed because in that case the necessity for the adjournment motion might be obviated if the Honourable Minister is in a position to satisfy us with a simple "yes" or "no," and we will thereby be saving the time of the House. Of course if he does not want to reply I cannot force him to do so under the rules.

Mr. Speaker : What is the question?

Lala Deshbandhu Gupta : The question is whether it is the policy—.

Mr. Speaker : I disallow the question as a Minister cannot be asked to express his opinion on a matter of policy.

LATHI CHARGE BY POLICE AT BEHRAMPUR.

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 wanton and unprovoked attack in the form of a *lathi* charge by the police force assembled at Behrampur, police station Rupar, district Ambala, on the 10th April, 1939, upon a number of men supposed to be Congress workers or Congress sympathisers who were present there in the public meeting to be addressed by the Honourable the Minister for Development with the result that several respectable men received injuries and the hair and beards of some of them were pulled.

Mr. Speaker : As official information is not available and as the Parliamentary Secretary has stated that, despite urgent steps being taken by Government, official information has not come up till now, I think the adjournment motion cannot be discussed. So, it would be unfair to allow the motion to-day.

Lala Duni Chand : One word with your permission. I had intimated to the Honourable Premier—.

Mr. Speaker : I cannot allow the honourable member to go beyond what has been stated on the floor of the House by the Parliamentary Secretary as well as by the honourable member himself.

Dr. Gopi Chand Bhargava : May I invite your attention to the fact that when the other day the notice of this adjournment motion was given, you were pleased to say that if a short notice question was handed over to you, you will see that it is replied to. It is quite possible that the House may not be in session to-morrow or the day after to-morrow that is at the time when the Government gets that information. They may only communicate it in writing as is done in the case of other questions. The other

day we submitted what was the use of accepting a short notice question if fourteen days were to be required for the collection of the information. If in ordinary cases information could reach the Government, why is it that information in this case has not reached the Government when notice was given on the 12th and to-day it is 18th? Are we to wait for another week for such an information?

Mr. Speaker : I do not wish to enter into discussion. There is much force in the honourable member's argument, but some latitude may be given to the Government, as information is yet to be collected.

Lala Duni Chand : My fear is that the object of Government is to avoid discussion of this matter.

Premier : My honourable friend is judging others from his own standards. My honourable friend gave notice of a short notice question after the last adjournment motion was ruled out of order. As soon as it was received in office we got into touch immediately with the local officers in order to get the necessary information. Two holidays intervened and therefore the information is not yet available. I have asked the Secretariat to again remind the local officers and ask them to send the information quickly. If it is received within the next two or three days, then my honourable friend can bring up his adjournment motion again.

Lala Duni Chand : May I know whether with all their resources it was difficult for the Government to get this information in time?

Premier : The information has to be verified before it is placed before this House. My honourable friend has based his motion on mere allegations, and we want facts and not allegations.

Diwan Chaman Lall : May I know whether any adjournment motion can be avoided merely on the ground that they want to collect verified information? That means that every adjournment motion will be ruled out of order on the ground that my honourable friend wishes to take time to collect information. That would be creating a new obstruction in the way of adjournment motion which cannot be consistent with the rules of this House.

Premier : Is it the view of my honourable friend that we can discuss these adjournment motions on incomplete information or information which may not be correct?

Diwan Chaman Lall : My view is that if the Government is efficient they can get all the information within 24 hours and if they do not want to evade the issue then they can get this information also.

Premier : I am prepared to pay my honourable friend all the expenses and give him the opportunity of collecting that information for me within 24 hours.

Diwan Chaman Lall : My honourable friend is really wanting to abdicate his authority. Do I understand that the Unionist Government has resigned?

Premier : You will have to wait for a long time to come for that.

Dr. Gopi Chand Bhargava : When the adjournment motion relating to Fatehwal was tabled, the Government obtained all the necessary information within 24 hours. Similar has been the case on other occasions. I do not know whether the information on those occasions was verified or not, though it proved to be false ultimately.

Mr. Speaker : Fatehwal is only 35 miles from Lahore.

HOURS OF SITTING.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : Before I make this formal motion, I should like to inform the House that it may be necessary for us to sit on Friday the 21st April, because if the Bill about the Badshahi Mosque Endowment Fund is ready by then, I would like the House to consider it and pass it so that in case we do not have a summer session, there should be no difficulty in collecting the cess very early next year. I hope, therefore, that the House would not mind sitting for an additional day which of course could not be notified earlier. But the Bill is urgent and is being brought forward in pursuance of the resolution passed by this House. I hope my honourable friend the Leader of the Opposition and other members of this House will accommodate me by taking up that Bill on the 21st and helping me to get it through on that very day.

Diwan Chaman Lall : My honourable friend has made one statement that there is not going to be a summer session. The other day, the Honourable Minister for Development categorically stated on the floor of this House that there would be a session and if there is a session, it would be held here and not in Simla. Do I take it that the Government have changed their mind with regard to the holding of a summer session ?

Mr. Speaker : A debate on statements made by ministers is irregular and therefore inadmissible.

Diwan Chaman Lall : It is only information that we seek for the convenience of the business of the members.

Premier : I never said that there would be no summer session nor did I say that there will be a summer session. All I said was that there may not be a session in summer and therefore we should pass the Bill in this session. But it may be necessary to hold a summer session for all I know at the moment, if an emergency arises or for some other important reason.

The motion is—

That on Thursday, the 20th April, 1939, the Assembly shall meet at 12 noon and the Speaker shall adjourn the Assembly at 4-30 P. M. on that day without question put.

Diwan Chaman Lall : May I know whether the ballot that has already taken place holds good ?

Mr. Speaker : That question does not arise at this stage. That is a matter between the Secretary and the honourable member.

Question is—

That on Thursday, the 20th April, 1939, the Assembly shall meet at 12 noon and the Speaker shall adjourn the Assembly at 4-30 P. M. on that day without question put.

The motion was carried.

COURT FEES (PUNJAB AMENDMENT) BILL.

Minister for Finance (The Honourable Mr. Manohar Lal) : I beg to introduce the Court Fees (Punjab Amendment) Bill.

I also move—

That the Court Fees (Punjab Amendment) Bill be taken into consideration at once.

The occasion for this measure is stated fully in the Statement of Objects and Reasons. I have nothing to add to this statement.

Mr. Speaker : The question is—

That the Court Fees (Punjab Amendment) Bill be taken into consideration at once.

The motion was carried.

Mr. Speaker : The question is—

That clause 1 stand part of the Bill.

The motion was carried.

Mr. Speaker : The question is—

That clause 2 stand part of the Bill.

The motion was carried.

Mr. Speaker : The question is—

That the preamble be the preamble of the Bill.

The motion was carried.

Mr. Speaker : The question is—

That the title be the title of the Bill.

The motion was carried.

Minister (The Honourable Mr. Manohar Lal) : I beg to move—

That the Court Fees (Punjab Amendment) Bill be passed.

The motion was carried.

PRIMARY EDUCATION BILL.

Minister for Education (The Honourable Mian Abdul Haye) : I move—

That the Punjab Primary Education Bill as reported by the select committee be taken into consideration.

Dr. Gopi Chand Bhargava : Before you proceed further I have to give a personal explanation regarding what happened yesterday in the course of the debate. I have not been able to get hold of the whole speech which was made by Diwan Chaman Lal, but I read in the papers to the effect that I knew about the ruling or the discussion, about the matter of the Partap, with the Deputy Speaker.

Mr. Speaker : I have no recollection of any such thing having been said. The motion that the Primary Education Bill be taken into consideration has been moved.

Dr. Sir Gokul Chand Narang : It has not yet been proposed from the Chair.

Mr. Speaker : I do not know what the honourable member means to say. Is a personal explanation called for?

Dr. Gopi Chand Bhargava : If I read out to you what has been published, then you will find what I have to say.

Mr. Speaker : But can a newspaper report be relied upon for the purpose in view? The best course for the honourable member would be to get hold of the official proceedings and bring to my notice the matter he wishes to raise. He is not debarred from making a personal explanation to-morrow or on a subsequent day.

Dr. Gopi Chand Bhargava : Though my honourable friend Diwan Chaman Lall was told that the report was ready, we have not got it yet.

Mr. Speaker : Motion moved—

That the Punjab Primary Education Bill as reported by the select committee be taken into consideration.

May I suggest that motions for circulation and recommittal may be discussed together; but put to the vote of the House separately. In support of the motion for recommittal all arguments as to what ought to be done by the select committee may be given and when that motion is carried a motion for instructions may be moved and put to the vote of the House without any further discussion?

Diwan Chaman Lall : May I ask whether the Honourable Minister in charge of the Bill is going to enlighten the House in regard to this Bill? I take it he has moved for consideration and we expect that he will tell us why he wants this House to consider the Bill.

Mr. Speaker : He has moved that motion.

Diwan Chaman Lall : The Minister does not say a word.

Dr. Gopi Chand Bhargava : Paragraph 27 of the select committee's report says—

A copy of the Bill as amended by the select committee is appended. This Bill was originally published in the *Punjab Gazette* Extraordinary of the 7th March, 1938. As the Bill has been substantially altered by the addition of Cantonment Boards to the definition of local authority it is in the Committee's opinion necessary to republish it.

And now there is no motion for republication of the report. This is not done even though the select committee recommended it. Can the Honourable Minister throw some light on this question that when it was the opinion of the select committee that it should be republished, why has the Honourable Minister changed his mind and wants us to reconsider this question immediately?

Minister for Education : The report was presented to this House and was republished. That is the procedure.

Dr. Gopi Chand Bhargava : Is that republication in order? This recommendation was to the House. Unless the House adopts it the republication in the Gazette is not in order.

Mr. Speaker : I think all Bills, when they emerge from the select committee, are published as a matter of course. But in the case of this Bill a special republication was recommended. So, it is for the House to decide whether it accepts that recommendation or not. The publication, to which the honourable member is referring, has not taken place yet. Therefore, he can move, if he likes, a motion that the Bill be republished as recommended by the select committee and obtain on it the decision of the House.

Dr. Gopi Chand Bhargava : I wanted the Honourable Minister to let us know if there are any special reasons for not putting this motion of republication before this House.

Mr. Speaker : This has never been done before.

Dr. Gopi Chand Bhargava : It is a Government measure coming from the select committee. Therefore, a motion or an amendment to a motion of consideration should come from that side.

Mr. Speaker : Chaudhri Krishna Gopal may move his circulation motion.

Chaudhri Krishna Gopal Dutt : Before I move this motion I would like to draw your attention to your remarks that you would separate this recommittal motion into two or three parts. Should I move this motion as it is?

Mr. Speaker : The honourable member's motion, as worded, contains two motions which may not be moved at the same time. One motion is that the Bill be recommitted; and unless the recommittal motion is carried, the motion about instructions will not be regular.

Chaudhri Krishna Gopal Dutt : May I invite your attention to the fact that the question is not as unimportant as you imagine? The House should be under no delusion as to what the motives of the recommittal motion are. When I move that the Bill be referred to the same select committee, the House should know why I am asking for that?

Mr. Speaker : The honourable member is quite right, and shall, therefore, be fully justified to give in detail his reasons why the Bill should be recommitted and what the select committee has left undone should be done on reconsideration of the Bill. Thus he will be stating in effect the instructions which the select committee should follow when the Bill is recommitted to it.

The only object with which I am asking the honourable member to move now the first part of his motion which relates to recommittal and to move its second part relating to instructions after the first part, i.e., the motion relating to recommittal is carried, is not that both motions may not be discussed but that they may be put to the vote of the House separately, if necessary. It will make no difference in practice if both motions are discussed together and put to the vote of the House separately.

Chaudhri Krishna Gopal Dutt : I do not want to enter into a fresh debate. I want to study the case and give some arguments.

Mr. Speaker : The honourable member is welcome to do so without moving two motions, one for recommitment and the other for instructions.

Chaudhri Krishna Gopal Dutt : The question is with what instructions when this motion is moved ?

Mr. Speaker : The honourable member will state those instructions if and when he moves his motion for instructions ; but he can discuss those instructions when he discusses his motion for recommitment. The honourable member may refer to page 402 of May's Parliamentary Practice. Unless the motion for recommitment is carried, he cannot move his motion for instructions.

Chaudhri Krishna Gopal Dutt : How can the House understand why I want it ?

Mr. Speaker : I have given my ruling.

Chaudhri Krishna Gopal Dutt : I bow to your ruling. I may or may not agree. I beg to move—

That the Punjab Primary Education Bill as reported by the select committee be recommitment to the same select committee.

I realise there was some misunderstanding because I was under the impression that there would be no speech on this motion, therefore I left all my notes and reference books at home (*laughter*). I was under the impression that Government had decided to accept this recommitment motion—.

Dr. Sir Gokul Chand Narang : Supposing you allowed him to move it. Will he have his notes with him ?

Mr. Speaker : I can't say.

Chaudhri Krishna Gopal Dutt : The misunderstanding was that Government was going to accept it and there would be no speech. If you will give me another time after some other gentlemen have spoken then it will be—.

Mr. Speaker : I wish I could do so. The honourable member may move his motion without any speech.

Chaudhri Krishna Gopal Dutt : I would like to say something. The Bill as reported by the select committee is undoubtedly an improvement on the old Act and the improvement is in more respects than one ; but so far as I have studied this Bill along with the Bills of other provinces, and I may tell the Minister for Education that I have burnt midnight oil on the study of this Bill,—.

Minister for Education : You do not require oil now.

Chaudhri Krishna Gopal Dutt : I welcome that interruption from the Minister for Education because he is interested in scents and perfumes and not in oils. That is an idiom " I have burnt midnight oil " on the study of this Bill as well as the Acts of other provinces with respect to primary education and I am constrained to say that this Bill falls short of our expectations and of the requirements and needs of the province. It is my well-considered opinion that although it is in certain respects as I have already stated an improvement on the old Act this Bill is not calculated to achieve the objects which are mentioned in the Statement of Objects and Reasons

of the Bill. Some time ago I read of an interview with the Minister of Education published in the *Civil and Military Gazette* and I am prepared to concede that the views and opinions expressed in that interview with respect to primary education in the Punjab were very laudable views. I thought here was a man who really understands the educational problem of the province and here is a man who would, perhaps, do something tangible and practicable to achieve that laudable object. But I must say that after studying the report of the select committee, a select committee which was dominated by the Government members, we dug a mountain and we found a rat. I would draw your attention to one important fact and that is a reflection on the moral calibre of the Government. I am going to charge the Government with a breach of faith, I am going to charge the Government with a breach of assurance and I am going to charge the Government with inconsistency. When this Bill was first introduced into this House, there was a circulation motion moved by my honourable friend, Sardar Kapoor Singh and that was supported by my honourable friend, Lala Duni Chand, who himself is very much interested in primary education, in secondary education, in higher education and in fact in the whole problem of education. On that occasion, the Honourable Minister for Education and the honourable Parliamentary Secretary, Mir Maqbool Mahmood, and others accused the Opposition of dilatory tactics and of the intention to kill the Bill, which was not a fact. But after the speech delivered by the honourable Parliamentary Secretary, and it is with great diffidence and reluctance that I have to refer to the speech of my honourable friend Begum Shah Nawaz—Why with diffidence and reluctance, because you will realise that sometimes there is conflict of duties and there is a conflict of emotions—

Mr. Speaker : May I point out that the honourable member is not speaking to the motion ?

Chaudhri Krishna Gopal Dutt : Sir, you have not heard me but have anticipated me.

Mr. Speaker : What I have heard so far does not appear to be relevant. The honourable member should confine his reasons as to why this Bill should be recommitted and what points the committee should reconsider if it is recommitted.

Chaudhri Krishna Gopal Dutt : I am telling you why it should be recommitted.

Mr. Speaker : But please do not go into its past history.

Chaudhri Krishna Gopal Dutt : If you are going to interfere like this without hearing me, I will not be able to develop my arguments. I crave your indulgence in the matter, because this question is a very important one and that is the only occasion before us—

Mr. Speaker : But I cannot allow the honourable member to make a speech on education in general.

Chaudhri Krishna Gopal Dutt : I am not speaking on education in general and I have not said a word about it. I am speaking on the primary education and the report of the select committee as produced before us by the Honourable Minister for Education. I am telling you why it should be recommitted. But incidentally I have to state certain things

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which have a bearing on the matter and which are absolutely germane to the question under discussion. You sometimes unconsciously allow accusations to be made on the floor of the House against the Opposition and then on other occasions you become strict and ask others to be strictly relevant and then the result is that we lose all opportunity to reply to that criticism which was originally made. Here is a speech delivered by no less a person than a responsible member of the Government, the honourable Parliamentary Secretary and it was as a result of that speech that the members of the Opposition withdrew that circulation motion. It has got a great bearing on this subject so that for the future occasion Government should know as to why we want certain motions to be circulated for eliciting public opinion thereon, why we want certain motions to be sent to the select committee and then after the report of the select committee why we want certain motions to be recommitted to the same select committee. Therefore, I may invite your attention, not only your attention, but the attention of the whole House, because I have laid a very serious charge against the Government and that is a charge of breach of assurance and faith and that has got a bearing on the report of the select committee which is before us. That report is not an ordinary thing. I know that if it had been in the power of the Honourable Minister for Education, this report would have been long before this House, but perhaps, he is not so strong in the Cabinet as he ought to be. It is therefore why I have to refer to these matters. The honourable Parliamentary Secretary said :—

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.

This Bill was introduced in this House on the 10th March, 1938, and now to-day it is over one year that the report of the select committee is coming before this House. When we asked for eliciting public opinion, the Government benches opposed that motion on the ground of time and it was said that the question of education was very important because the old Act had proved to be defective.

Mr. Speaker : The honourable member is again irrelevant. He should not bring in the past history of the Bill and his motion. I request him to confine his speech to the motion before the House.

Chaudhri Krishna Gopal Dutt : Is there any other occasion to censure this fact ?

Dr. Sir Gokul Chand Narang : He was probably trying to show that if the Bill was recommitted no one would raise the question of time because the Government has not been very particular about the time as they have been waiting for a year. That is probably what he has in his mind.

Chaudhri Krishna Gopal Dutt : I wish you had been so strict, so far as the speeches of other members were concerned, as you are with me personally. When you hear the whole thing, you will agree with me that your remarks are unfounded because I am speaking to the point. Here is another part of the same speech.

Mr. Speaker : I cannot allow irrelevant arguments.

Chaudhri Krishna Gopal Dutt : You cannot anticipate me without hearing me. You ask me not to refer to these things and I am asking you to listen to me as to why I want to bring in these arguments. Certain assurances were given that the select committee would do this or would do that, but the select committee has not done anything.

Mr. Speaker : I cannot allow the honourable member to refer to the past history.

Chaudhri Krishna Gopal Dutt : Why do you not allow me to quote the speech of the honourable Parliamentary Secretary ?

Minister for Education : May I with your permission submit that I am prepared to accept the amendment so far as recommitment is concerned and he need not dilate on that point ? Let him go on to the question of instructions.

Chaudhri Krishna Gopal Dutt : I must have my say. Here is)
(another part of the same speech—

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.

May I know from the Honourable Minister for Education or from the honourable Parliamentary Secretary whether the select committee, which, as I have already said, was dominated by Government members, ever took the trouble of calling persons as witnesses before it, those witnesses who are responsible persons in the province, who are experts in this line and who are well-known and prominent educationists in this province or other provinces ?

So far as my knowledge goes, Mr. Speaker, this select committee did not consult even a single educationist of this province. You are unconsciously trying to stifle my speech, but may I tell you that education is one of the most important subjects, at least that part of education which is considered to be primary education, because that is the basis of all education. There are three great enemies in every province—dirt, disease and ignorance. You cannot remove dirt, you cannot remove disease without first removing ignorance. An assurance was given not by an ordinary member of the Unionist Party, not even by a responsible member of the Unionist Party but by a responsible member of Government, that the select committee would call witnesses and would take into account the evidence and views and reactions of the educationists. That promise has not been fulfilled and it is therefore that the Bill in spite of a limited improvement over the old Act is still, I think, more faulty than anything else, and it is not calculated to achieve the laudable object of spreading primary education in this province. That is why I want this Bill to go to the select committee, and if I have my way and if the rules had not precluded me from doing so,

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② I would have given notice of a motion that the Bill be recommitted to a new select committee, because in my opinion the select committee had not justified the confidence reposed in it in regard to this matter, and that the select committee was composed not of educationists but of officials, bureaucrats and members of Government who were party to a particular policy. Mr. Speaker, it is the habit with Government that even in matters where politics should play no part, Government tries to bring in politics. Then, Sir, there was a Syllabus Committee appointed by Government. Even that Syllabus Committee was dominated by the departmental officers and I think there were only one or two gentlemen, one of them being Lala Suraj Bhan, Headmaster of the D. A.-V. High School, who could be considered as an independent member of the Committee. Otherwise that Syllabus Committee also was dominated by Government members and the departmental people. I fail to understand as to why, even in such subjects as education which should be above politics, which should be immune from politics, which should be free from that disease of politics, Government is behaving so politically as it does and as it has done in the matter of the Select Committee Report and in the matter of the Syllabus Committee Report. I have read the Syllabus Committee Report and I should say that I have nothing but respect for the efforts employed by the members of the Syllabus Committee and I have a great liking for the report which they have submitted, but there are one or two facts to which I shall presently refer. I am sorry I have not all the notes before me and I have to speak entirely from memory. 16

③ The reason why this Bill falls short of our expectations is this. It is admitted by Government—by the Honourable Minister for Education that the old Act has not achieved that object, that the old Act has failed. That is a great departure really from the policy which the Government have been following before; they have condemned their predecessor. Hitherto all the actions of the previous Government have been approved and applauded by the Unionist benches, and this is the one occasion where the Honourable Minister has had the courage to get up and repudiate the claims made by the previous Government. It was, as far as I remember, in 1930 that Sir George Anderson who was the then Director of Public Instruction issued a statement or rather referred to this matter in the report for Education in the Punjab and stated that we were very near the door of primary education and that very soon no village in this province would remain without a school and that no boy of school-going age in this province will remain illiterate. Since then it is nine years, but now in 1939 what do we find? We find that we are where we were. What was the real defect in the old Act? What were the causes of the failure of the old Act? If you listen to that cause, you will agree with me that this Bill as reported by the select committee does not remove that defect. What was that defect? That defect was that the initiative of spreading, diffusing, controlling, regulating primary education in the province rested with the local authorities, meaning thereby the local district boards, municipal committees, town committees and the notified areas. My one objection against the present Bill is that so far as the initiative of spreading and of diffusing education in this province is concerned, it should not lie with the local bodies. That is my most 16

important point. At the time the Bill was circulated, the Honourable Minister expressed the opinion that he was not prepared to condemn the local bodies and that he must give them time. I want to advance one argument with regard to this and that is that when the Marketing Bill was brought before this House, some of the Opposition members (not the Congress members) pleaded that the power of controlling and regulating markets already vested in the local bodies, and district boards and municipalities had the authority to regulate the *mandis*, to regulate the weights and measures, and that there was no necessity of bringing forward this Marketing Bill. Do you know what reply was given by the Government? The reply was that it was true that local bodies had that power, but that the local bodies had failed to carry out that power. They had neglected their duty. They had not worked that Act or that law which empowered the local bodies to regulate the markets. I beg to advance that very argument to-day on the floor of this House. I do not know whether local bodies behaved or misbehaved in the matter of regulating the markets and in the matter of weights and measures, but in the matter of spreading primary education, in the matter of regulating those schools, in the matter of looking after the urgent need for teachers and in the matter of providing true and correct and real education for our boys, the local bodies, the district boards and municipalities have failed and they have failed miserably and if this present Bill is going to be like this then again the initiative will rest with the local bodies. I know that so far as this thing is concerned, there is an improvement in this Bill and that improvement is that while the old Act stated that the sole initiative rested with the local authorities, now the Government says that the initiative will also rest with the provincial Government. I want to invite your attention to this fact that in that clause

2 p. m.

where it is said that the Government possesses that initiative the word used is 'may' and not 'shall'.

That is my chief objection to the Bill as reported by the select committee. If the Government is prepared to accept that change, that is, if it is prepared to change 'may' into 'shall', that is, in case the local authority does not take any initiative then the provincial government "shall" move in the matter and shall apply the Primary Education Act in that area and declare that area a compulsory area, then I would say that the Bill has been substantially improved. But as far as I can see the tendency of the Government is to create dissensions and disintegration in the social life of the province and not to care for the education of our boys and girls. I quite admit that there is difference of opinion as to whether there should be decentralisation or centralisation in the matter of education. I am also prepared to admit that in England there is decentralisation, that is, the initiative is left to the local authorities and that this decentralisation has worked successfully there. But here the atmosphere is quite different. The local bodies here are quite different from those obtaining in England. In England there is a sense of responsibility and the people there are interested in the successful working of democracy. Unfortunately in this province the local bodies have not behaved well in this matter. Local bodies here are torn with jealousies and dissensions. They suffer from the evil of favouritism, nepotism and corruption and they are not competent to look after the education of our children. The only thing in which local bodies are interested so far as education is concerned is the employment of teachers

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in the schools, because that gives them an opportunity for favouritism. That is the biggest scandal in the province and it is all the more great in the case of employment of lady teachers in almost every municipality. It is only in respect to the employment of teachers that the local bodies take interest in education. That is why I suggest that the initiative may be left to local bodies in the first instance, but if they fail to take the initiative the initiative should then pass on to the provincial government. I think that there should be a happy blending of the two. I am a believer in local self-government and I do not want to rob the people of their right to govern their own affairs, but what I suggest is that if they do not move properly, if they misbehave, then it is the duty of the provincial government to interfere. There should be a sort of a brake on the right of the people to mal-administer their affairs. What then is my suggestion in this respect? I suggest that there should be school boards for every local area and every school board should consist of men who are competent educationists. If such persons are taken on the school boards and if these boards look after the schools in local areas, then this evil from which the local authorities suffer may to a certain extent be removed. The second suggestion is that there should be a provincial education board for achieving uniformity in the whole province in the matter of education so that one particular area may not have things which are quite different from the other areas. That is why I plead for uniformity. Not only that. There should be a co-relation of primary education with the system of education as a whole in the province. I have my own apprehensions in making these suggestions lest the Government may utilise them for their own ends. But if the Government is going to abuse these school boards and the provincial board, then I would withdraw the suggestion now. But I am hoping against hope and I am making these suggestions in the interest of the primary education of the province. There should be the provincial board which should consist of educational experts in the province. The board should also be free from communalism. But unfortunately circumstances and conditions in the province are not such and I am not a visionary, I am a practical man, I am a realist and I am prepared to concede that some communities may have some suitable representation in these school boards. But it would be far better if the appointments to these boards are made on the basis of merit and not of communalism. We have had enough of it already and I am sure that this is the seed of destruction. But as I have already stated if the Government is really anxious to please all communities, then I would say, give reasonable representation to those communities, but while giving such representation Government should have only one thing in view and that is that efficiency should not be sacrificed. The greatest bane of communalism has been hitherto the sacrifice of efficiency. In the first speech which the Minister for Education delivered in this Assembly he said that he wanted all denominational schools to be closed and that there should be no such institutions as the D. A.-V. College and the Islamia College. His ideal was that there should be no institution based on communal considerations. I shall now draw his attention to that speech and to that ideal and he should see that in making appointments to these boards no communal considerations are brought in at the sacrifice of efficiency.

The third suggestion that I want to make is this. We should have, as they have in Bombay, a primary education fund for every area. That fund should be contributed to by the Government if necessary by raising special taxes. Herein comes the question of taxation. In the original Bill there was a clause saying the local authorities will have the right to assess the people for the sake of education. It was very strongly defended by the Government. The Opposition members objected to this on the ground that the local authorities will not have the courage to assess the people lest they should become unpopular in their areas whereas the provincial government was in a better position to assess this tax. But after the select committee's report I see that that clause is deleted. But I do want to ask that when that clause is defeated—I am not expressing my views at all on this question—the Honourable Minister for Education should take note of this fact, otherwise I know that he will come down upon me and say, 'look here, on the one hand you started this thing and now you condemn that thing'—I am neither supporting it nor condemning—but I do want to ask after the select committee report, that clause having been deleted, where is the money to come from? All this talk of primary education will be bunkum in this province if we cannot find the necessary funds. That is one important fact which the Government should not lose sight of. Without expenditure there is not going to be primary education. Has the Honourable Minister ever faced facts in this connection? Has he ever collected figures as to what is the population of the Punjab, as to how many boys and girls of school-going age there are, as to how many teachers are required and so on? I have collected, Mr. Speaker, these figures and on the basis that there would be 100 boys in each village according to the population census of the Punjab in 1931, who would be demanding primary education. Even if you provide one teacher for 50 boys—although I know that the Honourable Minister for Education is against one teacher school system—not only he but also the experts of the Government of India—but still for the sake of argument if we consider that one teacher at least is required for every 50 boys, it means that there should be two teachers for 100 boys and on this basis I have calculated that the province needs 80,000 teachers in order to achieve that laudable object of primary education in the province and so that there is a school in every village and all boys and girls of the school-going age do receive the education. Then even if we give Rs. 25 to each teacher, we require at least $2\frac{1}{2}$ crores of rupees for training the required number of teachers. I am glad to find, Mr. Speaker, you smile at this because this is a thing really to be smiled and scoffed at. I know you have smiled because the question is where are the funds? The Education Minister seems to be very serious about this primary education and he also stated that very soon we were going to start a campaign and we were going to see the millenium. Sir George Anderson promised it in 1930 and we are still as far away now as we were then. Some of these departmental people, the Director of Public Instruction and the entire staff sometimes when they issue reports lose sight of facts. They do not take the actual conditions of the province into consideration. They will not even calculate. I say that $2\frac{1}{2}$ crores is required merely for training teachers. So far as I know, we have got only 10,000 teachers in the province to-day and what can we do with these 10,000 teachers? We ought to have at least 70,000 teachers more and for that over two crores of rupees

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are required. Unless Government has got money—and the Government does not seem to have that money although we have a retrenchment committee and that retrenchment committee has itself become a white elephant on the revenues of the province—we do not know what that retrenchment committee is doing—we cannot do anything. I suggest that we should have drastic retrenchment in the expenditure of the entire administration of the province and unless that is done, we will not have that millenium, of primary education established in this province. Therefore, this Bill in my opinion, is as antiquated as the old one because it does not provide for any funds for the expenditure. I do not know what are going to be the arguments of the Honourable Minister for Education. Perhaps he will say, “well we will gain our object slowly and gradually”. The other thing in this connection which is not mentioned or not even tackled by the select committee is the time-limit within which to achieve this object. We should have a definite plan. We should have a definite time-limit.

Dr. Shaikh Muhammad Alam : Can two Ministers sleep at one time ? (*Laughter.*)

Chaudhri Krishna Gopal Dutt : Provided they are not snoring. (*Laughter.*) Mr. Speaker, why I have apprehensions that this Bill will not work successfully in this province is that we have not got any definite plan before us. We have not got any time-limit. I say let us have a time-limit of say 20 years. That is one suggestion which I make and that is why I want to refer this Bill back to the select committee, so that the select committee may take these facts into consideration and adopt a time-limit in accordance with the population of the province, in accordance with the educational needs and requirements of this province and in accordance with the money that we have got before us. If we do not become reckless in our expenditure, I have calculated that even if the Government spends moderately handsome amounts for primary education, we can achieve that laudable object within 20 years. The one country in the world which is so much abused and damned in the entire world is Russia. But do you know what the greatest achievement which Russia has made? It is this that they have given education to every boy and girl of the school-going age and that in a time which is unimaginable. If Russia could do that thing, I fail to understand why we in this province cannot do it, provided we have got the will, provided we have got the heart. But as I see, the Government has neither the will nor the heart to achieve it. (*Interruption.*) My honourable friend, Diwan Chaman Lall, suggests that instead of the will we have got the Bill. (*Laughter.*) But this Bill is not going to introduce compulsion, in my opinion, and one very important thing which I put before this House is this. The Government has arrogated to itself the right of declaring exemptions. I know that this was at the root of the trouble, the right of the Government to give exemptions for different areas. If the Government is going to arrogate to itself very arbitrarily this right, it will be abused and there will be no compulsion in this province. I want the select committee to consider this question of exemptions. Now we have come to the crux of the problem and that is when the old Act was passed the Government said, ‘look here we have given this right to the local authorities and compulsion will be introduced in almost every year.’ But

what was the result. The Government had also the power to grant exemptions to the local authorities so that compulsion may not be enforced in particular areas. In 90 per cent cases these exemptions were granted and that is why the old Act failed. Exemptions were granted in ninety per cent cases and now the same thing has been brought before us. The Government has again arrogated to itself the right to grant exemption. What I want the select committee to consider is that there should be a provision in the Bill that the Government will not grant these exemptions in ordinary cases and that it will only be in rare and exceptional circumstances that the Government will grant exemptions. Mr. Speaker, this question came before the Educational experts in England also and there was a struggle between the parents and the educational experts. What the parents wanted was that there should be more liberal use of exemptions and the educational experts fought the parents. They placed their heavy foot on this suggestion and did not accept it with the result that there was such a lot of agitation among the educationists that the Government had to give assurance to the public and the educational authorities that while granting these exemptions all the facts will be taken into account and that under very rare circumstances these exemptions will be granted. The select committee has made no mention of that in the Bill. The next point which I want to put before the House is that this Bill has raised the age limit from 11 to 12. I think this is far from satisfactory. What ought to be is that the limit should go right up to 14. In my opinion it should go up till 15. The compulsion should be for all boys and girls who are between the age of 7 to 14 or 15. Fifteen may be considered as a rather exaggerated figure but in England only sometime ago the age limit has been raised from 14 to 15. But if the Honourable Minister for Education thinks that the circumstances in England are different and that the standard of education in England is very high, I would invite his attention to the conditions in Bombay. Bombay is not very much more advanced than the Punjab. But what have the Congress Government in Bombay done. Very recently they have amended the Education Act instead of bringing in a new Bill, they have amended the old one and in the amended Bill they have provided that the age be raised to 14. I want the age of 7 to 14 as the age of compulsion. In Bombay every child whether boy or a girl between the age of 7 and 14 shall have to go to the school.

Minister for Education : May I point out to the honourable member that I have the Bombay Act before me and there the age is from 6 to 11 years.

Dr. Gopi Chand Bhargava : Is that Bombay or Sind ?

Chaudhri Krishna Gopal Dutt : I am talking of Bombay.

Minister : This is Bombay.

Chaudhri Krishna Gopal Dutt : May I know whether it is the Bill as amended in 1938 or it is the old one ?

Minister : This is 1938 Bombay minus Sind.

Chaudhri Krishna Gopal Dutt : I stand open to correction and if that is so, I withdraw those remarks. I am speaking from memory, though

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my memory fails me on very rare occasions, I am prepared to look up that matter again and will while discussing the amendments state what the position is, but I hope the select committee will take up this question.

Minister : Certainly.

Chaudhri Krishna Gopal Dutt : I believe that 11 or 12 is a very beggarly figure and I do think that there is a lot of demand for primary education in the province and indeed the Education Minister will not have to meet the opposition of the parents so far as the education of the girls is concerned. I have seen that there is a greater demand for it, than there is for the education of the boys and though some people have taken objection to the compulsory education of boys, they have not taken any objection to the compulsory education of girls. In fact I find that we have more girls in the schools within that short time than we had in the case of boys. The next point which I want to bring to the notice of the House is this. In the report of the select committee is mentioned that the case of only those boys will be considered who take education in recognised schools while granting exemptions. It would be seen whether a student goes to a recognised or an unrecognized school. The definition of a reasonable excuse as given in clause 10 of the Bill states—

A reasonable excuse shall mean that there is no recognized school within a distance of two miles by the nearest route from the residence of the boy.

What I want is, and this is a very important point, that unrecognized schools should also be included in this excuse. I see that the Honourable Minister dissents from this view. If the Education Minister has already made up his mind, there is absolutely no use discussing this point, but this is the purpose of my recommendation to the select committee so that the select committee should take into account the opinion of the educationists of this province. Does the Honourable Minister deny that this is the unanimous demand of the educationists of the province that these unrecognized schools in the province should also be included in this item of excuse? In the alternative I suggest that these unrecognized schools should be recognized.

Minister [for Education : That is quite true.

Chaudhri Krishna Gopal Dutt : My fundamental objection is that while granting recognition the Government has been very hard and stringent and it is high time that these stringent rules and regulations of the Department should be relaxed. I think that there are hundreds of unrecognized schools in this province which are giving perhaps as good education as the recognized schools. If the Education Minister relaxes these stringent rules, then this point will become very much less important and he should know that most of the educationists are very much agitated on this point. The next point which I want to put before the House is the question as to what sort of education should be given and for that I am prepared to accept the fundamental points mentioned in the report of the Syllabus Committee although I know that if the Government had adopted a scheme like Vidya Mandir scheme or the Wardha Scheme, the public would have benefited from it, but the Government being a Muslim ridden Government, being a Muslim League Government fights shy of acknowledging the great benefits which they have derived from the suggestions made in the Vidya Mandir

Scheme and the Wardha Scheme and they have not even acknowledged it in the Syllabus Committee's report. If you read the Syllabus Committee Report you will find that they have incorporated in that a few of the suggestions of those schemes but they have not acknowledged it. This is what I call plagiarism. That is accepting certain things without acknowledging. The authors of the Report of the Syllabus Committee—.

Mrs. J. A. Shah Nawaz : May I ask my honourable friend—I have unfortunately a hoarse throat to-day and he may not be able to hear me well—whether he has gone through the Women's Committee's Report? I mean the Women's Committee which was appointed by the Government of India sometime ago? I am glad to find that he has studied the Syllabus Committee Report, but if he goes through the Report of the Women's Committee he will find that most of the recommendations of the Women's Committee have been incorporated in the Punjab Syllabus Committee's Report and not so much of the Vidya Mandir or the Wardha Schemes.

Dr. Sir Gokul Chand Narang : Long live the women of India !

Chaudhri Krishna Gopal Dutt : The honourable lady member has misunderstood me. I was talking of the report of the Punjab Syllabus Committee.

Mrs. J. A. Shah Nawaz : So am I.

Chaudhri Krishna Gopal Dutt : In that report, as I have said, there are some very good points but there is one point in that report which I understand some of the members are trying to get deleted or rescinded and that attempt or move, I should say, is a very mischievous one. I to-day want to warn the Education Minister that if that attempt is pursued, then there would be a very great communal bitterness in this province. And what is that attempt? It was suggested before the Committee by my honourable friend Khan Bahadur Mian Mushtaq Ahmad Gurmani that only one language should be taught in the schools and that in the elementary education only one language should be taught. What would be the result? The result would be that all those girls who are Hindus and Sikhs will not be able to learn Hindi and Punjabi. I believe in the Hindustani language. I do not believe that there is much difference. The difference is of script and it is, therefore, that we have made it clear that we are for Hindustani and that Hindustani includes Hindi as well as Urdu. I do not try to fan communal feelings in this House, but I want to make one thing clear and it is that it should be open to every Hindu and Sikh girl to learn Hindi and Punjabi if she so desires. There should be no ban. I understand that the Syllabus Committee appointed a small committee which was dominated by the Government members who have made a suggestion to the Government. The report of the committee is still in print. I do not know, but I understand that such a recommendation has been made. If it is not so, I would welcome the news. But it says that there should be two languages instead of one; that there should be a secondary and primary language and the choice of the language should be left to the parents of the children. Therefore, I appeal even to the honourable Parliamentary Secretary, who is sometimes very reasonable but

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sometimes she is very unfair and unreasonable and I hope that on this occasion she will be very reasonable, to see that the case of minorities—the Hindus and Sikhs—is considered. Leaving aside that point I now plead on national ground. In all areas Hindi is a real masculine language. (*Voices from Treasury benches: No.*) I am not prepared to hear those things from members who know nothing about the country. (*Hear, hear.*) I am not pleading at this hour that Hindi should be the *lingua franca*. I say there are large areas in this country where Hindi is spoken and where the entire culture—poetry, drama and all other things of art—are based upon Hindi language. I am merely saying that thing. I am not putting up fight between Urdu and Hindi. I say, help to accommodate all languages. Hindi and Punjabi should not be stifled in this province and if any attempt is made from the Government side, it will not only stifle nationalism but it will stifle the legitimate interests of the minorities. I do not want to make any longer speech. I admit that this is a very cold and uninteresting subject and as I see from the attendance in the House and other things as well, I can say that much attention is not being given to this Bill. In other provinces and in other countries all the public men give much more importance to this subject than they perhaps give to other subjects and, therefore, even though it is a cold and uninteresting subject, still it is very important. I have not delivered any carping criticism. I have made useful suggestions for the Government and also for the select committee. With these words I move that the Bill be recommitted to the same select committee. (*Cheers.*)

Mr. Speaker : Motion under consideration, amendment moved—

That the Punjab Primary Education Bill as reported by the select committee be recommitted to the same select committee.

This motion is accepted by the member in charge of the Bill. Therefore, I suggest that it may be put to the vote of the House and if it is carried the motion about instructions may be discussed, as no honourable member, but the honourable mover has spoken on it.

Dr. Sir Gokul Chand Narang : Can this motion not be opposed ?

Mr. Speaker : Why not ? But when the honourable member in charge of the Bill accepts the recommittal motion by Chaudhri Krishna Gopal Dutt, one of the leading members of the Opposition—

Diwan Chaman Lall : Suppose other members oppose, then ?

Mr. Speaker : They are welcome to oppose. I propose to put the first part of honourable Chaudhri Krishna Gopal Dutt's motion, that is to say, the part proposing recommitment of the Bill.

Chaudhri Krishna Gopal Dutt : You will allow me to speak when moving the second and third part of my amendment. I did not discuss the second and third part at all.

Mr. Speaker : No. I expressly told the honourable member that he may speak not only on the motion about recommitment ; but also on the motion relating to instructions. Therefore the honourable member cannot speak on the latter motion.

Dr. Sir Gokul Chand Narang : He will now speak on the other part.

Chaudhri Krishna Gopal Dutt : I do not understand one thing because we have made a hotch potch of the whole thing. You have allowed me to speak on the motion which is not before the House. I have spoken on the subject that the matter be referred to the select committee.

Mr. Speaker : Has not the honourable member given all the reasons that he wanted to give ?

Chaudhri Krishna Gopal Dutt : But the third part is about the date.

Mr. Speaker : Under the rules the honourable member cannot fix a date. He is referred to rule 96.

Chaudhri Krishna Gopal Dutt : It is within the power of the House to fix a date.

Mr. Speaker : Certainly. But the rule must be first amended.

Chaudhri Krishna Gopal Dutt : Does any rule put limitation on the power of this House to fix a date ? Is not the House supreme in that matter ? The rules are silent on this point.

Mr. Speaker : May I invite the honourable member's attention to rule 86 (2) ? If the member in charge moves that it be either taken into consideration or referred to a select committee then the rule says—

At this stage no amendments to the Bill may be moved but—

If the member in charge moves that his Bill be taken into consideration, any member may move as an amendment that the Bill be referred to a select committee or be circulated for the purpose of eliciting opinion thereon *by a date to be specified in the motion* ; or

If the member in charge moves that his Bill be referred to a select committee, any member may move as an amendment that the Bill be circulated for the purpose of eliciting opinion thereon *by a date to be specified in the motion*.

This rule very clearly authorises the fixing of dates ; while rule 96 (2) does not. The power of the House is supreme no doubt, but it can amend the rule and not ignore it altogether.

Dr. Sir Gokul Chand Narang : The motion for fixing the date is not necessary. The motion does not become invalid simply by his mentioning the date.

Mr. Speaker : The question is a simple one. I expressly told the honourable Chaudhri Krishna Gopal Dutt that he may give his arguments for recommitment and state what he wants to be done. I gave him an opportunity and he has availed himself of it.

Dr. Shaikh Muhammad Alam : Under rule 96 there is no limit in case the date is fixed.

Mr. Speaker : That question does not arise. Now Pandit Bhagat Ram Sharma may speak on the recommitment motion.

Pandit Bhagat Ram Sharma : Is the whole motion before the House ?

Mr. Speaker : For the purpose of discussion the whole motion, i.e., the motion about recommitment as well as the motion about instructions is under discussion.

Dr. Sir Gokul Chand Narang : I do not want to raise the point, but according to the language of the rules the motion that is now being discussed is really no motion and there is no provision for such a motion. No one can move merely that the Bill as reported by the select committee may be recommitted to the same select committee. No such motion is contemplated in the rules.

Mr. Speaker : The honourable member may read rule 96 (2). He has probably referred to rule 96 (1) which does not apply. The relevant paragraph is—

If the member in charge moves that his Bill be taken into consideration, any member may move as an amendment that the Bill be recommitted or be circulated for the purpose of obtaining opinion thereon.

Dr. Sir Gokul Chand Narang : When rule (2) mentions this word that the Bill be recommitted it simply refers to what has gone before it. It was not necessary to say that the Bill be recommitted to the same select committee with instructions to do this or that. These words simply make reference in the briefest possible language to (b) of paragraph 1, that the Bill be recommitted with instructions to do this or do that or consider a particular clause or a particular amendment. Otherwise there is no motion.

Mr. Speaker : I have not followed the honourable member.

Dr. Sir Gokul Chand Narang : May I explain? What I submit is that provision is made in paragraph (b) of sub-section (1) of rule 96—

That the Bill as reported by the select committee be recommitted to the same select committee either—

- (i) with respect to particular clauses or amendments only, or
- (ii) with instructions to the select committee to make some particular or additional provision in the Bill,

or

- (c) that the Bill as reported by the select committee be circulated for the purpose of obtaining opinion thereon,

- (2) if the member in charge moves that the Bill be taken into consideration any member may move as an amendment that the Bill be recommitted or be circulated for the purpose of obtaining opinion thereon.

Now you were relying only on these words that the Bill be recommitted. My submission is that these words do not lay down a specific rule; they are simply referring to what has been provided before, namely in (b). The proposition or the motion that can be moved at this stage is described in (b) and that contemplates a motion to the effect that the Bill be recommitted to the same select committee with respect to particular clauses or amendments or with instructions to the select committee to make some particular or additional provision in the Bill. The motion as put by you is simply a motion that the Bill be recommitted to the same select committee. It is no motion at all. I do not want to take any more time of the House; but this is what I feel.

Mr. Speaker : The interpretation, which the honourable and learned member has put on the rule, is not unreasonable or unfair. The rule as worded is a clearly defective rule as many other rules are. The honourable member has referred to (a) and (b) of paragraph (1) of the rule. But he will admit that (a) and (b) taken together are not so exhaustive as to cover all cases of recommitment. One member may move that the whole Bill be recommitted. Another may move that certain clauses only be recommitted;

while another may move that only "certain amendments, which he may suggest, may be recommitted.

Dr. Sir Gokul Chand Narang : It means that no member can move that the Bill be recommitted without giving or specifying reasons.

Mr. Speaker : I do not contend that the recommitment of a Bill cannot be moved only for the reconsideration of specific clauses or amendments of which notice has been given. This could be certainly done. But the honourable Chaudhri Krishna Gopal's motion contains distinct and independent parts.

It says—

- (1) That the Punjab Primary Education Bill as reported by the select committee be recommitted to the same select committee.
- (2) With instructions to re-examine the entire question afresh particularly in the light of the Bombay Primary Education Act, 1923, as amended by Bombay Act 12 of 1938.

And further—

- (3) With instructions to report by the 1st of May, 1939.

As to (2) which relates to instructions, I have ruled and not without authority, that instructions can be given by the House only on a substantive motion; while according to our rules, the recommitment of a Bill is an amendment in express terms. Therefore, I have not allowed an amendment and a substantive motion to be moved together.

Dr. Sir Gokul Chand Narang : May I suggest a test? The test of a motion being in order is whether it can stand by itself. Supposing this motion is passed that the Bill as reported by the select committee be re-committed to the same select committee and nothing further is said or done by this House. If this is a valid motion then it should be self-sufficient. It looks apparently quite a good motion that the Bill be recommitted to the same select committee which has already reported upon it and we say nothing else. The view that you are taking is that it is a perfectly valid and substantive motion. Supposing nothing more is said. How will it work? What will the House understand? What will the select committee understand? The select committee would say, 'We have reported upon it once and now it has come to us again, what are we expected to do with it? Are we to bind it nicely or print it in a better form?' Therefore, this motion that the Bill should be recommitted to the same select committee is really meaningless and would carry the matter no further. It will not give any guidance to the select committee. What are they to do with it? I tell my servant, go and bring my dinner. Now it contains two propositions according to your view. One is that he should go and the second is that he should bring my dinner. Now, supposing I simply say, 'go.' What is the poor fellow to understand. He will probably understand that I do not want him to be present here or I want to dismiss him, but then I shall remain without my dinner, as the dinner will not at all be served. Though there are two parts of my order, 'go' and 'fetch my dinner,' really and virtually that is only one thing. The real thing is that he should bring my dinner. His going is only incidental. Similarly, the recommitment to the select committee is only incidental. The real thing is that they should do something which the House wants them to do; otherwise the mere recommitment would be meaningless.

Dr. Gopi Chand Bhargava : May I say one word with regard to this matter. The motion is that the Bill be recommitted to the same select committee for certain purpose. Suppose the first portion is accepted and the second portion is not accepted. The mover of the amendment may not like it to be committed to the same select committee if this committee is not to consider that matter. That is why the motion stands as a whole.

Mr. Speaker : If the first part is accepted and the second is rejected, the Bill shall stand recommitted whether the mover of the motion likes it or not.

Dr. Gopi Chand Bhargava : Our rules are express on the point.

Mr. Speaker : On page 198 of *Campion* it is said in so many words that a Bill may be recommitted as a whole, or as to certain clauses or as to certain amendments.

Dr. Gopi Chand Bhargava : Rule 96 says—

- (1) After the presentation of the final report of select committee on a Bill, the member in charge may move. ...

Mr. Speaker : Not any other member.

Dr. Gopi Chand Bhargava : Certainly. It further goes on—

that the Bill as reported by the select committee be recommitted to the same select-committee either—

- (i) with respect to particular clauses or amendments only, or
- (ii) with instructions to the select committee to make some particular or additional provision in the Bill.

Mr. Speaker : These recommitments are not recommitments of the whole Bill. In other words, a Bill cannot be recommitted as a whole.

Dr. Gopi Chand Bhargava : Why not? To recommit the Bill as a whole is to direct the select committee to pay attention to certain amendments, clauses or additional provisions or some particular—

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Mr. Speaker : But not a reconsideration of the whole Bill.

Dr. Gopi Chand Bhargava : The only thing which is permitted by our rules is that the member in charge can move certain things or recommit the Bill to the select committee with a certain purpose.

Mr. Speaker : Not recommit it for its entire reconsideration.

Dr. Gopi Chand Bhargava : The special instructions are there and those are instructions with respect to a particular clause or amendment or additional provisions in the Bill. The second part is that if the member in charge moves that the Bill be taken into consideration any member may move as an amendment that the Bill be recommitted for the purpose of obtaining opinion thereon.

Mr. Speaker : I agree.

Dr. Gopi Chand Bhargava : If you put the whole thing to the vote, that is different from putting it part by part. Then the recommitment portion is admitted while the object for which it is to be recommitted is negatived. Therefore the mover is in a difficult position.

Mr. Speaker : The Hon'ble Member who moves recommitment of the whole Bill will give his arguments and reasons, which will be printed in the proceedings and will be thus available for the members of the select committee.

Dr. Sir Gokul Chand Narang : If he does not give any reasons, his motion shall fall. You say that this motion means that the whole Bill be recommitment. If the motion is passed, it would mean that the House has decided that the select committee should go through the whole Bill.

Mr. Speaker : Of course.

Dr. Sir Gokul Chand Narang : Because it is recommitting the whole Bill.

Mr. Speaker : Yes.

Dr. Sir Gokul Chand Narang : The difficulty is about voting. Have you realised the difficulty?

Mr. Speaker : There can be no difficulty. Instructions cannot be moved except by an independent substantive motion.

MOTION *RE* REMOVAL OF DEPUTY SPEAKER.

Diwan Chaman Lall : I understand that notice of a resolution under section 65 of the Government of India Act for the removal of the Deputy Speaker has been received by you.

Mr. Speaker : Yes.

Diwan Chaman Lall : We want your guidance in this matter. Under rule 8 you will find —

- (1) A motion to remove the Speaker or Deputy Speaker from office of which notice as required under section 65 of the Act has been given shall, *soon after its receipt*, be read to the Assembly by the Speaker who shall then request the members who are in favour of leave being granted to move the motion to rise in their places.....

Then the sub-clause (2) says—

- (2) As soon as may be after leave is given, a copy of the motion shall be forwarded to the Leader of the House who shall find time for its discussion.....

Then under rule 13 on Thursdays business other than Government business shall have precedence. I submit that a no-confidence motion cannot be blocked by rule 13.

Mr. Speaker : I do not propose to interrupt the business of the House and stop discussion of the motion under consideration. The honourable member may refer to rule 13. He may also read rule 15 (2) (b).

Diwan Chaman Lall : I have referred to rule 13. What I am driving at is this that rule 8 provides that *soon after the receipt of the notice*, the Speaker shall read it to the Assembly.

Mr. Speaker : It says "*soon after*." It does not say, "at once after."

Diwan Chaman Lall : It is more than an hour ago that the notice was sent in. Now that the Leader of the House has arrived you might ask him. May I ask, Mr. Speaker, whether it is not your formal duty to ask the Leader of the House? May I draw the attention of the Leader of the

(Diwan Chaman Lall.)

House that a notice of a motion for the removal of the Deputy Speaker has been sent in?

Premier : I am very sorry that you have selected the Deputy Speaker.

Diwan Chaman Lall : We try to avoid such things if such things can be avoided. Rule 8 provides that soon after the receipt of this notice the Honourable Speaker has to ask whether there are enough members on the floor of this House who are willing to support that motion. Mr. Speaker has held, he is likely to hold, he is feeling like it, that the Leader of the House has to be asked by virtue of rule 13 or rule 15 in the matter of interrupting business. Rule 8 is mandatory. It says : 'soon after.' Therefore I take it that my honourable friend the Leader of the House will facilitate the proceedings of this House by allowing the Speaker to put this motion to the House.

Premier : I have now grasped the meaning of my honourable friend. To-day being a Government day no other business can be allowed to be taken up except with the consent of the Leader of the House. That is what it comes to.

Diwan Chaman Lall : I do not agree with that view.

Premier : That is what the rule says. But apart from that, do my honourable friends consider it fair that they should try to stab the Deputy Speaker in his back, when he is absent from the House? It is only fair that they should wait for a day. The Deputy Speaker will be back here to-morrow. I am sure my honourable friends do not want to hit him below the belt. (*Cries of 'no, no'.*)

Dr. Shaikh Muhammad Alam : There is some misunderstanding. The proposal now is not that the discussion should take place now. The discussion on the merits of the motion may take place to-morrow or some other day. But the point now is that leave may be given for moving the motion.

Premier : The discussion and voting cannot take place to-morrow. Why are my honourable friends anxious to move it now? Why can they not wait for another 24 hours?

Lala Deshbandhu Gupta : Just as you are anxious to avoid the motion.

Premier : My honourable friends opposite know that there is such a thing as playing the game. But this is not cricket. It is only fair that their objective should be present when they make that motion. It seems the honourable members want to take advantage of the absence of the Deputy Speaker in trying to bring a motion against him during his absence. It is grossly unfair and I trust my friend Diwan Chaman Lall will agree with me, because he is a polished gentleman and a sporting gentleman. Fairness demands that this motion should not be moved until the Deputy Speaker returns. He will be here to-morrow. If he is not here to-morrow, then my honourable friend can move his motion. My honourable friends may be afraid that they may not be able to muster fifty members in support of the motion to-morrow. If that is the position, then I have nothing more to say. However, I appeal to the good sense of my honourable friends

and in the name of fair play ask them not to take advantage of the absence of the Deputy Speaker and move this motion behind his back.

Dr. Gopi Chand Bhargava : What is sought now is only leave to move the motion. The motion of removal cannot be moved unless the Leader of the House fixes the time not earlier than 14 days. Therefore the merits of the motion will not be discussed now. The question whether the leave should be granted in the presence of the Deputy Speaker or in his absence does not arise at all. Therefore the question of decency or fair play or the game of cricket does not come in. We know that the Honourable Premier is a military man and a military man is expected to show sportsmanship. His behaviour showed how sportsmanlike he was yesterday when he got the Assembly Offices Bill passed. (*Hear, hear.*) The question now is whether leave to move the motion is to be given or not. The merits of the motion cannot be discussed, however much one may desire it, before a date fixed by Leader of the House, but not earlier than 14 days. If the leave is granted now then the motion can be discussed after 14 days when the Deputy Speaker will be here. (*Cheers.*)

Premier : I am afraid my honourable friend has unnecessarily dragged in the Bill which we passed yesterday. Probably in the heat of discussion he forgot that day before yesterday we did agree that this Bill should not be passed on that day but on the following day. Anyway that is not the question before us at the moment. My conception of what is sportsmanlike and what is not sportsmanlike materially differs from that of my honourable friends opposite. My honourable friend also referred to cricket. Apparently he has never played cricket in his life. Perhaps that is why his conception of sporting spirit differs from mine. If the Deputy Speaker had been here I would not have had the slightest hesitation in asking my honourable friends to do their worst against him. But since he is not here they should have the decency and sportsmanship to protect him in his absence. However, whatever be the view of my friends opposite it is my duty to protect him, and not only him, but every member of this House from an unfair attack. (*Cheers.*) If anybody tries to hit below the belt any other member, whether on this side of the House or that, it is my duty as Leader of the House to protect him. My honourable friend the Deputy-Speaker will be here to-morrow. I am going to send him a telegram now that he should make it a point to return immediately and be present in the House to-morrow. Therefore my honourable friend can move his motion to-morrow morning. I will not have the slightest hesitation in agreeing to its being moved and leave of the House being sought when the Deputy Speaker is present. I again plead with my honourable friends that they should not make this motion in his absence. After all it is only a question of a few hours (*An honourable member : Do you want time ?*) No, I do not want time. But it is only fair that the Deputy Speaker should be present when a motion against him is moved.

Dr. Shaikh Muhammad Alam : With your permission, Mr. Speaker, I may point out that the discussion has really gone away from the point altogether. It is very pleasant to know the sentiments of the Honourable Premier and I hope that he will try to put them into practice and that he will be a good cricketer and sportsman. But the question now is one of interpretation of the rules, and not whether one plays good cricket or

[Dr. Shaikh Muhammad Alam.]

bad cricket or base ball or non-base ball. The question is one of interpretation of rule 8. Rule 8 says—

A motion to remove the Speaker or Deputy Speaker from office of which notice as required under section 65 of the Act has been given shall, soon after its receipt, be read to the Assembly by the Speaker.

Now, do you think that if the Deputy Speaker is absent that takes away the importance of the word "shall" in the rule? Certainly as sportsmen we shall play the game most fairly and discuss the motion whether the Deputy Speaker shall be removed or not later on. Now we are concerned with the rule which imposes a duty on you, Mr. Speaker, to perform. You have to perform that duty soon after the receipt of this notice. My submission is that we should not beat about the bush. The question is, what is your interpretation of the expression 'soon after its receipt' and when should this motion be read to the Assembly? My contention is that 'soon after' does not mean a day or two later, nor has it got anything to do with the presence or absence of the member about whom notice of the motion has been received, nor will it govern the use of the word 'shall' in the rule. I hope you shall now read the motion to the Assembly.

Mr. Speaker : The honourable member will agree, I hope, that rules 8 and 13 are to be read together. Rule 8 says : 'soon after its receipt, be read to the Assembly by the Speaker'. This rule precedes rule 13 and according to the ordinary rules of interpretation if a subsequent clause is inconsistent with an antecedent clause, it over-rules the antecedent clause to that extent. The motion for leave is not on the agenda of to-day. So, I request the honourable members to settle with the Leader of the House when it should be moved. In the meantime let us proceed with the business of the day.

Diwan Chaman Lall : On a point of order. May I draw your attention to rule 37, which is subsequent to rule 13? It says that a privilege motion has precedence over other motions and I submit that a no-confidence motion also should have necessarily precedence over every other motion. It must be read with rule 8. For instance, if I were to say to you 'soon after 4 o'clock', it does not mean a minute after five, it does not mean very much later than 4. It means something specific and when you have received this particular motion and it is said 'soon after its receipt'—

Mr. Speaker : The rule quoted by the honourable member supports my interpretation. The rule says :

A motion on a question of privilege suddenly arising is entitled to immediate precedence over all other business.

A motion on a question of privilege may be made after questions and before the business of the day is entered upon, although the question does not suddenly arise, but any such motion shall be made at the earliest opportunity and does not ordinarily require notice.

It shows that while its framers made a clear provision for a motion on a question of privilege, no such provision was considered necessary with regard to the motion for the removal of the Speaker or the Deputy Speaker.

Pandit Muni Lal Kalia : I want to know one thing.

Mr. Speaker : I have given my ruling. So, the matter is closed.

Chaudhri Krishna Gopal Dutt : Will you please look up the Dictionary ?

Lala Deshbandhu Gupta : Will you allow me to put a question ?

Mr. Speaker : Not about this matter. I have given my ruling.

Lala Deshbandhu Gupta : On a point of order. My submission is, that if your ruling is followed the matter cannot come on the agenda unless the Leader of the House agrees to it. I want you to kindly consider this aspect.

Mr. Speaker : No further discussion is called for.

Chaudhri Krishna Gopal Dutt : "Soon" means "forthwith", "soon" means "quickly", "soon" means "without delay". This is from Oxford Dictionary.

Lala Deshbandhu Gupta : I would request you not to get excited.

Mr. Speaker : No, not at all. My voice should not mislead the honourable member.

Lala Deshbandhu Gupta : You have given your ruling and we have to abide by it. But I want you to consider as to how that ruling will work. You say that we have to make some arrangement with the Leader of the House and that the matter is not on the agenda. I want to know as to how that matter will come on the agenda unless the Leader of the House agrees.

Mr. Speaker : After the question time to-morrow, unless the Leader of the House agrees to the motion being taken up earlier, it will be the first item of business.

Dr. Shaikh Muhammad Alam : Under what rule ?

Mr. Speaker : Rule 87 which has been referred to by the honourable Diwan Chaman Lall.

Pandit Muni Lal Kalia : I want to raise a point of order. I want to know whether a motion under section 65 of the Government of India Act can be moved in a session of the Assembly in which Thursday or Thursdays happen to be off days.

Mr. Speaker : I will give my ruling when that occasion arises.

Pandit Muni Lal Kalia : It has arisen at this stage.

Mr. Speaker : I will consider the point and give my ruling later.

Minister for Education (The Honourable Mian Abdul Haye) : May I, Sir, make a submission as regards the amendment that we have before us now ? The amendment is to the effect that the Bill as reported upon by the select committee be recommitted to the same select committee and I have already indicated on behalf of the Government that I am prepared to accept this amendment. There seems to be no opposition to the amendment and the honourable member whom you have called upon to move is not willing to speak, I would, therefore, request you to put the question.

(At this stage Dr. Gopi Chand Bhargava rose to speak about the matter under discussion immediately before.)

Mr. Speaker : I do not propose to reopen the matter.

Dr. Gopi Chand Bhargava : I do not want to reopen the question. I want your guidance.

Mr. Speaker : The motion for leave will be the first thing after questions to-morrow.

Dr. Gopi Chand Bhargava : I want to raise a point of order.

Mr. Speaker : I have more than once requested the honourable members not to raise a point of order in connection with that matter.

Diwan Chaman Lall : Are we to take it that there are no rules ?

Mr. Speaker : There are rules.

Dr. Gopi Chand Bhargava : Under the rules if any member has got any submission to make, he can rise on a point of order.

Mr. Speaker : What is the point of order ?

Dr. Gopi Chand Bhargava : What I am submitting is that though I cannot question your ruling, is there anything to debar me to raise any point of order which does not question your ruling ?

Mr. Speaker : The honourable member is welcome to raise his point of order.

Dr. Gopi Chand Bhargava : It is not about your ruling. My submission is that according to your decision the matter shall be taken up to-morrow after the question hour, but I want to draw your attention to rule 8.

Mr. Speaker : The honourable member is again questioning my ruling.

Pandit Muni Lal Kalia : Your ruling is not final.

Mr. Speaker : It is final and I expect the honourable member to behave in a dignified manner. (*Interruptions.*)

PRIMARY EDUCATION BILL.

Mr. Speaker : Question is that the Punjab Primary Education Bill as reported by the select committee—

Pandit Bhagat Ram Sharma : I want to speak.

Mr. Speaker : I called upon the honourable member three times.

Pandit Bhagat Ram Sharma : I stood up to speak but I was interrupted.

(*Urdu*) : **Mr. Speaker**, this Bill affords the worst instance of the way in which the so-called zamindar Government of ours has been squandering public money on legislation.

Diwan Chaman Lall : May I interrupt my honourable friend ? I want you to make this position clear to us, because it is not quite clear to this side of the House. Do we take it that in regard to the no-confidence or removal motion it is necessary on a Government working day to get the permission of the Leader of the House before that motion can be moved ? If this is the position, I would like to know from you whether this is the procedure to be adopted, even in the case of a no-confidence motion against the Honourable Premier, because this means

taking the previous permission of the party leader himself before a motion for no-confidence can be moved against him.

Mr. Speaker : The rule is perfectly clear.

Lala Deshbandhu Gupta : We want to know what is your ruling.

Mr. Speaker : I have already given my ruling.

Pandit Bhagat Ram Sharma : Sir, I was submitting that the manner in which this so-called zamindar Government has been proceeding with legislation, entails a huge waste of public money. The present Bill is an instance in point. In this respect this Bill has proved to be worst of all the Bills that have so far been introduced. It will not be out of place to mention here that whenever the Honourable Minister for Education finds an opportunity, he is never weary of telling us that he has started a vigorous campaign for driving out illiteracy from the province. He is so enthusiastic about it that during interpellations he even goes out of his way to inform us that he is striving every nerve to eradicate illiteracy from the Punjab. Now let us see as to what extent and in what manner the Honourable Minister has endeavoured to live up to his professions and to make amendments in the Act already in force. Strictly speaking I feel constrained to remark that the present Bill is a half-hearted measure. As you will remember, Sir, the Primary Education Act of 1919 has been in operation for the last two decades. When I received the Select Committee Report on this Bill, I carefully compared it in all its bearings with the old Act in order to see as to whether any far-reaching improvement has been effected in this Bill. But to my great chagrin I found that Government had utterly failed to make any comprehensive change in the old Act. They have tinkered with the subject and having made a few and that too, minor alterations here and there in the provisions of the old Act, they have brought forward a Bill as if they have given a new orientation to their policy. It will be no exaggeration, if I say, that old wine has been served in new bottles. But I am open to conviction and I shall feel glad if the Honourable Minister enlightens us as to what extent he has improved the Old Act. I find that certain sections of the old Act have been incorporated in the Bill under consideration *in toto*. Section 3 is an instance in point. Again, it is a matter of surprise that whereas the legislators of the Primary Education Act of 1919 felt and laid stress on the point that so long as the financial position of the local bodies was not sound, the local bodies would feel it difficult, to enforce this Act, our Government has not realised that point.

Minister for Education : May I point out that this is repetition of the arguments already advanced ?

Pandit Bhagat Ram Sharma : I was submitting that such an Act was passed in 1919 by the then legislators. They felt the necessity of incorporating in the Act additional taxation clause.

Mr. Speaker : The honourable member is repeating the same arguments.

Pandit Bhagat Ram Sharma : I am referring to that particular legislation. Let me refer to section 4, sub-section (1) of this Bill in which local bodies are given powers to impose additional tax in order to enforce the law. I am afraid the Minister in charge has not felt this point, and he has not

[Pandit Bhagat Ram Sharma.]

brought about a new provision in this Bill. As you are aware, Sir, in section 10 reasonable excuses have been provided on which a boy cannot be compelled to attend school. First excuse is that if there is no recognized school within a distance of two miles from the residence of the boy and second excuse is that if his parents or guardians do not want him to go to such a school in which any religious observance or instructions of a nature not approved by the guardian is compulsory. As far as rural areas are concerned, I am afraid, this Bill will not be applicable. With regard to this particular point I beg to differ. I am fully aware of such places where there is no school within a distance of even 10 miles. I may give an instance of my ilaga where there is no school within a radius of even 20 miles. When a guardian is going to be excused in case there is no school within a distance of 2 miles from the residence of the boy, may I ask the Government what would happen in such cases where there is no school in a radius of say 10 or 20 miles? It means that more than half of the area of any district would not be coming in the purview of this Act, and the Act if enforced would not be applicable to that area at all. Has the Government ever considered this particular point that half of the province would not be coming within the jurisdiction of this Act, if enforced? I doubt very much if the Government have made efforts to solve this handicap beforehand. My submission to the Minister in charge is this. Supposing this Act is enforced in the province and centres of compulsory education are made but when a particular area would lack in efficient schools how would it be possible for the Government to make this Act workable? I am sure this Act would also fail in the same way as the Act of 1919 was a failure before. I fail to understand why the Government is making fruitless attempts of this type when it has not prepared a favourable scope for the enforcement of this Act about which the Minister in charge seems to be very anxious. Moreover, when we have already got an Act in this respect, I do not think there is any need of bringing about another Act of similar type. I do not think there is anything new in this Bill except this that a particular provision has been made for girls to the effect that compulsory centres would be opened for their education also in the province. In relation with education of the female reasonable excuses have also been provided in the Bill.

Seth Sudharshan : On a point of order. There is no quorum in the House.

(The Division bell was rung and thereafter on a count being taken it was found that there was quorum.)

Pandit Bhagat Ram Sharma : I was submitting that as far as education of the male is concerned reasonable excuses have been given in section 10 to the effect that on those excuses no suit can be instituted against a guardian. I read out to you part (a) of that section :—

- (a) That there is no recognized school within a distance of two miles by the nearest route from the residence of the boy ;

Similarly, regarding the education of girls reasonable excuses have been laid down in section 18 which says :—

- (a) That there is no recognized school within a distance of half a mile by the nearest route from the residence of the girl ;

So far as practical side of the matter is concerned we have got to see what attempts have so far been made by the Government in order to make this Bill more practicable and useful. It has been stated that in some villages there are primary schools within a distance of half a mile. I doubt this statement very much. It may be correct in case of those small towns which are thickly populated. But so far as rural population is concerned let me ask the Honourable Premier who claims every now and then on the floor of this House that he wants to make a serious and regular strife against illiteracy as to how far he is prepared to translate this measure into action. I would again submit that this measure which the Government is going to enact has got nothing new in it. We can avail ourselves of the previous Act which we have already got. Another point which I want to stress is this that the passage of this Bill would merely prove to be a further burden on the poor tax-payers of the province, who have given their hard earned money in the hands of the Government on this hope that they would sometimes legislate some beneficial measures for them. But woe betide them, the Government instead of legislating some beneficial measures is going to commit a folly again. That is how, I would submit, an unwanted burden is put on the Exchequer of the province on account of the committal of continuous follies by the Government. What is the actual position? In rural areas people want education. There is a very large number of boys anxious to join schools. They are prepared to share the burden of expenditure. They offer to provide sites and buildings for schools. But what do you do? You tell the people that you have issued a circular on the subject and that if the people of a particular village fulfil the conditions laid down therein only then and then you will open a school there. Is this the way in which you encourage private enterprise? The policy followed by the Honourable Minister at present is absurd and meaningless. When you refuse to encourage private enterprise how are we to understand that your present policy is conducive to general good. Two years have elapsed since you came into power. This Bill has been under your consideration for such a long time. But it is still as bad as before. Mr. Speaker, as you appear to be anxious that I should close my remarks—

Mr. Speaker : Personally I have no objection to the honourable member's continuing his speech, but he should not repeat his arguments. (*Honourable members :* Question be now put.)

Pandit Bhagat Ram Sharma : Well then, Sir, I would invite your attention to section 3 of the Bill. The following words appear there :—

Any local authority may, by a resolution passed at a meeting convened for the purpose and supported by the votes of not less than two-thirds of the members present, resolve that education shall be compulsory.....

This shows that a local authority has been given this power.

Mr. Speaker : That argument has already been advanced.

Pandit Bhagat Ram Sharma : Sir, you will see that a discretionary power is being given to a local authority. This has been going on in the province for the last nineteen years.

Mr. Speaker : The honourable member is repeating.

Pandit Bhagat Ram Sharma : I have never said that thing before. I ask how is it that when this Act has worked for nineteen years they have found it to be unworkable to-day ? Where is the justification in bringing forward the same law in a different form ? However I close my remarks by saying that this Act is a murderous Act.

Dr. Gopi Chand Bhargava (Lahore City, General, Urban) (*Urdu*) : Sir, the motion now before the House relates to the Bill being recommitted to the same select committee. The select committee was appointed in June last. They held their meetings in June, July and October, 1938. There was a little trouble over the question of including the cantonment boards in the category of municipal and district boards. A period of two years has elapsed since the present Government came into power but they have done little practical work for the public good. Last year when we raised the question of primary education we were told that the Punjab Primary Education Bill has been referred to a select committee and that they hoped to do something substantial in this connection. But to-day they have flung upon us a surprise inasmuch as they have while rejecting the suggestions of republication agreed to the motion regarding recommitment. Is it that the select committee have not considered the Bill from a view-point from which they want to look at it to-day ? How is it that after moving a motion for the reconsideration of the Bill Government all of a sudden agrees to a motion for recommitting it to the same select committee ? We are often told on the floor of the House that a Government which does not consider it to be its first and foremost duty to ameliorate the conditions of the poor classes and to work for their good, cannot at all deserve the epithet of a popular Government. But now may I ask my honourable friends sitting over there as to how far it is in the best interests of the poor people to recommit this Bill to a select committee especially when the Government had already squandered thousands of rupees on the same committee and wasted a period of a considerable length ? I fail to understand as to how our present Government can prove this delay in the passage of the Bill to be beneficial for poor people. I have reasons to believe that in reality the Government does not at all like to enact this Bill. It only wants to while away the time and dilly-dally with the measure. On the one hand it feels proud of doing a singular service to the province by bringing forward a Bill which aims at promoting free compulsory primary education, but on the other it itself deliberately resorts to dilatory tactics and effects an unnecessary delay in the passage of the present Bill. I do not know whether the Government would be able to reconcile its claims with its action. It would have been at least some consolation to us if the Honourable Minister in charge of the Bill had enlightened the House to the effect that the present Bill is wanting in some respects and there is still ample scope for further improvement therein. I would have accepted his statement without demur if he had assured the House that some suitable and salutary changes are sought to be effected therein by recommitting it to the same select committee. But it is a pity that he has said nothing on the point and has kept nailed to his seat without taking the House into his confidence in the matter. It would have saved the time of the House had he advanced at least some arguments in favour of the recommitment of the Bill. Under such circumstances we are free to conclude that the Punjab Government does not mean

business at all and it only wants to evade the passage of the Bill. The Government should refrain from delaying the enactment of the Bill, especially when it is sure that the present measure really aims at the welfare of the poor people. There can be only one justification for the recommitment of the Bill, and that is this that it is desired to bring it in line with the Bombay Act. But I may submit that the new clauses have already been given notice of which would amend and modify our measure and bring it in line with the Bombay Act. There was a provision for the School Attendance Committee in the first Bill. These amendments sought to effect the desired change in regard to this committee. Then what was the necessity for postponing the consideration of the Bill to the next session? I am perfectly sure that no useful purpose can be served by the recommitment of the Bill. Now we have certain days at our disposal and if the Government intends to do some real work and consider the Bill clause by clause it is welcome to do so, but in case it does not accept my proposal I am free to conclude that the Government wants to get rid of the situation which may arise by extending the session for some more days.

I could understand if the Government had moved a motion in the House to the effect that since it wanted to obtain the opinion of the eminent educationists the Bill should be recommitted to the same select committee. I think this motion coming from the Government benches would have satisfied all concerned. It is much to be regretted that the claims of the Government are entirely inconsistent with its actions. On the one hand it says that it intends to enact a Bill which provides for free compulsory primary education, but on the other it is resorting to dilatory tactics.

Rai Bahadur Mr. Mukand Lal Puri : On a point of order. There is no quorum in the House. When the Leader of the Opposition is addressing the House Government members should be present in the House to hear him.

4 P. M.

Mr. Speaker : Should the bell be rung twice in half an hour? What is the solution?

Dr. Sir Gokul Chand Narang : The House should be adjourned now or the bell should be rung. Why should you count again?

Dr. Gopi Chand Bhargava : I am speaking for the benefit of the Government and I am sorry that even the Government members cannot remain in the House to hear me.

Minister for Education : His own party men do not wish to hear him.

Dr. Gopi Chand Bhargava : Certainly, why should they? I can issue a whip.

Minister for Education : Then issue a whip to Chaudhri Krishna Gopal Dutt, to withdraw his amendment.

Dr. Gopi Chand Bhargava : Why should I? I give freedom.

Honourable Members : You may suspend the meeting.

Mr. Speaker : Is this the pleasure of the honourable members present?

(Honourable members from the Treasury Benches : Let him go on with his speech.)

Dr. Sir Gokul Chand Narang : I think either you may ring the bell for quorum and if you say that it is not yet half an hour past, then let him go on. It is discourteous to the Leader of the Opposition that his speech should be interrupted like this.

(At this stage Mr. Speaker ordered the bell to be rung.)

Mr. Speaker : There is quorum now.

Dr. Gopi Chand Bhargava : I thank you for the help you have given me.

I believe that it is the bounden duty of the Cabinet of a popular government, which wants to introduce reforms in its departments or intends to render some service to the province, to chalk out a programme and lay down principles for giving a practical shape to its intents and wishes. But what is being done here ? A syllabus revising committee was appointed by the present Government. Although the report submitted by this committee was published several months ago but nothing has come out of it. Even if another committee is appointed to go through this Bill, what will come of it ? What has, for instance, resulted from so many other committees which were appointed ? Has the Land Revenue Committee submitted its report ? If so, when and with what result ? What has happened to the Unemployment Committee ? Then, what has been the result of appointing a Retrenchment Committee ? I am afraid one of these days driven by despair we shall have to make a motion for retrenching this Retrenchment Committee. There is a strong feeling present, Sir, in the minds of the people of this province that committees are appointed when it is the intention of the Government to pigeonhole something. Similarly why recommit this Bill to the select committee ? Have they anything original to offer ? If they had, they would have put it long ago and we would have not talked of referring the matter again to the same committee. But if the Government is seriously of the opinion that something is missing from this Bill which is of vital importance, it should withdraw the present measure and bring forward a new one. After all what is behind the idea of recommitment ? The only idea seems to be that the Government wants to delay the passage of the Bill. I feel that if the measure is allowed to be shelved at this stage it will remain unheard of for a good long time. It will remain in oblivion like its sister the Land Revenue Committee Report. And that for a very good reason. The Honourable Premier has said that there will be no summer session this year. If there is no summer session, Assembly will not be able to meet before, say, October. Perhaps the measure may not be able to come up for discussion before the next year. And if the Bill is adopted after a good deal of dilly-dallying, there will be the all important stage of making of rules. The blessed rules will take a good deal of time to see the light of the day. The agrarian measures were passed in August of the last year but the rules about them have not been framed so far. Similarly the Honourable Premier was anxious to pass the Marketing Bill in the autumn session. He said, "I am anxious to see that the produce for the next harvest is disposed of under the new dispensation." But what has been the result. The rules have yet to be made. I have every apprehension.

that these rules will not be passed before the next budget session. I want, therefore, to make it clear by the beat of the drum that the real intention of the Government in accepting to recommit the Bill is to delay it indefinitely. And then they want to lay the blame for this delay at the door of the Opposition. I am not prepared to let them have it both ways. This is why no sooner did the words fall from the lips of my friend, Chaudhri Krishna Gopal Dutt, than the Minister of Education hastened to accept the suggestion. Why should we let the measure be delayed? The Government has not even to cater for funds. They have empowered the district boards to levy cess for that purpose. So this Bill is not a financial measure and the Government cannot delay it on the ground of fiscal considerations. Let us pass this Bill through the present Session and if later on there is some difficulty in its working, we can pass an amendment Bill. Let us proceed to consider this Bill clause by clause and have done with it (*Hear, hear from the Treasury benches*). I quite see the meaning of your applause. You want to hasten only with those Bills which are not so beneficial. But when really beneficial measures come up, you wish to delay them. Sir, I want it to be known that I do not wish that this session should terminate before the passage of this Bill. I think the Government has no good intentions in the matter of delaying this Bill. I would have the present session prolonged so that the Primary Education Bill is placed on the Statute Book here and now. I do not propose to lengthen the session for the sake of my travelling allowance. I confess that I draw my Rs. 22, annas 8 per diem but that amount I can earn in my profession as well. So money is not the consideration. My friends of the Government work four days in a week in the legislature and that too for four and a half hours every day. They say that they require time for rest and study. This budget session we have worked for five hours every day and still we could find time for rest and study.

Let me make it absolutely clear that I do not stand to gain anything whether the session is prolonged or brought to an abrupt end. If, however, my honourable friends think that any prolongation of the session is going to affect them adversely they are welcome to bring it to an end. Let them drop even the business included in the agenda for to-morrow, and the day after. But my submission is that if something is useful for the province and we have the desire to complete it we can hold prolonged sittings to finish it. That is why I want this Bill to be considered clause by clause and passed into law in this session so that what we ought to have done last year may at least be done in this session. But by accepting this motion for recommitment you have postponed the consideration of the Bill at least for six months. You have not even fixed any date before which the select committee is to submit its second report. You know that this Bill was not taken up in the November session of 1938 and the January session of the current year. Perhaps you did not consider it important enough at that time or there were some other more important measures to be considered. But do you think that this Bill has no importance at all? If that is not the case why have you been postponing it over and over again? Why do you want to delay its passage?

Syed Amjad Ali Shah : May I remind the honourable Leader of the Opposition that his party has tabled no less than 18 amendments to the Bill?

Dr. Gopi Chand Bhargava : True. But there is nothing extraordinary about my party tabling 18 or even more amendments. But may I remind my honourable friend that the Ministerial party itself has tabled no less than three amendments. The nature of these amendments and the fact that they were given notice of just at the eleventh hour makes them more significant. Again, if you were to take into consideration the consultations among the Ministerial party about bringing the session to an abrupt end in order to save the party from the impending crisis then the significance of these amendments becomes quite obvious. Anyway, Sir, my contention was that the Government has been attaching much more importance to much less important matters but in the case of this Bill its attitude is already inexplicable. The Government has been guilty of inexcusable delay in passing into law a measure which can be really useful to the people of this province. So far as our amendments are concerned the Government can accept those which it considers useful and the rest it can reject in a very short time by means of closure motions. They have the majority at their back and they can pass this Bill into law in a single day if they so desire. Then why should they cause delay in the passage of this important and useful measure ? That is why I submit that the proposal for recommittal should not be accepted but that the Bill should be considered and passed into law in this very session. (*Applause.*)

Premier (The Honourable Major Sir Sikander Hyat-Khan) (*Urdu*): Sir, I had no intention of participating in this debate and the same was the case with my honourable friend the Leader of the Opposition. But when the bell rang on account of there being no quorum in the House he entered the House with his mind changed. For some reasons best known to him he has decided to change his tactics.

Dr. Gopi Chand Bhargava : That is not correct.

Premier : I am glad to hear that. Anyway, I was surprised at the Government being accused of dilly-dallying with this Bill. As a matter of fact my honourable colleague who is in charge of the Bill did not give any proof of his knowledge of parliamentary tactics. He ought to have kept silent until my honourable friends opposite had spoken on the motion and then accepted the amendment moved by them.

Chaudhri Krishna Gopal Dutt : With your permission, may I say one word ? Since you have not allowed the fundamental part of my amendment, namely the date—

Mr. Speaker : That is not a point of order.

Chaudhri Krishna Gopal Dutt : With your permission I want to withdraw the amendment, because the Honourable Minister of Education has also suggested to the leader of my party that he should ask me to withdraw it.

Mr. Speaker : The honourable member is not in order in making a speech at this stage.

Chaudhri Krishna Gopal Dutt : My point is that no useful purpose will be served by further discussion of the subject when I am prepared to withdraw the amendment.

Mr. Speaker : After the Honourable Premier finishes his speech, the honourable Chaudhri Sahib may withdraw his amendment.

Chaudhri Krishna Gopal Dutt : But it will save the time of the House.

Premier : My honourable friend has now suddenly awakened to the value of time. I suggest that if he was really anxious to save the time of the House he ought to have refrained from making a lengthy speech when he knew that his motion was going to be accepted.

Chaudhri Krishna Gopal Dutt : But it was the Minister of Education who suggested its withdrawal.

Premier : True. But when my honourable friend gave notice of his amendment he must have consulted his party about it and, therefore, his leader must be aware of this amendment. In fact, Sir, my honourable friend, the Leader of the Opposition, is always wavering and undecided in regard to his course of action, and, therefore, he often stumbles. This time the stumbling block happens to be the creation of his own party. The fact is that we wanted to pass the Bill at the earliest possible moment but we received an official amendment from the Opposition proposing recommitment of the Bill to the same select committee. Then some of my honourable friends went to see the Honourable Minister of Education, and requested him to accept the amendment so that the Bill may be amended in the select committee on the lines of the Bombay Act. The Honourable Minister asked my opinion and I told him that as the Bill was not of a very controversial nature and as we are always desirous of accommodating the Opposition we might as well agree to the proposal. My honourable friends have stated on the floor of the House to-day that they never intended to prolong the session. That may be true, but on the other hand the tactics which my honourable friends over there are pursuing actually lead to a prolongation of the session. As a matter of fact my honourable friends have never intended the session to terminate at an early date.

Besides, my honourable friend has stated that in view of certain events we on this side of the House wish to terminate the session as soon as possible. I may tell him that I do not wish to terminate the session of the Assembly. If I wished to do so I could have done this much earlier. Originally we provided that the session should end on the 3rd of April 1939. But on account of the dilatory tactics of my honourable friends over there we had to extend it up to the 8th April. Then again we were forced to extend it still further, i.e., up to the 19th April, 1939. After the 19th there was the 20th April which happened to be a non-official day and I therefore, directed that the business for that day should be ballotted so that my honourable friends should not accuse the Government of having deprived them of their day. (*Dr. Gopi Chand Bhargava :* Was this notice issued in the very beginning, i.e., on the 19th February, 1939 ?) Yes in the second revised list. I may assure my honourable friends that in the beginning we were of the opinion that the business of the Assembly for this session should terminate on the 4th April, 1939. But in view of the large number of amendments received I knew it fully well that my honourable friends would try their level best to extend the duration of the session as much as possible. In spite of all these hinderances and the dilatory tactics pursued by my honourable friends

[Premier.]

over there we tried to terminate the session on the 19th April, 1939. As the 20th April happened to be a non-official day I instructed that a ballot should be held for that day as well lest my honourable friends should bring a charge against us that we have very uncharitably usurped their just right. Besides we have called the session of the Assembly on the 21st as well in order to pass a very important Bill into law.

In the end I wish to make it clear that this Assembly is not meant for carrying on business other than Government business. On the other hand it is primarily concerned with business which affects the general interest and welfare of the province as a whole. Its session is neither called to conduct private business nor is it called for the convenience of private members so that they might come and waste the time of the House. I once again wish to point out that we are not responsible for this delay and the prolongation of the session, but on the other hand the whole responsibility lies on my friends over there. As regards the amendment I may submit that it is a question of giving one's word, and my friends are simply going back upon it. With these remarks I resume my seat.

Mr. Speaker : Does the honourable member wish to withdraw his amendment ?

Chaudhri Krishna Gopal Dutt : I should like to withdraw after giving reasons for it.

Mr. Speaker : I cannot allow the honourable member to make a speech.

Chaudhri Krishna Gopal Dutt : If you do not allow me to give my reasons then I shall resume my seat.

(Leave to withdraw the amendment not having been given by the House.)

Mr. Speaker : The question is—

That the Punjab Primary Education Bill as reported by the select committee be recommitted to the same select committee.

The Assembly divided : Ayes 91. Noes 31.

AYES

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.
Allah Bakhsh Khan, Khan Bahadur
Nawab Malik.
Amjad Ali Shah, Sayed.

Anant Ram, Chaudhri.
Ashiq Hussain, Captain.
Badr Mohy-ud-Din Qadri, Mian.
Barkat Ali, Malik.
Bhagwant Singh, Rai.
Chhotu Ram, The Honourable Chaudhri Sir.
Dina Nath, Captain.
Faiz Muhammad Khan, Rai.
Faiz Muhammad, Shaikh.

- Faqir Hussain Khan, Chaudhri.
 Farman Ali Khan, Subedar-Major Raja.
 Fateh Muhammad, Mian.
 Fateh Sher Khan, Malik.
 Fazl Ali, Khan Bahadur Nawab Chaudhri.
 Fazl Din, Khan Sahib Chaudhri.
 Fazal Karim Bakhsh, Mian.
 Ghazanfar Ali Khan, Raja.
 Ghulam Mohy-ud-Din, Khan Bahadur Maulvi.
 Ghulam Qadir Khan, Khan Bahadur.
 Gopal Singh (American), Sardar.
 Gurbachan Singh, Sardar Sahib Sardar.
 Habib Ullah Khan, Malik.
 Haibat Khan Daba, Khan.
 Hans Raj, Bhagat.
 Hari Chand, Rai Sahib Rai.
 Harnam Singh, Captain Sodhi.
 Het Ram, Rai Sahib Chaudhri.
 Indar Singh, Sardar.
 Jafar Ali Khan, M.
 Jagjit Singh Bedi, Tikka.
 Karamat Ali, Shaikh.
 Khizar Hayat Khan Tiwana, The Honourable Nawabzada Major.
 Kishan Das, Seth.
 Manohar Lal, The Honourable Mr.
 Mubarak Ali Shah, Sayed.
 Muhammad Akram Khan, Khan Bahadur Raja.
 Muhammad Amin, Khan Sahib Shaikh.
 Muhammad Ashraf, Chaudhri.
 Muhammad Azam Khan, Sardar.
 Muhammad Faiyaz Ali Khan, Nawabzada.
 Muhammad Hayat Khan Noon, Nawab Malik Sir.
 Muhammad Hussain, Chaudhri.
 Muhammad Nawaz Khan, Major Sardar.
 Muhammad Qasim, Chaudhri.
 Muhammad Raza Shah Jeelani, Makhdumzada Haji Sayed.
 Muhammad Saadat Ali Khan, Khan Bahadur Khan.
 Muhammad Sadiq, Shaikh.
 Muhammad Sarfraz Khan, Chaudhri.
 Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.
 Muhammad Wilayat Hussain Jeelani, Makhdumzada Haji Sayed.
 Muhammad Yasin Khan, Chaudhri.
 Muhammad Yusuf Khan, Khan.
 Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
 Muzaffar Ali Khan Qizilbash, Sardar.
 Muzaffar Khan, Khan Bahadur Captain Malik.
 Muzaffar Khan, Khan Bahadur Nawab.
 Nasir-ud-Din, Chaudhri.
 Nasrullah Khan, Rana.
 Nannihal Singh Mann, Lieutenant Sardar.
 Nur Ahmad Khan, Khan Sahib Mian.
 Pir Muhammad, Khan Sahib Chaudhri.
 Pohop Singh, Rao.
 Pritam Singh, Siddhu, Sardar.
 Ram Sarup, Chaudhri.
 Ranpat Singh, Chaudhri.
 Riasat Ali, Khan Bahadur Chaudhri.
 Ripudaman Singh, Thakur.
 Roberts, Sir William.
 Shahadat Khan, Khan Sahib Rai.
 Shah Nawaz, Mrs. J. A.
 Shah Nawaz Khan, Nawab Sir.
 Sham Lal, Rai Bahadur Chaudhri.
 Sikander Hyat-Khan, The Honourable Major Sir.
 Singha, Diwan Bahadur S. P.
 Sohan Lal, Rai Sahib Lala.
 Sultan Mahmood Hotiana, Mian.
 Sumer Singh, Chaudhri.
 Sundar Singh Majithia, The Honourable Dr. Sir.
 Suraj Mal, Chaudhri.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sardar.

NOES

Bhagat Ram Choda, Lala.
 Bhagat Ram Sharma, Pandit.
 Chaman Lall, Diwan.
 Chanan Singh, Sardar.
 Dev Raj Sethi, Mr.
 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, Chaudhri.
 Kartar Singh, Sardar.
 Kishan Singh, Sardar.
 Krishna Gopal Dutt, Chaudhri.
 Mazhar Ali Azhar, Maulvi.

Muhammad Hassan, Chaudhri.
 Muhammad Iftikhar-ud-Din, Mian.
 Mukand Lal Puri, Rai Bahadur
 Mr.
 Muni Lal Kalia, Pandit.
 Partab Singh, Sardar.
 Prem Singh, Mahant.
 Rur Singh, Sardar.
 Sahib Ram, Chaudhri.
 Sampuran Singh, Sardar.
 Santokh Singh, Sardar Sahib Sar-
 dar.
 Shri Ram Sharma, Pandit.
 Sita Ram, Lala.
 Sohan Singh Josh, Sardar.
 Sudarshan, Seth.

The Assembly then adjourned till 12 noon, on Wednesday, 19th April, 1939.

PUNJAB LEGISLATIVE ASSEMBLY.

FIFTH SESSION OF THE FIRST PUNJAB LEGISLATIVE
ASSEMBLY.

Wednesday, 19th April, 1939.

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

STARRED QUESTIONS AND ANSWERS.

ODES AND ASSEMBLY ELECTIONS.

***4784. Khawaja Ghulam Samad :** Will the Honourable Premier be pleased to state to what community the Odes, members of a nomadic tribe, belong (i) for purposes of enumeration of population, (ii) for purposes of voting in elections to the Assembly ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :
(i) They are enumerated according to the faith they profess, e.g., Hindu, Muslim and Sikh.

(ii) For electoral purposes Hindu Odes are treated as members of the scheduled castes and the special qualifications laid down in paragraph 8 of the Sixth Schedule to the Government of India Act, 1935, apply to them. There are no scheduled castes amongst the Muslims and Sikhs. Accordingly they are registered and vote in Muhammadan and Sikh Constituencies respectively if they possess the necessary qualifications.

TRAVELLING AND HALT ALLOWANCES DRAWN BY PARLIAMENTARY SECRETARY OF HONOURABLE MINISTER OF DEVELOP- MENT.

***4785. Chaudhri Muhammad Hassan :** Will the Honourable Finance Minister be pleased to state—

- (a) the travelling and halt allowances drawn by the Parliamentary Secretary of the Honourable Minister of Development during the months of January and February, 1939 ;
- (b) the places visited by him during this period on Government or public business ;
- (c) the nature of the public business ;
- (d) the travelling and halt allowance drawn by the clerk of the Parliamentary Secretary mentioned above ;
- (e) the nature of public service that the clerk performed during the tours ?

The Honourable Mr. Manohar Lal : I regret that the answer to this question is not ready.

LIQUOR SHOP AT CHUHAR CHAK.

***4830. Sardar Rur Singh :** Will the Honourable Minister of Finance be pleased to state—

- (a) whether the residents of village Chuhar Chak, tahsil Moga, district Ferozepore, represented to the authorities that they did not want a liquor shop in the village ;
- (b) what action did the Government take in the matter ;
- (c) whether several resolutions have been passed against the opening of a liquor shop in the said village ; if so, with what result ?

The Honourable Mr. Manohar Lal : (a) Yes. In December, 1938.

(b) The resolution was received too late for any alteration to be made in the sanctioned excise arrangements for 1939-40.

(c) The resolution referred to in (a) above was the only one received.

Sardar Rur Singh : Is the Government aware of the fact that the residents of Chuhar Chak in no circumstances are prepared to allow the opening of a liquor shop in the said Chuhar Chak ?

Minister : I have no such knowledge.

Chaudhri Muhammad Hassan : Is it a fact that the Punjab Government wants to discourage the sale of liquor in the rural areas ?

Minister : I do not know what leads my honourable friend to entertain such an opinion.

Sardar Rur Singh : Is the Government aware of the fact that on 3rd April, 1939, the Sub-Divisional Officer, Moga, went to the village Takhtupura and told the residents of that place that if they failed to provide a place for the opening of liquor shop then police post would be posted in their village and they would be treated badly in other ways as well and on their refusal to comply with his request he went there on 4th April, 1939, on the excuse of girdawari and harassed them ?

Minister : I have no such knowledge.

Chaudhri Kartar Singh : May I know if the management of this department has been entrusted to the Honourable Finance Minister so that the policy of prohibition may not be given effect to ?

Mr. Speaker : Disallowed.

Pandit Muni Lal Kalia : When was the first representation that liquor shops may not be started at Chuhar Chak made ?

Minister : The only representation was received in December, 1938.

Pandit Muni Lal Kalia : May I take it that no other representation was made except the one referred to by the Honourable Minister ?

Minister : I have definitely intimated that in my answer already.

Sardar Sohan Singh Josh : How many men signed that representation ?

Minister : There is no question of representation. It is a resolution. If the honourable member would read the question he will find that this supplementary question is misdirected.

Pandit Shri Ram Sharma : May I know whether any residents of that place requested the Government for the opening of a liquor shop there ?

Minister : Is it a question ?

Pandit Muni Lal Kalia : Do the authorities propose to discontinue the liquor shop in view of the representation that has been sent to the Government ?

Minister : The resolution would be properly considered and all appropriate steps taken as soon as possible.

Pandit Shri Ram Sharma : May I know what is the settled policy of the Government in this respect ? If the residents of a place say that a liquor shop should not be opened in their village, whether the Government agree to their request or not ?

Mr. Speaker : Questions about policy should be avoided.

Pandit Shri Ram Sharma : I am not asking any question regarding the general policy of the Government. On the other hand, I am simply asking a question as regards the settled policy of the Government in this respect.

Mr. Speaker : Questions about policy should be avoided.

Pandit Shri Ram Sharma : There is a difference between the two. Settled policy is that about which the Government have arrived at a particular decision. May I know whether any decision has been made or not ?

Minister : I do not understand how the question of policy settled or otherwise of the Government on the whole question arises in regard to a particular shop in a given village. It passes my understanding.

Pandit Muni Lal Kalia : Is it a fact that the sale of liquor in this particular village has considerably fallen down as compared with the previous years ?

Minister : I know nothing about it.

Lala Duni Chand : Is it the wish of the Government that liquor should be forced down the throats of the people even if they do not want it ?

Minister : I do not follow that question.

Pandit Shri Ram Sharma : May I know whether this liquor shop is being opened in Chuhan Chak in order to propose the toast of the famine-stricken people of Hissar district ?

Sardar Rur Singh : May I know whether this liquor shop is being opened in order to force liquor down the throats of the people ?

Mr. Speaker : Disallowed.

INTRODUCTION OF OCTROI BY MUNICIPAL COMMITTEE, PANIPAT.

*4484. **Khawaja Ghulam Samad :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether he is aware of the fact that the municipal committee, Panipat, has resolved to introduce octroi instead of terminal tax and consequently there is much agitation among the people on account of the proposed change ;

[Khawaja Ghulam Samad.]

- (b) whether he is aware that the aggrieved public has represented to the Government and the local authorities against this charge and the bye-laws framed ;
- (c) whether he has recently received any resolution passed by the Anjuman of cattle dealers at a meeting held under my chairmanship ;
- (d) the action the Government took or intends to take in this matter ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : No proposal for the introduction of octroi at Panipat in place of terminal tax has so far been received. If, however, the municipal committee is proposing to change to the system of octroi, this is probably in accordance with the advice recently tendered by Government to all municipal committees levying terminal tax. Under the Government of India Act of 1935, it is not possible now either to increase any of the items in a terminal tax schedule or to extend the operations of such a tax to a new area, points which give rise to difficulty in connection with municipal finance and when it is proposed that municipal boundaries should be enlarged.

MONOPOLY TO RUN MOTOR VEHICLES ON AMBALA-KALKA-KASAUJI ROAD.

***4486. Khawaja Ghulam Samad :** Will the Honourable Minister of Public Works be pleased to state—

- (a) the name of the person who has been given this year the monopoly to run motor vehicles on Ambala-Kalka-Kasauli road ;
- (b) for how many years this man has been enjoying this monopoly ;
- (c) the number of motor-car owners who applied for monopoly this year ;
- (d) who was recommended by the officer in charge ;
- (e) whether any insinuations were recently made to him against the officer in charge for the recommendation mentioned in (d) ;
- (f) the nature of the allegations made against him ;
- (g) the action taken by Government in this matter ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) No monopoly of the kind mentioned has been given or is intended to be given.

(b) to (g) Do not arise.

Lala Duni Chand : Is it not a fact that monopoly has been given to a particular person to ply lorries between Kalka and Kasauli ? I personally know that there is a monopoly. How does the Government dare deny this fact ?

Khawaja Ghulam Samad : Is it a fact or is it not a fact that persons have got monopolies for plying lorries between Kalka and Kasauli ?

Parliamentary Secretary : My information is that no monopoly of the kind has been given or is intended to be given to any body.

Lala Duni Chand : Will the Government make further enquiries in view of the information given by us that as a matter of fact monopoly has been given ?

Parliamentary Secretary : When a question contains a statement of fact, it should be accompanied by a certificate to the effect that the honourable member believes in that fact to be true.

Lala Duni Chand : Will the Government please take any action against those people who supply wrong information ?

Parliamentary Secretary : That depends whether the information supplied is wrong.

Sardar Kapur Singh : These roads might have been reserved for certain persons.

Lala Duni Chand : Will the Government take this fact from me that on the 2nd of this month I actually travelled in that lorry the owner of which is enjoying the monopoly ?

Parliamentary Secretary : If the honourable member will give that statement to me in writing I will make enquiries.

Pandit Shri Ram Sharma : May I know the department on whose information this reply has been based ?

Parliamentary Secretary : The department concerned.

Pandit Shri Ram Sharma : I want to know the department.

Parliamentary Secretary : The department which deals with this matter.

Pandit Shri Ram Sharma : Will the Honourable Parliamentary Secretary please state the name of the department which is concerned with this reply ?

Sardar Sohan Singh Josh : Why is so much secrecy being maintained ? The name of the department concerned may be disclosed.

Parliamentary Secretary : It is the Deputy Commissioner who deals with these matters.

Lala Duni Chand : Is the Honourable Parliamentary Secretary aware of the fact that only one lorry plies daily between Kalka and Kasauli ?

Parliamentary Secretary : That depends upon the volume of traffic.

Lala Duni Chand : Is the Honourable Parliamentary Secretary in a position to say that no lorry plies between Kalka and Kasauli ?

Parliamentary Secretary : How can I say anything without having previous notice of the question ?

Khawaja Ghulam Samad : In reply to part (a) of my question the Honourable Parliamentary Secretary has said that no monopoly has been given this year but the other part of my question is :—

“ for how many years this man has been enjoying this monopoly ”, and there are other parts of the question, i.e., from (c) to (g) in reply to which he has said that they do not arise. May I know how they do not arise ?

Parliamentary Secretary : In the reply that I have given the words ‘ this year ’ do not occur.

Khawaja Ghulam Samad : May I have the reply of the Honourable Parliamentary Secretary once again ?

Parliamentary Secretary : My reply is :—

“(a) No monopoly of the kind mentioned has been given or is intended to be given.

(b) to (g) Do not arise.”

Khawaja Ghulam Samad : I conclude from the words “has been given” in reply that no monopoly has been given this year.

Lala Duni Chand : May I know what he means by saying that monopoly of this kind is not given. Does not monopoly mean that only a particular person has got the right to ply a lorry between two places? Is this monopoly or not? Are there many kinds of monopolies?

Parliamentary Secretary : This is something for which reference can be made to a dictionary. (*Laughter.*)

Khawaja Ghulam Samad : Will he please give reply to my other part of the question?

Parliamentary Secretary : My reply to this question is that in view of my answer to part (a) of the question, the answers to other parts do not arise and if my honourable friend has got a different opinion then I am very sorry that we differ on the point and I cannot help it.

Khawaja Ghulam Samad : Mr. Speaker, the Parliamentary Secretary evades the reply; so I want your ruling on the point whether the other parts of the question, namely, (b) to (g) arise or not?

Mr. Speaker : From the answer given?

Khawaja Ghulam Samad : Yes.

Mr. Speaker : The honourable member may repeat his question.

Khawaja Ghulam Samad : My first question was :—

“(a) the name of the person who has been given this year the monopoly to run motor vehicles on Ambala-Kalka-Kasauli road;”

The reply was that no monopoly has been given. The other questions were as follows :—

“(b) for how many years this man has been enjoying this monopoly;

(c) the number of motor car owners who applied for monopoly this year;

(d) who was recommended by the officer in charge;

(e) whether any insinuations were recently made to him against the officer in charge for the recommendation mentioned in (d);

(f) the nature of the allegations made against him;

(g) the action taken by Government in this matter?

These are the questions. I want your ruling Mr. Speaker.

Parliamentary Secretary : The first part of the question is :—

“(a) the name of the person who has been given this year the monopoly to run motor vehicles on Ambala-Kalka-Kasauli road,”

My answer to this question is—

“(a) No monopoly of the kind mentioned has been given or is intended to be given.”

To parts (b) to (g) my reply is :—

“Do not arise.”

Khawaja Ghulam Samad : You say it has not been given this year. My question is for the previous years also.

Parliamentary Secretary : The question of the honourable member is for this year and not for previous years.

Khawaja Ghulam Samad : I refer the Honourable Parliamentary Secretary again to other parts of the question.

Lala Duni Chand : I concede that there is no monopoly between Ambala and Kalka. I want to know whether there is monopoly between Kalka and Kasauli.

Parliamentary Secretary : That does not arise out of this question.

Pandit Shri Ram Sharma : May I know if no monopoly has been given to any one for plying motor lorries on the Kalka-Kasauli road ?

Parliamentary Secretary : If the honourable member will give notice of that question I will let him have the reply. So far as this question with regard to monopoly on Ambala-Kalka-Kasauli road is concerned, I have given the answer.

Pandit Shri Ram Sharma : Has it been enquired already whether any monopoly has been given for the Ambala-Kalka-Kasauli road.

Parliamentary Secretary : My reply is in the negative. No monopoly has been given for the Ambala-Kalka-Kasauli road.

Pandit Shri Ram Sharma : Does the Honourable Parliamentary Secretary mean that there exists a monopoly on the Kalka-Kasauli road ?

Parliamentary Secretary : It is a different question altogether. If you want information on that point, please table a question and then I will give a reply.

Munshi Hari Lal : Does it not mean from Ambala to Kalka and from Kalka to Simla ?

Mr. Speaker : That is a matter of interpretation.

Khawaja Ghulam Samad : I have been waiting for your ruling. I want your ruling. We are often discouraged in this way by such sort of evasive answers and that is why I want your ruling for future guidance of the Ministerial party so that they may avoid evasive answers.

Mr. Speaker : In the first part of the question the honourable member wanted to know the name of the person who was given this year the monopoly to run motor vehicles on Ambala-Kalka-Kasauli road. The reply is in the negative. The next question is, "for how many years this man has been enjoying this monopoly." Does the honourable member mean that this monopoly has existed in the past as well as this year ? It is denied that it exists this year but for previous years the honourable member may be given an answer.

Parliamentary Secretary : I have said that if he wants information with regard to previous years, I will certainly be able to give the information.

Minister for Public Works : If he wants historical research about this matter, it will be done.

Khawaja Ghulam Samad : It is not a question of historical research, Sir, but I want historical facts on the floor of this House. I put certain questions with a view that the Government should in duty bound know these facts. This Government should know them and give the correct reply.

LOCAL RATES IN AMRITSAR DISTRICT.

***4548. Chaudhri Fazal Din :** Will the Honourable Minister of Public Works be pleased to state—

- (a) the total amount of local rate collected in the Amritsar district ;
- (b) the amount paid to the Amritsar district board out of it ;
- (c) the percentage in the amount paid to the district board by the members of the different communities living in the district ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) The total amount on account of local rate collected in Amritsar district during the period April, 1937, to February, 1939, was Rs. 3,81,247-7-9.

(b) The whole of this was paid to the district board.

(c) The collection of this information would entail a great deal of labour and I am afraid I cannot undertake to have it collected unless it appears that some useful public purpose will be served.

Sardar Sohan Singh Josh : May I know how much is collected by way of professional tax ?

Parliamentary Secretary : The original question related only to local rates and this is entirely a new question for which I would like to have a notice.

REPORT OF THE DEPARTMENTAL INQUIRY AGAINST ONE B. VIDYA

PARKASH, MOTOR LICENSE CLERK, AMBALA.

***4640. Maulvi Mazhar Ali Azhar :** Will the Honourable Minister of Revenue be pleased to lay on the table of the House, the report of the departmental inquiry held by the Treasury Officer, Ambala, into the allegations of bribery made by the Motor Union, Kharar, district Ambala, against B. Vidya Parkash, Motor License Clerk, Ambala, and action taken by the Government on the same ?

The Honourable Dr. Sir Sundar Singh Majithia : It is not customary or desirable in the public interest to place copies of departmental enquiry proceedings on the table of the House. The Deputy Commissioner, Ambala, has passed orders reducing the pay of the clerk from Rs. 62 to Rs. 40 per mensem, and placing him at the bottom of the grade. The Deputy Commissioner has further ordered that the clerk should not be considered for promotion for a period of 5 years.

REFUSAL OF CONFIRMATION OF ELECTION OF NARAIN SINGH AND OTHERS TO PANCHAYAT COMMITTEE OF VILLAGE KANG, DISTRICT AMRITSAR.

***4690. Sardar Partab Singh :** With reference to the answer to Assembly question No. *3997¹ asked on 23rd January, 1939, will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that No. 3, i.e., Narain Singh, son of Tehal Singh, had been a member of the panchayat of his village for

the last nine years and No. 5 Sardar Natha Singh had been the president of the panchayat for the last three years ;

- (b) whether it is also a fact that the said Narain Singh on affidavit had on the occasion of election stated before the Deputy Commissioner that he was never convicted in his life time ;
- (c) whether it is also a fact that about 100 respectable persons of the village had on the occasion of that election also under their signature assured the Deputy Commissioner that Sardar Narain Singh and Sardar Natha Singh were not ex-convicts ;
- (d) if the answers to the above be in the affirmative, the grounds on which No. 3 and No. 5 of the successful candidates in the election to the panchayats committee of village Kang, district Amritsar, were declared to be ex-convicts and were refused confirmation on their election ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : (a) Narain Singh, son of Tehal Singh, has been a member of the panchayat at Kang for the last 9 years. Natha Singh, however, was never the Sarpanch of this panchayat. It seems that the eligibility of the former was never questioned at any previous election.

(b) No.

(c) Yes.

(d) Because the Deputy Commissioner was satisfied that these persons were ex-convicts and therefore ineligible for election to the panchayat.

Chaudhri Muhammad Hassan : What was the material before the Deputy Commissioner to come to that conclusion ?

Parliamentary Secretary Shaikh Faiz Muhammad : It is difficult to say what the material was before the Deputy Commissioner but evidently he had reliable material upon which he based his judgment.

Chaudhri Muhammad Hassan : Did not the Government try to satisfy itself as to the propriety of the conclusion of the Deputy Commissioner ?

Parliamentary Secretary : The Government is perfectly satisfied that the conclusion arrived at by the Deputy Commissioner is correct.

Chaudhri Muhammad Hassan : On what material was Government satisfied ?

Parliamentary Secretary : There is always material on which judgment is based.

Chaudhri Muhammad Hassan : Under what section was he convicted ?

Parliamentary Secretary : I want notice for that question.

Sardar Hari Singh : Are they Congressmen ?

Parliamentary Secretary : I do not know ; the honourable member must know.

Munshi Hari Lal : When was he convicted ?

Parliamentary Secretary : I want notice for that question.

Munshi Hari Lal : Was the sentence such that he could not be elected ?

Parliamentary Secretary : He was convicted of an offence which made him ineligible for election to the panchayat.

Sardar Partab Singh : Is Government prepared to ascertain whether there is positive proof for which the Deputy Commissioner disqualified these persons ?

Parliamentary Secretary : The Deputy Commissioner has definitely stated that these persons are previous convicts and therefore as such they are ineligible for election. The Government has accepted this statement of the Deputy Commissioner. If, however, the honourable member has any information to the contrary he can give it to me and we will make further enquiries.

Chaudhri Muhammad Hassan : What were the reasons of the Deputy Commissioner for saying that the conclusion arrived at by him was correct ?

Parliamentary Secretary : Well, the evidence.

Sardar Sohan Singh Josh : Will the Parliamentary Secretary please state whether any enquiry was made into this matter ?

Parliamentary Secretary : The procedure is that if a person who is not eligible for election, gets himself elected, Government can remove him even afterwards if it comes to their notice that he is ineligible.

Sardar Sohan Singh Josh : Is Government aware that Narain Singh was previously debarred from election and that now when he contested the election he has been successful ?

Parliamentary Secretary : I am not aware of it.

Chaudhri Muhammad Hassan : Is it a fact that the evidence mentioned by the Parliamentary Secretary consisted of oral evidence only ?

Parliamentary Secretary : If it had consisted of oral evidence, I may inform the honourable member that about a hundred persons went to the Deputy Commissioner and told him that these particular persons were not convicts. The Deputy Commissioner brushed aside oral evidence and probably relied on documentary evidence.

Sardar Partab Singh : May I draw his attention to part (b) where it is said that Narain Singh on affidavit had on the occasion of election stated before the Deputy Commissioner that he was never convicted in his life time. May I know whether the Government will make an enquiry or is Government sure that what the Deputy Commissioner has stated is true and is Government prepared to make an enquiry in the matter ?

Parliamentary Secretary : My information on the point is that the gentlemen concerned did not put in an affidavit.

Pandit Bhagat Ram Sharma : May I know the nature of the document ?

Parliamentary Secretary : I cannot say off-hand.

Sardar Partab Singh : Is the Parliamentary Secretary aware of the fact that the Deputy Commissioner disqualified Narain Singh on personal grounds of animosity ?

Parliamentary Secretary : I am afraid I cannot subscribe to that view.

Sardar Lal Singh : Will the Parliamentary Secretary let us know whether the Deputy Commissioner in his report has given serially the number of cases in which he was convicted ?

Parliamentary Secretary : That is a fresh question. If the honourable member puts a separate question I will find it out.

Sardar Lal Singh : Will the Parliamentary Secretary enquire and find out the criminal cases in which he was convicted ?

Parliamentary Secretary : If the honourable member will give notice I will enquire.

Chaudhri Muhammad Hassan : Has the Parliamentary Secretary examined the documentary evidence against these persons ?

Parliamentary Secretary : I do not think it was necessary to examine the documentary evidence. Government relied on the Deputy Commissioner's report.

Chaudhri Muhammad Hassan : Has the Deputy Commissioner given the nature of the documentary evidence against these persons ?

Mr. Speaker : This question does not arise.

Sardar Lal Singh : Has Government got any documentary evidence apart from the report of the Deputy Commissioner on which it is satisfied that these people were convicted.

Parliamentary Secretary : A man cannot be convicted unless there is evidence against him and that evidence is reduced to writing.

Sardar Lal Singh : I want to know whether apart from the report of the Deputy Commissioner Government has in its possession any documentary evidence on which it is satisfied that they were convicted.

Parliamentary Secretary : If by Government he means government here in Lahore then we have no proof.

Sardar Kartar Singh : Has the Deputy Commissioner mentioned those cases in his report ?

Parliamentary Secretary : I cannot answer that question off-hand. The report is not with me. I think the Deputy Commissioner has given the cases in which these persons were convicted.

Pandit Shri Ram Sharma : In case when objection was raised to the effect that those candidates were ex-convicts and some people assured the Deputy Commissioner that those candidates were not convicted then why did the Deputy Commissioner not inform the Government about those particular cases in which those persons were convicted ?

Parliamentary Secretary : I am afraid the length of the question put by my honourable friend has made it meaningless.

Pandit Shri Ram Sharma : In case when objection was taken by the Deputy Commissioner to the effect that those candidates were not ex-convicts and on verification he was assured that those persons were not really previous convicts then, why did he debar them from election and why did he not inform the Government about those cases in which those persons were previously convicted to justify his actions ?

Parliamentary Secretary : Is it a question, Sir ?

Lala Duni Chand : In view of the information gathered to-day on the floor of the House, will the Parliamentary Secretary now enquire whether there existed previous conviction and if no conviction existed the Government will repent for the action of the Deputy Commissioner ?

Parliamentary Secretary : It is a request for action.

Sardar Partab Singh : Does the Parliamentary Secretary know that Sardar Narain Singh has been disqualified by the same Deputy Commissioner before whom he made a complaint regarding a certain sub-inspector of police of district Amritsar who indulged in taking bribery ?

Mr. Speaker : Does not arise.

Chaudhri Muhammad Hassan : Is the Parliamentary Secretary in a position to say what was the term of imprisonment undergone by these persons as reported by the Deputy Commissioner ?

Parliamentary Secretary : I cannot say off-hand.

Sardar Lal Singh : Is the Parliamentary Secretary aware whether that conviction was a fine or imprisonment ?

Parliamentary Secretary : I cannot say off-hand.

METERS FOR WATER-TAPS PURCHASED BY LAHORE MUNICIPALITY.

*4691. **Begum Rashida Latif Baji :** Will the Honourable Minister of Public Works be pleased to state—

- (a) the total number of requisitions made so far by the municipality Lahore for the supply of meters to be fixed to water-taps since the time it was decided to fix these meters ;
- (b) the number of meters purchased on such requisitions and the number of those yet to be purchased ;
- (c) the expenditure so far incurred and that which is expected to be incurred on those meters, and also the profit estimated to be derived therefrom ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) None so far.

(b) Does not arise.

(c) No expenditure has been incurred so far but it is estimated that the total cost of the purchase and installation of all meters will be about Rs. 10 lakhs.

The proposed meter rent is intended to cover only the interest on the original outlay, depreciation, maintenance and supervision and no profit is aimed at from this source. The Committee will, however, receive increased income amounting to Rs. 5 lakhs nearly from the sale of water, which now runs to waste.

ELECTIONS TO THE DISTRICT BOARD, MONTGOMERY.

***4692. Sardar Ajit Singh :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that elections to the district board, Montgomery, have been postponed; if so, for how long and when these elections may be expected to take place;
- (b) whether the electoral rolls will be prepared afresh according to the extended franchise;
- (c) whether the constituencies of the said District Board are also intended to be revised before the next elections take place?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) Yes, the general elections ordinarily due in February, 1939, have been postponed till October, 1939.

(b) Yes.

(c) Yes.

Mian Abdul Rab : May I know in how many districts in the Punjab, the district board elections have been postponed?

Parliamentary Secretary : I should like to have notice of that question.

Mian Abdul Rab : May I know whether it is a fact that the election to the district board of Jullundur has also been postponed and whether the Government intends to revise the constituencies of that district board?

Parliamentary Secretary : I should like to have notice of that question also.

Pandit Shri Ram Sharma : What is the reason for the postponement of the Montgomery district board election?

Parliamentary Secretary : If the honourable member had cared to read the answer to part (b) of the question, he would not have put this question.

Chaudhri Kartar Singh : By postponing the district board elections, does the Government intend to grant *swaraj* to the Montgomery district?

Mr. Speaker : Order, order. The honourable member should not cut jokes.

Lala Bhagat Ram Choda : For how long have the Jullundur district board elections been postponed?

Parliamentary Secretary : I cannot say off-hand.

Lala Bhagat Ram Choda : Will the present members continue for ever ?

Mr. Speaker : Order, order.

CHARGING OF FARES IN EXCESS BY MOTOR LORRIES.

***4716. Shaikh Karamat Ali :** Will the Honourable Minister of Public Works be pleased to state whether it is a fact that the drivers of motor lorries plying for hire between Zafarwal and Narowal are again charging more than the rates prescribed in the schedule attached to the answer given to my unstarred question No. 562¹ on 28th November, 1938 ; if so, what action does Government propose to take to save the public from the loss and inconvenience ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : No. According to my information this is not so.

UNTRAINED TEACHERESSES IN GIRLS SCHOOLS.

***4718. Begum Rashida Latif Baji :** Will the Honourable Minister of Education be pleased to state—

- (a) the number community-wise of untrained teacheresses employed in the girls schools in Lahore under the control of the Lahore municipality, with educational qualifications and period of service in each case ;
- (b) whether it is a fact that the Administrator, Lahore municipality, has recently issued a notice warning all such teacheresses to receive training without which they will be removed from service ; if so, whether any arrangement has been made by the Lahore municipality for their training and further whether these teacheresses will continue to receive their salaries during the period of their training ?

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

INCREASE IN OCTROI CHARGES BY LAHORE MUNICIPALITY.

***4719. Begum Rashida Latif Baji :** Will the Honourable Minister of Public Works be pleased to state whether it is a fact that the Lahore municipality has recently increased the rates of octroi charges on *swadeshi* goods and has reduced the rates of octroi charges on articles of foreign manufacture ; if so, the reasons therefor ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : The honourable member is referred to the reply given to starred question No. 4583².

Pandit Shri Ram Sharma : On which *swadeshi* goods has the tax been enhanced ?

Parliamentary Secretary : I have not been able to follow the honourable member's question.

¹Volume VI, page 615.

² page 111 ante.

Pandit Shri Ram Sharma : On which *swadeshi* goods has the tax been increased ?

Parliamentary Secretary : Please read the answer referred to by me first and then put the supplementary question.

Pandit Shri Ram Sharma : I have read that reply.

Parliamentary Secretary : Kindly read it out so that I may explain it to you in detail.

Pandit Shri Ram Sharma : Will you kindly read it out yourself. I want to know on which *swadeshi* goods the tax has been enhanced ?

Parliamentary Secretary : You have not studied the answer referred to by me. Kindly read it first.

Pandit Shri Ram Sharma : But why do you not supply the information ? I am to question and you are to answer.

Dr. Sir Gokul Chand Narang : On a point of order. So much time is being wasted in bandying words by the Honourable Minister assisted by his Parliamentary Secretary and the honourable member on this side. All this time would have been saved if the honourable Parliamentary Secretary had taken the trouble of just reading out that answer, instead of showing him the way to some previous records of the Assembly.

Mr. Speaker : I think, a mere reference to answers, given weeks and months ago, is not sufficient, to enable honourable members to know what particular answer was. But as proceedings are supplied to the honourable members, they are supposed to know their contents and, therefore, should not repeat their questions. If they repeat their questions or parts of questions, I think, Government members will not be out of order in inviting honourable members' attention to answers already given. If I hold otherwise, that shall mean that a member may ask the same question twenty times and the Parliamentary Secretary shall be bound to read out the whole answer every time.

Dr. Sir Gokul Chand Narang : I ask a supplementary question. Is this question identical with the question to the reply to which the honourable Parliamentary Secretary has referred ?

Parliamentary Secretary : On a point of order. Is it not open to us to refer to some information which can be obtained in a printed form ? If that is so, the answer to this question is also in a printed form.

Dr. Sir Gokul Chand Narang : I am not questioning your ruling. I only want to ask a supplementary question and it is this, whether the question now asked is identical with the question to the reply to which the honourable Parliamentary Secretary has referred ? That surely he can say.

Parliamentary Secretary : The question is not identical so far as its wording goes but it is such to which substantially the same reply would have been given and that is why I have referred to that previous answer.

Dr. Sir Gokul Chand Narang : Does your ruling hold good on this point ? When a member makes a request, cannot the Secretary or the Minister oblige him by just saying in one or two words that this is the answer, so that the House may not be kept in the dark. If a question is identical with the previous question, no honourable member can insist upon

[Dr. Sir Gokul Chand Narang.]

the reply being repeated in this House, but if the question is not identical, I think, if not the law, at least courtesy requires that some light should be thrown on the matter, if for nothing else, at least to enable the honourable member who puts that question, to put supplementary questions. I think the Ministers should extend that courtesy to honourable members of this House.

Khan Bahadur Nawab Muzaffar Khan : On a point of order. If a previous reply contains all the information that the honourable member needs, would it, in that case, be necessary to repeat it over again? The other point of order is ; what has been the practice of the House, when the honourable member who raised this objection now was a member of Government? He himself has been giving similar replies.

Dr. Sir Gokul Chand Narang : But I never refused to throw further light whenever I was asked to do so.

Mr. Speaker : The matter is a simple one. If a question has been asked and answered and the same question is asked a second time, the Parliamentary Secretaries will be fully justified only to refer to the previous question and its answer. If the question is not identical but its answer is identical, in that case also they may refer to the answer, but not otherwise.

Dr. Sir Gokul Chand Narang : What is now the answer of the Parliamentary Secretary?

Parliamentary Secretary : I would refer to the reply given to starred question No. 14583.

REPRESENTATION FROM VEGETABLE AND FRUIT MERCHANTS ASSOCIATION, SIMLA.

***4724. Lala Deshbandhu Gupta :** Will the Honourable Minister for Public Works be pleased to state whether the Government has recently received any representation from the Secretary, Vegetable and Fruit Merchants Association, Simla, containing their grievances of such merchants against the action of the Simla municipality in forcing them to shift and remove their shops to the Vegetable and Fruit Market at Simla, if so, whether the Government have inquired into their grievances and if so, the action taken by the Government to remove these grievances?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : Yes, a representation has been received. It is being considered.

CONVERSION OF READING ROOM AT KALKA INTO A MEAT MARKET.

***4725. Lala Deshbandhu Gupta :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that the late Lala Kapur Chand Jain, Bais of Kalka, made over a special hall built by him at his own expense to the municipal committee, Kalka, for the purpose of using it as a public library and reading room in recognition of which a *Sanad* was granted to him ;

- (b) whether it is a fact that the hall under reference still bears the two stone tablets showing that it was meant for the purposes of a reading room and library ;
- (c) whether it is a fact that up to the year 1932 this building continued to be used by the municipal committee as a public library and reading room but subsequently it was converted into a meat market ;
- (d) whether this was done with the permission of the local Government ; if so, the grounds on which such a sanction was given ;
- (e) whether Government are aware that there has been a good deal of public agitation against this act of the said municipal board and several representations have been sent to the Deputy Commissioner and the Commissioner by the public of Kalka in this connexion ;
- (f) whether it is a fact that Government have also received representation signed by the leading citizens of Kalka belonging to different communities urging the restoration of the said building for the aforesaid purposes ; if so, what action Government have taken on the same ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) There is nothing to show that the town hall was constructed by the late Lala Kapur Chand Jain.

(b) There is a tablet on the building which reads " Clerks Reading Room and Library 1914."

(c) and (d) The use of the building as reading room was abandoned long before 1932, and as it was both neglected and misused the committee decided in 1930 to convert it into some use. The public was informed of this decision by beat of drum and objections were invited. As no claim to ownership was established the building was converted into a vegetable and meat market with the approval of Government.

(e) Some representations have been received but Government are not aware of any agitation in this connection.

(f) Yes, a representation was received and it was forwarded to the Commissioner, Ambala division, for disposal.

Pandit Shri Ram Sharma : May I know whether the matter has been finally decided or is still under consideration ?

Parliamentary Secretary : It is a second class committee and, therefore, the representations have been sent to the Commissioner concerned who will decide the matter.

Pandit Shri Ram Sharma : Has this building been turned into a meat market because its founder was a Jain ?

Parliamentary Secretary : Such ideas cannot enter our brain. They show the mentality of my honourable friend opposite.

AFFAIRS OF SMALL TOWN COMMITTEE, NURPUR TIWANA.

*4727. **Chaudhri Kartar Singh** : Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that Chaudhri Muhammad Nawaz, Naib-Tahsildar, tahsil Khushab and president of the small town committee, Nurpur Tiwana, tahsil Khushab, who has his headquarters at Khushab at a distance of about 40 miles from the office of the said town committee issued a written order, dated 7th March, 1938, that the vice-president is prohibited to exercise the functions of the President, will not be entitled to consider any resolution or be authorized to promote or reduce any employee of the committee in the absence of the president and that consequently no meetings of the committee take place usually for two or three months together at a time during the absence of the president ;
- (b) whether it is also a fact that the said president has given written instructions to the Sub-Postmaster, Nurpur Tiwana, that in his absence all letters regarding committee affairs shall be delivered to the committee moharrir rather than to the vice-president ;
- (c) if the answers to (a) and (b) be in the affirmative, the reasons for issuing these orders against the provisions of the Punjab Municipal Act and the action intended to be taken in the matter ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) An order was passed that no meeting of the town committee of Nurpur should be held in the absence of the president as several complaints regarding irregularities committed by the vice-president had been made to the Sub-Divisional Officer, Khushab. Meetings of the committee, however, continued to be held at least once a month in the absence of the president in spite of the order.

(b) Instructions were issued to the Sub-Postmaster, Nurpur, that letters addressed to the president by designation should be delivered at the office of the town committee as it was found that the letters delivered to the vice-president were never placed before the committee.

(c) In view of what has been stated no action is contemplated in the matter.

Chaudhri Kartar Singh : By which section of the Municipal Act can this order of the president be justified ?

Mr. Speaker : I cannot allow this question.

Pandit Shri Ram Sharma : Is the privilege allowed to the official president in accordance with the Municipal Act ?

Pandit Shri Ram Sharma : Is it not a fact that the vice-president has all the powers of the president in the absence of the latter ?

Parliamentary Secretary : It is a question of law, and I am not here to interpret law.

Dr. Sir Gokul Chand Narang : If the law permits the vice-president to act in the absence of the president and the president according to his own notions of law prevents the municipal committee from discharging its duties,

is it not the duty of the Government to interfere? It is a question of mal-administration. It is a question of depriving members of the municipal committees of their rights. It is a question of the abuse of law. I have with me the order issued by the president. I will read it out and ask the Parliamentary Secretary whether he has any knowledge of it.

سردار موہن سنگھ وائس پریذیڈنٹ، سمال ٹاؤن کمیٹی، نورپور

میری عدم حاضری میں کسی اجلاس کی تقرری یا موقوفی یا ترقی کی نسبت کوئی ریزولوشن پیش نہ کیا جاوے اور نہ ہی پاس کیا جاوے۔
میری خوشاب میں موجودگی میں حاضری تصور نہیں ہونی چاہئے کیونکہ خوشاب میرا ہیڈ کوارٹر ہے۔ اصل ہذا بعد تعمیل واپس کی جاوے۔

(Sd.)

President,

Small Town Committee, Nurpur.

سپیکر، کمیٹی نوٹ کرے۔

(Sd.) J. M. SINGH, 7-3-38.

Dated 10-3-38.

Is the Honourable Minister aware of this order or not?

Parliamentary Secretary: No.

Dr. Sir Gokul Chand Narang: Has he now understood it?

Mr. Speaker: Quotations in questions make the questions inadmissible.

Dr. Sir Gokul Chand Narang: If I did not quote it but only gave the substance of the order, perhaps then it would not be inadmissible. I will give the substance. Is the Honourable Minister aware that the president issued an order to the vice-president that in his absence no resolution for the appointment, dismissal or promotion of any employee of the committee should be brought forward or passed and that his presence at Khushab should not be construed to mean his absence as Khushab is his headquarters, and that the order should be sent back to him after service? Is he aware of it?

Parliamentary Secretary: If my honourable friend had carefully listened to the answer which I gave to part (a) of this question, I do not think he would have asked the supplementary question. "An order was passed that no meeting....."

Dr. Sir Gokul Chand Narang: I have referred to him the actual order passed. It was not the order prohibiting a meeting, because a meeting must be held within a certain period according to law. The order was as I have mentioned. The question is whether the order that no resolution should be brought forward is justified.

Munshi Hari Lal: Has not the Honourable Minister of Public Works enquired about the written order, dated the 7th March, 1938, which is referred to in part (a) of the question? Did not the Honourable Minister enquire into the terms of that order?

Mian Abdul Aziz : Will the Parliamentary Secretary, having heard what Dr. Gokul Chand Narang said, make an enquiry about the matter and redress it?

Parliamentary Secretary : That is a request for action.

Dr. Sir Gokul Chand Narang : The date of the order is given in the question and the question put by the honourable member from Multan was whether the indication of this date having been given, the Honourable Minister took any steps to acquaint himself with the contents of that order.

Parliamentary Secretary : I have replied to that question before. The answer to part (a) is : An order was passed and it was to the effect that no meeting should be held in the absence of the president.....

Dr. Sir Gokul Chand Narang : That is not the point. Did he have the order before him when he prepared the answer to this question? Did he look into the order? The point is that what is indicated in the reply is not the order which was actually passed. Therefore, the supplementary question is perfectly in order whether the Parliamentary Secretary or his boss looked at the actual order of the 7th March, 1938, referred to in the question itself.

Parliamentary Secretary : I am not in a position to say that I did not have it before me, but I have no reason to believe that this reply is not based on the actual order.

Dr. Sir Gokul Chand Narang : Did the Parliamentary Secretary have the order before him when he framed the answer to this question?

Parliamentary Secretary : I have no reason to believe that the reply is not based on that order.

Lala Duni Chand : Is it not the duty of Government to interfere when a glaring instance of abuse of power or abuse of law is brought to its notice?

Mr. Speaker : The next question.

EXTENSION OF MUNICIPAL LIMITS OF LUDHIANA CITY.

***4729. Sardar Lal Singh :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether the question of extension of municipal limits of Ludhiana city is under consideration ;
- (b) if so, how long has it been under consideration ;
- (c) why has the question been kept pending so long and when the final decision is likely to be made ?

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

(b) Since December, 1935.

(c) It is reported that the proposal was received by the Deputy Commissioner, Ludhiana, in an incomplete form and had to be returned more than once for completion. In the meantime, the committee resolved to amend the proposal so as to include some more area within municipal limits. The case was finally submitted in November last but was returned by the

Commissioner for furnishing a large scale plan. It is now with the committee and it is expected that the committee will complete it by the end of April, 1939.

Sardar Lal Singh : May I know the reasons for this inordinate delay in the matter of extension of the municipal limits ?

Parliamentary Secretary : I have stated reasons in part (c) of the answer.

Chaudhri Muhammad Hassan : Has the Government ever considered the desirability of expediting the matter ?

Parliamentary Secretary : There is no question of Government expediting the matter. As soon as the complete papers are received from the municipal committee Government will take action.

Chaudhri Muhammad Hassan : Is the Parliamentary Secretary in a position to say who is responsible for submitting incomplete papers ?

Parliamentary Secretary : It must be somebody in the municipal office.

Sardar Lal Singh : When may we expect the whole matter to be settled ?

Parliamentary Secretary : As I have already said, the papers are now with the municipal committee. As soon as the complete papers are received from the committee, Government will have no hesitation in passing necessary orders.

NOMINATIONS TO DISTRICT BOARD, MULTAN.

***4762. Sardar Kartar Singh :** Will the Honourable Minister for Public Works be pleased to state—

(a) whether it is a fact that the elections to the district board, Multan, were held in October last ;

(b) whether it is a fact that nominations to the same board have not been made so far ;

(c) if the answers to both (a) and (b) be in the affirmative, the reasons for this delay and when the Honourable Minister proposes to nominate member to the said district board ?

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

(b) Yes.

(c) The delay is due to the fact that a reference had to be made to the Commissioner, after his proposals were received in the Secretariat. The matter is receiving attention.

PANCHAYATS IN DISTRICT KANGRA.

***4765. Captain Dina Nath :** Will the Honourable Minister of Public Works be pleased to state—

(a) the number of panchayats which are already existing in district Kangra ;

[Captain Dina Nath.]

(b) the number of new panchayats which have been constituted during the last year in the said district ;

(c) the number and names of panchayats which are under consideration to be constituted in the district in question ?

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

(b) Nil.

(c) Sixteen panchayats are being constituted and a proposal to establish 82 more panchayats is under consideration. A list giving the names of these panchayats is laid on the table.

Names of panchayats which are being constituted in Kangra district.

- | | |
|-------------|---------------|
| 1. Sarah. | 9. Kharian. |
| 2. Narti. | 10. Chhattar. |
| 3. Charo. | 11. Golwan. |
| 4. Behlu. | 12. Saliali. |
| 5. Narwana. | 13. Gumber. |
| 6. Lodhwan. | 14. Troipal. |
| 7. Bhadwar. | 15. Andreta. |
| 8. Pundar. | 16. Daroh. |

Names of panchayats which are proposed to be established in Kangra district.

- | | |
|--------------------------|-------------------------------|
| 1. Sidhpur-ghar. | 42. Derla. |
| 2. Kandar. | 43. Patlandar. |
| 3. Guryal. | 44. Jangal. |
| 4. Nana. | 45. Uhal. |
| 5. Kerwa-khurd. | 46. Tika Sapahal. |
| 6. Tiamal. | 47. Darogan Pathi-Kot. |
| 7. Samnoli. | 48. Chauru. |
| 8. Hadhal. | 49. Jalari. |
| 9. Chalali. | 50. Chehreri. |
| 10. Samralian. | 51. Bhanala. |
| 11. Bari. | 52. Shahpur. |
| 12. Khundian. | 53. Anwari. |
| 13. Dhameta Khas. | 54. Pathyer. |
| 14. Bara Kalan. | 55. Masal. |
| 15. Tataban-Kalan. | 56. Hatwas. |
| 16. Chansur. | 57. Takipur. |
| 17. Ther. | 58. Jalari. |
| 18. Dhaliara. | 59. Rajyana. |
| 19. Sothal. | 60. Chari. |
| 20. Gachi. | 61. Pargor. |
| 21. Jarot. | 62. Salol. |
| 22. Nagrota. | 63. Gahlian. |
| 23. Katnor. | 64. Lauj. |
| 24. Kandi. | 65. Rajol. |
| 25. Poth. | 66. Bhadiara. |
| 26. Karer. | 67. Tiyyarah. |
| 27. Bani. | 68. Doghiari. |
| 28. Gahli. | 69. Zamana-Abad. |
| 29. Langwan Brahmanan. | 70. Sahorah. |
| 30. Dhamrole. | 71. Shamirpur. |
| 31. Dhatwan. | 72. Abdullahpur. |
| 32. Lathiani. | 73. Nandehr. |
| 33. Mahal. | 74. Sarotari. |
| 34. Baloh. | 75. Sunhi. |
| 35. Dhundla. | 76. Luhna. |
| 36. Rangar Khas. | 77. Degera, Bachhwai, Tamloh. |
| 37. Tika Larabari. | 78. Naura. |
| 38. Tika Chaunki. | 79. Gaggal. |
| 39. Tika Majhog-Samluhi. | 80. Jenna Gharana. |
| 40. Basi. | 81. Rajhan. |
| 41. Chabutra. | 82. Dhira. |

SECOND HEALTH OFFICER FOR LAHORE MUNICIPALITY.

***4766. Mrs. Duni Chand :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether there is a proposal under consideration to appoint a second Health Officer for the Lahore municipality; if so, the names of candidates for the proposed post and the salary which the second Health Officer will get;
- (b) whether it is a fact that a similar proposal in 1938 was dropped after full consideration; if so, the fresh circumstances which have led to the proposal having been made again;
- (c) whether the Government is aware of the existence of a strong feeling in Lahore against the proposed appointment of a second Health Officer; if so, the action the Government intends to take in the matter?

Parliamentary Secretary (Shaikh Faiz Muhammad) : I am afraid I can make no statement on these matters at present except that the question is under consideration in connection with the numerous public complaints which have been heard of late with regard to sanitary conditions in the town.

Mrs. Duni Chand : Sir, now that it is no longer necessary for members to speak in English, that rule having been waived by you, will the Honourable Parliamentary Secretary answer me in Urdu so that I may be able to understand him?

(The Parliamentary Secretary, Shaikh Faiz Muhammad, translated his answer in Urdu.)

Mrs. Duni Chand : Does not the Government appreciate this simple fact that sanitary conditions in a city cannot be improved by the appointment of more health officers but by bringing in more sweepers and scavengers?

Mr. Speaker : Disallowed.

Mrs. Duni Chand : Is the Government aware that there are cities with greater population and with more sources of income but they have one health officer each and none of them has two health officers as has been proposed in the case of this city?

Mr. Speaker : That is argumentative.

Mrs. Duni Chand : Is the Government prepared to consider the advisability of providing some other suitable post to the person for whom this new appointment has been created?

Mr. Speaker : Disallowed.

Lala Bhim Sen Sachar : May I know whether the second Health Officer will be an assistant of the present Health Officer or whether he will have equal status with the present one?

Parliamentary Secretary : The Government has not yet arrived at any conclusion in this matter. As I have already stated the matter is now under the consideration of Government because of the complaints received.

SHORT NOTICE QUESTION AND ANSWER.

DACOITIES AND OTHER CRIMES IN AMBALA DISTRICT.

Lala Duni Chand : Will the Honourable Premier be pleased to state—

- (a) whether it has come to his notice that within the last ten days a dacoit came to a cloth merchant of Kurali Tahsil, Kharar, Ambala district, with a letter from his associate dacoits demanding a certain sum of money to be paid to them at a particular place and that a similar letter was recently received by a cloth merchant of Moranda, district Ambala ;
- (b) whether it is also a fact that a few days ago a number of dacoits came to the village Gopalpura, Moranda police station, district Ambala, and set a house on fire with the result that several men and women were burnt to death and further that a few days ago a woman was carried away by force from village Oyand, police station Moranda, district Ambala, and also a dacoity took place in village Dhanauri in the jurisdiction of the said police station accompanied by serious injuries and loot ;
- (c) whether he is aware that in view of the above cases and other daring acts of lawlessness panic prevails in tahsil Kharar and in the *ilaga* in the jurisdiction of the Moranda police station, district Ambala ; and if so, what special steps the district police has taken so far and what steps, if any, Government intends to take to allay the feelings of the panic-stricken people ?

Parliamentary Secretary (Sardar Sahib Sardar Ujjal Singh) :

(a) Information has not been received at provincial headquarters about these letters, but inquiries are being made.

(b) It is a fact that on the 30th March, dacoits entered village Gopalpura and set a house on fire. Three persons were killed and six died of asphyxia. No report has yet been received here about the alleged abduction of a woman from Oyand or the dacoity at Dhanauri, but inquiries are being made.

(c) There is undoubtedly some uneasiness in parts of the Ambala district, but the latest reports show that confidence is being restored. The district police have formed special staffs to trace the persons responsible for the recent outbreak of crime, and they have been reinforced by mounted police from Ferozepore. The Criminal Investigation Department is also co-operating.

Lala Duni Chand : May I know the reason why, in spite of the fact that the notice of the short notice question was given two weeks ago, full information has not yet been obtained by the Government in regard to such a serious matter ?

Parliamentary Secretary : Information as regards Gopalpura has been obtained. As regards other information, it is not easily available and enquiries are being made.

Lala Duni Chand : Is the Government satisfied that a state of anarchy has prevailed in the part of the district referred to in my question ?

Parliamentary Secretary : That is what I have stated, that every possible weapon is being used by the Government and vigorously patrolling in every section in that jurisdiction is being carried out every night. Co-optation of villagers is also under consideration and a joint meeting is being arranged with a view to organising raids simultaneously.

Lala Duni Chand : May I know why it is that this condition of affairs which has contributed to so many murders, dacoities and other things is being allowed by the police ?

Parliamentary Secretary : I have already stated that every effort is being made to put a stop to this lawlessness and Government will continue to make every effort in this direction.

PANCHAYAT COMMITTEE, VILLAGE KANG, AMRITSAR DISTRICT.

Mr. Speaker : Sardar Partab Singh has given notice, under rule 12 (3) (b) for permission to raise a debate on the subject matter of question No. 4690¹. I wish to ascertain informally whether the honourable member has the leave of the Assembly.

After collecting the sense of the House Mr. Speaker declared that the honourable member had not the leave of the Assembly.

MOTION re REMOVAL OF DEPUTY SPEAKER.

Mr. Speaker : Notice of the following resolution as required by section 65 (2) of the Government of India Act has been received from Sardar Partab Singh. It reads as follows :—

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : On a point of order, Sir.

Mr. Speaker : Let me first finish reading the motion. Please do not interrupt.—

That the Deputy Speaker of the Punjab Legislative Assembly may be removed from his office.

I request the honourable members who are in favour of leave being granted to move this resolution to rise in their places. Points of order, if any, may be raised now.

Premier : There are some technical objections. But I can discuss them with you in your chamber. At the moment I do not propose to raise any objection.

Diwan Chaman Lall (East Punjab, Non-Union, Labour) : Sir, I take it that the stage has now arrived when you are going to put the motion to the House for asking honourable members to rise in their places. May I therefore raise a point of order ? If my honourable friends who had apparently made up their minds to raise a point of order are not now willing to raise it, I wish to raise this particular point of order. It is this, that according to the Government of India Act, section 65 (2)—I will read it

[Diwan Chaman Lall.]

because honourable members may not be able to follow my argument if I did not read that particular section—

A member holding office as Speaker or Deputy Speaker of an Assembly shall vacate his office if he ceases to be a member of the Assembly, may at any time resign his office by writing under his hand addressed to the Governor, and may be removed from his office by a resolution of the Assembly passed by a majority of all the then members of the Assembly; but no resolution for the purpose of this sub-section shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution.

My point of order is this. It is clear from the wording of section 65 that when notice of a resolution has been given then the only restriction in the moving of that resolution is that the notice must be of fourteen days' duration. There is absolutely no other restriction placed upon the moving of this resolution or giving notice of this resolution. Now unfortunately we have rule 8 of our rules which rule, as you know, has been drafted in pursuance of section 84 (1) of the Government of India Act and I wish to draw your attention to the relevant portion of that section.

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 :

Although section 84 (1) gives us the authority to make our rules, these rules must be in compliance with the provisions of this Act and the relevant provision of this Act which refers to the removal from office of the Speaker and the Deputy Speaker is section 65 (2). Section 65 (2), as I have submitted, lays down only one restriction and that is any member of this House can give notice of a resolution for the removal of the Deputy Speaker, but that resolution cannot be discussed on the floor of the House and taken into discussion unless 14 days have elapsed from the moment the notice was given of that particular resolution. There is no other restriction. I, therefore, submit that rule 8 of our rules which lays down a different procedure, a more restricted procedure, regarding the discussion of this resolution is absolutely *ultra vires*. Rule 8 stipulates that a motion to remove the Speaker or the Deputy Speaker from office of which notice as required under section 65 of the Act has been given shall, soon after its receipt be read to the Assembly by the Speaker who shall then request the members who are in favour of leave being granted to move the motion to rise in their places and if not less than 50 members rise accordingly, the Speaker shall allow the motion to be moved. My submission is this that this rule regarding 50 persons rising in their seats before the motion can be accepted is *ultra vires* of section 65 of the Government of India Act. The only restriction that is to be found in the Government of India Act is that a resolution of this nature should be tabled 14 days before it is ripe for moving. There is no limit laid down as to the time at which it should be moved. That is the only restriction and if we proceed to lay any further restriction, I submit that we are further amending the Government of India Act which is not within our power to do. Section 84 (1) clearly lays down that the rules of procedure of this chamber shall be subject to the provisions of the Government of India Act and the one provision of the Government of India Act to which these rules relating to the removal of the Deputy Speaker are subject is section 65 (2) which lays down only one restriction and not the second restriction of providing for fifty members to support the resolution before it may be taken up.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : I was rather surprised at the objection that my honourable friend has raised. This House is fully competent to make rules of procedure as empowered by section 84 of the Government of India Act and this rule which is one of the rules of procedure is not repugnant to any provision of the Government of India Act. My honourable friend read section 65 (2). The only relevant provision which is contained in this particular sub-section reads as follows :—

“and may be removed from his office by a resolution of the Assembly passed by a majority of all the then members of the Assembly.”

It means that this House cannot by any rule alter that majority which is required for passing the resolution to remove the Deputy Speaker. It is perfectly open to this House to lay down any procedure in regard to the moving of this resolution or of any other motion. I again submit that this rule is not repugnant to the Government of India Act. This rule which is merely procedural is intended to place a check on the misuse by individual members of the right to move this resolution. You must have a clear majority of all the existing members before you can remove the Deputy Speaker and it should not be open to an individual member to have the right to move such a resolution. If such a right existed, then any one member could get up and move a resolution for the removal of a Speaker or a Deputy Speaker. The result would be that we would have to give time for the discussion of such a resolution which might not be supported by any section of the House. It is to check that abuse and the waste of the time of the House by such frivolous motions that this procedure has been laid down in the rules. My honourable friend might have raised similar objections with regard to adjournment motions but the House has laid down after full consideration a number which should support the moving of adjournment motions. Is that rule repugnant to the Government of India Act? Certainly not.

Diwan Chaman Lall : Is there any provision in the Government of India Act regarding adjournment motions? There is a provision regarding the removal of the Speaker and the Deputy Speaker, but there is none regarding adjournment motions.

Premier : Government of India Act merely lays down the skeleton and you cannot frame a rule which is repugnant to the Act, but you can certainly formulate rules of procedure which are not inconsistent with the Government of India Act.

Pandit Muni Lal Kalia : I rise to a point of order.

Mr. Speaker : Is it the same point of order?

Pandit Muni Lal Kalia : Yes, but on different grounds.

Mr. Speaker : Whether the arguments are different or not, if the point is the same, I cannot allow its re-statement.

Pandit Muni Lal Kalia : My point is different.

Mr. Speaker : I do not wish to hear any further arguments.

Pandit Muni Lal Kalia : Not on that point but on a different one.

Mr. Speaker : I will first give my ruling. The honourable Diwan Chaman Lall has raised an important point of order. He was a member of the Rules Committee. (*Interruption.*) Please listen.

Pandit Muni Lal Kalra : It is a new point of order that I want to raise.

Mr. Speaker : Please let me first decide one point of order. The honourable member may then raise his. Diwan Chaman Lall was a member of the Rules Committee. It may be that this point was raised and decided by that Committee. But when the Rules were considered and passed by this House no one, so far as I recollect, raised this point.

Munshi Hari Lal : That is no estoppel.

Mr. Speaker : I do understand that, but please do not make any remarks. As regards the objection whether the rule is *ultra vires* the rule is there. It is open to the House to hold it *ultra vires*. I am a servant of the House and so long as the rule is there, I cannot ignore or disobey it. The House can repeal it no doubt if it likes ; but unless it is repealed, it cannot be ignored.

Munshi Hari Lal : I rise on a point of order arising out of this ruling. Can the rule, which could not be passed as being beyond the jurisdiction of this House, be treated as a valid rule and be acted upon ? Is it not void and as such to be ignored entirely ? (*Uproar.*)

Mr. Speaker : The honourable member, I think, was not a member of the House when the Rules of Procedure were passed. The rule in question may be void or *ultra vires*. On that point I express no opinion. All I can say is that if a rule is *ultra vires* it may be withdrawn or amended by the House and that it is not in the power of the Speaker, who is a servant of the House, to alter or ignore it.

Munshi Hari Lal : What is then that can be ignored in the world ?

Diwan Chaman Lall : On a point of personal explanation. I would like to say a word. You were kind enough to refer to my membership of the Rules Committee. Perhaps you will recall that when you were Chairman of that Committee, I made a very serious protest before the Committee against this provision in the Rules so that it is not an afterthought. My opposition to this rule is there in the minutes of the proceedings of the Rules Committee. For days we went on discussing this matter in the Committee as a result of my opposition to this rule :

Pandit Muni Lal Kalra : Rule 8 is *ultra vires* in view of Section 66 (8) of the Government of India Act.

Mr. Speaker : Whatever may be the grounds on which the honourable member contends that the rule is *ultra vires*—the whole House passed it unanimously and it is there. The question is whether I am competent to ignore it or hold it as *ultra vires*. Will the honourable member please quote his authority under which I can hold it *ultra vires*.

Pandit Muni Lal Kalra : Section 66 (8) is the authority according to which the statutory quorum of this House is one-sixth, i.e., thirty members ; and every business can be conducted in the presence of thirty members of this House and in this case fixing the number at fifty means stopping

or putting obstruction to the conduct of business of the House. Supposing there are forty members present and a notice under section 65 (2) is moved. In that connection I would invite your attention to the fact that the wording of the Rule is "soon after its receipt."

Mr. Speaker : May I state for the information of the House that under the old Government of India Act the quorum of the Council was fifteen. But in the case of adjournment motions, the quorum was twenty. On the basis of that rule and practice, which was prevailing, not only in this province but in the Central Assembly as well, I decline to give any weight to the honourable member's objection. There should be no more discussion. (*Interruption.*) I am a servant of the House and the Rule having been passed unanimously by the House, I cannot but follow and obey it, even if it is *ultra vires*.

I request the honourable members, who are in favour of leave being granted to move this resolution, to rise in their places. (*Fifty members rose from their seats.*) (*Loud cheers and cries of 'Inqilab zindabad.'*) As not less than fifty members have risen in support of leave being granted, I allow the resolution to be moved. The resolution shall be taken up on the day to be fixed by the Leader of the House. (*Hear, hear.*) (*Loud Cheers.*)

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : I rise on a point of order. My point of order is that the provision of section 65—

Mr. Speaker : That matter is finished. (*Uproar.*)

Diwan Chaman Lall : With your permission, may I ask for guidance as to what the next step is in pursuance of the motion that has been moved? Are you asking the Leader of the House whether he is prepared to inform the House as to the date he is fixing for discussion of this motion or not after the fourteen days are over?

Mr. Speaker : The Leader of the House knows his duty.

Diwan Chaman Lall : I take it the Assembly will no longer be in session. (*Honourable Premier rose from his seat.*)

Mr. Speaker : I expect that the Leader of the House will fix a day.

Diwan Chaman Lall : The honourable member wanted to say something.

Dr. Gopi Chand Bhargava : On a point of order. When rule 8 was being discussed on 10th January, 1938, I raised a question that no time limit was given there for the Honourable Premier or the Leader of the House to fix a date for discussion. If you will permit me, I will read the relevant portion.

Mr. Speaker : I cannot allow that matter to be discussed on the floor of the House to-day, as the Chair has nothing further to do with it.

Dr. Sir Gokul Chand Narang : You have.

Mr. Speaker : I have only to forward a copy of the decision of the House.

Dr. Gopi Chand Bhargava : If you will permit me to proceed and let you know what the point is, then of course you will think that you do come in there. I said, "No time limit is given here." You said, "It is fourteen

[Dr. Gopi Chand Bhargava.]

days." Then I said, "Fourteen days after leave is granted." You said, "Yes." I beg to invite your attention to what you said then.

Mr. Speaker : The section is perfectly clear. I might have misunderstood the honourable member.

Dr. Sir Gokul Chand Narang : The Leader of the House shall fit in.

Malik Barkat Ali : May I request you respectfully to clarify the position for the future because as I read section 65 it is clear that there are two things.

Mr. Speaker : I cannot allow it to be discussed at this stage.

Malik Barkat Ali : I am not submitting that the rule is *ultra vires*. What I am submitting is this that the rule is perfectly valid.

Mr. Speaker : We should not start a discussion on that line.

Malik Barkat Ali : I am not entering into any discussion.

Premier : I think I can satisfy my honourable friend's curiosity.

Diwan Chaman Lall : I have no curiosity.

Premier : Unfortunately under the Act 14 days' notice for moving this resolution is prescribed otherwise I would have given time at once to discuss the resolution. Perhaps my honourable friends opposite would also like to have some days to canvass votes. This resolution cannot in the circumstances be taken up during this session.

Diwan Chaman Lall : May I say one word. My honourable friend made an unnecessarily offensive remark regarding the Opposition wanting time to canvass. As a matter of fact I can make the same remark that my honourable friend yesterday wanted time to canvass (*hear, hear*).

Mr. Speaker : Please do not be personal.

Diwan Chaman Lall : I was not personal: it was my honourable friend who was personal. (*Interruption.*) There is no harm in canvassing. My honourable friend has been canvassing. May I point out to my honourable friend that it would be a great dereliction of duty that devolves on us that when a motion of a grave nature is being made, i.e., a motion of no-confidence against an officer of my honourable friend's government.....

Premier : Where is the motion?

Diwan Chaman Lall : My honourable friend should wait till next October, or November when he calls the next session. I submit that it is not in consonance with the procedure that should be adopted. When a no-confidence motion is there my honourable friend should take the earliest opportunity to summon this House and discuss the no-confidence motion. I do not see any reason why my honourable friend should postpone a matter of this kind and allow the Damocles sword to hang over the head of the Deputy Speaker for months because there is no guarantee that a session will be called.....

Premier : My honourable friend has misunderstood the position. The Opposition have been canvassing and I see no objection whatever in canvassing. My honourable friend must have 88 votes if he wants to carry this motion. Therefore, he will have to canvass and will require time. No one

has any objection whatever to his canvassing; He is perfectly at liberty to do so. I want to point out that unfortunately my discretion is fettered. If the Speaker can overrule the Government of India Act I am prepared to allow my honourable friend to discuss the resolution to-day and this very minute (*hear, hear*), but unfortunately I cannot do so. At the same time my honourable friend wants me to call a session of the House to discuss this particular motion. He says the sword of Damocles will continue to hang over the head of the Deputy Speaker. Nothing of the kind. My honourable friend the Deputy Speaker has got broad enough shoulders and well-armed shoulders to receive the blow my honourable friend tries to give. (*Hear, hear.*) I can assure my honourable friend that during the next session I will take the earliest possible opportunity of giving the House an opportunity to take up this motion. I do not know what the motion is: we do not know the wording of the motion and the purport of the motion. The House does not know the wording of the motion. That motion might be just an innocent motion trying to impeach the Deputy Speaker on something which may be very cheap. I am afraid my honourable friend.....

Dr. Gopi Chand Bhargava : On a point of order. Is it relevant to discuss the motion at this stage?

Premier : May I submit that my honourable friend the Leader of the Opposition—

Dr. Gopi Chand Bhargava : I can also get up and say that it is not cheap.

Premier : I was going to submit most respectfully—(*Interruption*).

Lala Deshbandhu Gupta : It is not 'cheap' It has already cost the ministerial benches a sleepless night. (*Interruptions.*)

Premier : The House can judge.

Diwan Chaman Lall : May I ask just one question? Supposing I table a no-confidence motion against my honourable friend. Within ten days it has got to be discussed. Suppose there is a no-confidence motion against one of the honourable Ministers and the Assembly finishes to-morrow or the day after to-morrow, would my honourable friend not be compelled to call a session of the Assembly to discuss that motion of no-confidence.....

Premier : My honourable friend is assuming something which he has no right to assume. If and when he makes such a motion of no-confidence he may rest assured that I will give time at once and discuss the motion and not wait for 10 days. (*An honourable member : It is for the Speaker to give time.*)

Dr. Shaikh Muhammad Alam : On a point of order. I want to read out to you section 65 of the Government of India Act with a view to decide this question.

Mr. Speaker : The point of order should be stated first.

Dr. Shaikh Muhammad Alam : According to this section there is no authority with the House to postpone the motion and discuss it after a fortnight. The Section makes it essential and imperative that the

[Dr. Shaikh Muhammad Alam.]

discussion should take place within a period not more than a fortnight and with that object in view I am going to read the section before you.

Mr. Speaker : I have read it.

Dr. Shaikh Muhammad Alam : Let the House hear it. If you are not tolerant to others then how can you expect others to be tolerant? You will kindly see the language of the section is this :—

....and may be removed from his office by a resolution of the Assembly passed by a majority of all the then members of the Assembly; but no resolution for the purpose of this sub-section shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution :

That implies that it cannot be discussed earlier than the period mentioned in this section, that is, 14 days. Unless a notice of 14 days has been given, it cannot be discussed. But at the same time, it also implies, particularly in the absence of any other provision on the subject and in the absence of any other rule framed by this House that after the lapse of 14 days, it can be discussed and it shall be discussed. Therefore, the proposition that I am going to put before you is that it is mandatory under this section to discuss it at the end of 14 days and it is also mandatory that it cannot be discussed before 14 days' notice. Therefore, my submission is that if this section is to be interpreted rightly—and certainly my interpretation is right—then after 14 days it cannot be postponed. The meanings are that it cannot be taken earlier than 14 days and it cannot be postponed after the end of 14 days. (*An honourable member :* It is wrong.) Here is a gentleman who knows the law better than myself, and who, perhaps, could not interpret it correctly in his own case. So far as the question of interpretation is concerned.....

Mr. Speaker : The honourable member is repeating himself.

Dr. Shaikh Muhammad Alam : I am not repeating? I say that if that gentleman did not follow me, it is not my fault and I do not care about it. But, Mr. Speaker, I hope you have followed me. I do not require anything more than that you should follow me and try to give a correct interpretation of this rule.

Mr. Speaker : All I need say is that I differ and cannot accept the honourable member's interpretation.

PRIMARY EDUCATION BILL.

Mr. Speaker : Does the honourable Chaudhri Krishna Gopal Dutt wish to move the *second part of his motion?

Chaudhri Krishna Gopal Dutt : No, Sir.

Mr. Speaker : Then we proceed to the next item.

*That the Select Committee be instructed to re-examine the entire question afresh particularly in the light of the Bombay Primary Education Act, 1923, as amended by Bombay Act 12 of 1938.

THE PUNJAB ELECTRICITY BILL.

Minister for Public Works (The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana) : Sir, I beg to move—

That the Punjab Electricity Bill as reported by the select committee be taken into consideration.

Mr. Speaker : Motion moved is—

That the Punjab Electricity Bill as reported by the select committee be taken into consideration.

Chaudhri Krishna Gopal Dutt : Sir, before I move the circulation motion, I rise on a point of order. If you study the Bill, you will find that most of it is repugnant to the provisions of the Indian Electricity Act according to section 107 of the Government of India Act. Section 107 of the Government of India Act lays down as follows :—

“If any provision of a Provincial Law is repugnant to any provision of a Federal Law which the Federal Legislature is competent to enact or to any provision of an existing Indian Law with respect to one of the matters enumerated in the Concurrent Legislative List, then, subject to the provisions of this section, the Federal Law, whether passed before or after the Provincial Law, or, as the case may be, the existing Indian law, shall prevail and the Provincial Law shall, to the extent of the repugnancy, be void.”

Now, Sir, section 7 of the Indian Electricity Act says :—

“Where a license has been granted to any person not being a local authority, and the whole of the area of supply is included in the area for which a single local authority is constituted, the local authority shall, on the expiration of such period, not exceeding twenty years, as shall be specified in this behalf in the license, have the option of purchasing the undertaking....”

This Bill provides that notice of termination can be given before the expiration of that period. The Act lays down that it is on the expiration of such period, but this Bill lays down that it is before the expiration of the specified period. This is a very fundamental point.

The second point which I have to raise is this that it is expressly mentioned in that very section of the Indian Electricity Act that ‘the licensee shall sell the undertaking to the local authority on payment of the value of all lands, etc., etc.’ But here in this Bill it is mentioned, ‘whether the money is paid or not’.

Mr. Speaker : Will the honourable member please sum up what he means ?

Chaudhri Krishna Gopal Dutt : I would only like to develop the point, if you will not reject it on any other ground.

Mr. Speaker : Please sum up your point in one sentence.

Chaudhri Krishna Gopal Dutt : My main point is this that according to section 107 of the Government of India Act, this Bill is repugnant to section 7 of the Indian Electricity Act. The points that I have to mention are two.

The point is that the Indian Electricity Act says that Government has to declare the option, the election to purchase, that the Government elect to purchase and that would be not before the specified period, but on the expiration of the specified period. Section 7 of the Indian Electricity Act says that it would be on the expiration of the specified period. But the Bill provides that it would be before the expiration of that period. The Provincial Government has no authority to amend the law

[Chaudhri Krishna Gopal Dutt.]

in this respect. I will read out to you what the Government admitted regarding this matter. I will show that the Advocate-General admitted this point. In paragraph 15 of the plaint submitted by the Lahore Electric Supply Co., to the High Court the plaintiff stated :—

That plaintiff submits that under the terms of plaintiff's licence plaintiff is entitled to work it until the 25th of November, 1942, when it is open to the Local Government to purchase the undertakings in the manner provided by section 7 of the Indian Electricity Act, i.e., by electing on that date to purchase the undertaking and by serving on the plaintiff not less than two years notice of the election to purchase, before purchasing it.

This is what the statement was. The reply of the Advocate-General is that paragraph 15 of the plaint is not denied. There are so many paragraphs in that statement to which a reply has been given by Government, but so far as this paragraph is concerned the reply is given on behalf of the Secretary of State by my honourable friend the Advocate-General and he has admitted that paragraph 15 of the plaint is not denied.

Again, I will read out to you a letter which was addressed on the 22nd February, 1938, by Mr. R. J. S. Dodd, Secretary to Government, Punjab, Electricity and Industries Department, to the Sialkot Electric Supply Company, Ltd., Bharat Buildings, Lahore. Paragraph 2 of that letter reads thus :—

As the privilege of exercising the right to purchase does not arise until the end of this period, which expires on the 22nd March, 1938, it will be necessary to arrive at an agreed basis for this valuation and also to fix the date by which the purchase is to be completed on both sides.

This is the point, Mr. Speaker, I want you and also the Advocate-General to note.

The Punjab Government are now advised that the correct procedure for fixing this date is by means of a notice under sub-section (4) of section 7 of the Indian Electricity Act, the date being fixed not less than two years after the date on which the right to purchase will become exercisable, that is, the 23rd March, 1938.

So I have advanced two authorities in favour of this. The second point, Mr. Speaker, is with respect to notice, as to when that notice has to be served. The Indian Electricity Act says that it is on the expiration of that period that the local authorities or the provincial Government has got the right to elect and this means that after the specified period a supply company has got the right to continue for two years. This is the point—the Indian Electricity Act gives besides that specified period two more years to the licensee. That means that an electric supply company will have two more years, and this Bill takes away that right.

Then the second point which is much more important than the first point is, that the Bill lays down (this is a curious piece of legislation!)—in section 4 of the Bill—that for the purposes of sub-section (3) of section 7 of the Act, a purchase shall be deemed to have been affected within the period after the specified date whether the purchase money has been paid or not. But this is repugnant to section 7 of the Indian Electricity Act which clearly lays down that a licensee shall sell the undertaking to the local authority on payment of the value of all lands, “etc., etc.”

I would like to get your ruling on this, Mr. Speaker. So many points of order from time to time have been raised with respect to the repugnancy

or otherwise of a particular measure. But so far as we have studied this Bill it is absolutely repugnant to the Indian Electricity Act and there is no reason why you should not here kill this Bill.

Mr. Speaker : Will the honourable member please quote the authority under which I can kill this Bill ?

Chaudhri Krishna Gopal Dutt : There was no use my wasting the time of the House and wasting my own time. If at the very outset you had declared that this is not your business to take a decision on this matter, I would have not said anything on this point. May I draw your attention to another judgment of the High Court on this point. This is A. I. R. 1989 Patna 55, before the Full Bench of the High Court. In this case the Patna High Court decided that section 11 of the Bihar Money-lenders' Act (3 of 1988) was repugnant to section 2, Usury Laws Repeal Act and was therefore to the extent of repugnancy void. So we should not waste the revenues of the province on unnecessary discussion over the Bill because if you do not take action in this matter, this question is bound to go either before the High Court or the Federal Court and so far as we know this is bound to be declared as repugnant to section 7 of the Indian Electricity Act. Therefore I ask you to give your ruling on this point whether this is really not *ultra vires*. In my opinion this Bill is not *intra vires* of the powers of the Punjab Assembly.

Mr. Speaker : If I have been able to grasp the point raised by the honourable member, his objection is that certain provisions of this Bill are repugnant to the provisions of the existing Indian law.

2 P. M.

Chaudhri Krishna Gopal Dutt : Especially when electricity is a concurrent subject.

Mr. Speaker : That makes no difference. I may at once admit for the sake of argument that certain clauses of this Bill are repugnant to the provision of the existing Indian Law. But the question is whether two pieces of legislation, which are repugnant to each other or are inconsistent and contradictory between themselves can co-exist. If he reads section 107 of the Government of India Act he will agree with me that his contention, though in principle sound, is not tenable. The section says—

If any provision of a Provincial Law is repugnant to any provision of a Federal Law which the Federal Legislature is competent to enact or to any provision of an existing Indian Law with respect to one of the matters enumerated in the Concurrent Legislative List.....

Therefore first let this Bill be passed into law, for, then only can the question of repugnancy arise.

Chaudhri Krishna Gopal Dutt : What is that provision meant for then ?

Mr. Speaker : I shall answer that question presently. Probably the honourable member did not go deep into that question. I hope all lawyers in this House will agree that that is the correct interpretation. Repugnancy there may be, but that question can arise only when the Bill is passed into law. Can the honourable member point out any authority under which, because a Bill may become repugnant, it should not be considered ?

[Mr. Speaker.]

The honourable member has put a rather important question why section 107 has been enacted? He has read only the first paragraph of that section. If he reads the second paragraph he will find—

“Where a Provincial Law with respect to one of the matters enumerated in the Concurrent Legislative List contains any provision repugnant to the provisions of an earlier Federal Law or an existing Indian Law with respect to that matter, then, if the Provincial Law, having been reserved for the consideration of the Governor-General or for the signification of His Majesty's pleasure, has received the assent of the Governor-General or of His Majesty, the Provincial Law shall in that Province prevail, but nevertheless the Federal Legislature may at any time enact further legislation with respect to the same matter”.

I hold, therefore, that not only the consideration but also the passage of such a repugnant measure is not illegal.

Chaudhri Krishna Gopal Dutt : I should like to raise another point of order. Sub-section (8) of section 299 reads—

No Bill or amendment making provision for the transference to public ownership of any land or for the extinguishment or modification of rights therein, including rights or privileges in respect of land revenue shall be introduced or moved in a Chamber of a Provincial Legislature without the previous sanction of the Governor in his discretion.

I submit that such previous sanction of the Governor has not been obtained.

Dr. Sir Gokul Chand Narang : We learn from the Secretary of the Assembly that the sanction of the Governor has been received. I believe that settles the matter.

Mr. Speaker : I take it then that no ruling is called for on that point.

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, General, Urban) : I beg to move—

That the Punjab Electricity Bill as reported by the select committee be circulated for the purpose of eliciting public opinion thereon by the 30th of September, 1939.

There is likely to be a misunderstanding of the motives of the Opposition while expressing their views on this Bill. Therefore I want to make it clear even at the outset that so far as most of us on these benches are concerned, we are in favour of municipalisation or nationalisation of major industries or key industries and I believe that electricity is one of those industries which should be municipalised or nationalised, and I would be the last person to create difficulties in the way of giving power to Government to take over major industries from private industrialists. But as I said the other day, we have to be realists, practical people and we should also see whether for that particular purpose favourable circumstances are ripe in the province or not. I think most of the members of the Opposition will think ten times before entrusting such a power to the present Government. The present Government does not contain people who are practical men, business people or industrialists. I fail to find a single industrialist as member of the Cabinet. Not only that, but as the burnt child dreads fire I may say, the Punjab Government even in the past have taken certain enterprises in hand and so far as I could see, they have failed miserably. The Punjab Government started a sugar factory and lost more than two lakhs of the poor people's money simply because Government lacked enterprise and efficiency

and business acumen. (*An honourable member* : The present Government or the past?) I am saying 'the Punjab Government'. I have not said whether it is this Government or its predecessor. I said 'the Punjab Government' and if my honourable friend wants to know it from me he should know that even the predecessor of this Government was dominated by the very people who have got control of the present Government. There is no use asking this question. I do not know the details of the failure of that business and I do not know really as to where the charge should lie. But the Government as a Government would be held and should be held responsible for the entire failure because it was a Government enterprise. It was not an individual enterprise. Therefore I say that before we come to take any practical step seriously towards nationalisation, we should take care to see that that does not degenerate into something which is worse than state capitalism. I have my own apprehensions about the Honourable Minister for Public Works who is perhaps very much interested in agriculture but is not much interested in industry and I doubt whether he has got much experience so far as industry is concerned. Therefore, I think that before we hand over any business/any scheme of business to the Government, we should see that the money of the poor people in this province is not wasted. Here the point is quite different. Even if the Government is competent either technically or from the point of view of efficiency to take over electricity, even then, we have to see that that transfer of business is based upon fair play and justice. In the first instance, I do not understand as to why the Government have thrown to the winds even the Indian Electricity Act, as to why the Punjab Government have attempted to waste the money of the province by bringing forward such a Bill which is bound to be held *ultra vires* either before the Federal Court or by the Punjab High Court. It is a pity that the gentleman who really counts in this matter is not at present in the House, I mean the honourable Advocate-General. He was at one time representing the Government in a particular case wherein he readily conceded the points I have raised to-day and when the Government has found certain difficulties it has come forward with a Bill before this House. It was the duty of the Advocate-General to enlighten this House on that point, whether the Government really accepted the view which I raised while stating my point of order. Now that the honourable Advocate-General has returned to the House, I would like to repeat it for the information of the honourable Advocate-General as he was not listening to me at that time. Now that I have moved a circulation motion I would beg of him to devote his attention to this matter because it is a very important one. Government may be charged with breach of faith. The Government admitted at a particular time the validity of a certain thing but now it comes to repudiate that validity. (*Interruption.*) The honourable Advocate-General has come to the House and I hope he will listen to me. What was the point? The point was that in the Indian Electricity Act it is mentioned so far as the specified period is concerned that when the Government elects to purchase a particular undertaking of electricity then it would be only on the expiration of the specified period. For his information I would read out section 7 again. Section 7 lays down that—

Where a license has been granted to any person not being a local authority, and the whole of the area of supply is included in the area for which a single local

[Chaudhri Krishna Gopal Dutt.]

authority is constituted, the local authority shall, on the expiration of such period, not exceeding 50 years, and of every such subsequent period, not exceeding twenty years, as shall be specified in this behalf in the license, have the option of purchasing the undertaking, and, if the local authority, with the previous sanction of the Local Government, elects to purchase, the licensee shall sell the undertaking to the local authority on payment of the value of all lands, buildings, works, materials and plant of the licensee suitable to, and used by him, for the purpose of the undertaking.....

Mark the words 'elects to purchase.' It is not 'purchase,' not that the Government has got the right to purchase. Government declares its intention, makes known the option that the Government is going to take over the industry, is going to buy a particular electric supply company. Not only that, but I would invite your attention to another fact. The first option is given to the local authority, the first option to elect to purchase. It is only when the local authority does not want to take over charge of the electricity supply company, when the local authority refuses to buy the supply company, it is only then that the provincial Government comes in and there is a difference of opinion on this point, although I do not know what opinion the honourable Advocate-General holds. It is a very technical and legal matter. It is the local authority who should first declare whether they want to buy it or not and for that they have to give a notice of two years and it is only when they say that they are not prepared to do so that the provincial Government comes in. But what the present Bill lays down is that the Government will be empowered to give a notice even before the specified period. This means that those two years which are given under the Indian Electricity Act are taken away by the present Bill and this was what the Advocate-General said—I am repeating that because he was not listening at that time—in the case between the Lahore Electric Supply Company *versus* the Secretary of State. That case was represented by the present Advocate-General. (*An honourable member*: No.) The Advocate-General then was Diwan Ram Lal and the present Advocate-General assisted him at that time. This was what the Government admitted. This is not a question of what a particular person had said. It is not a personal opinion. It is a question of what the Government has admitted. This is what was stated by the Lahore Electric Supply Company in paragraph 15 of the statement submitted by them. Before I proceed further I want to make one thing clear and that is very important. This Bill affects thousands of shareholders in the province, some of them small, some middle class and some rich. When they invested money they were under the impression that it was the Indian Electricity Act which was in force. Another thing which I want to point out is that neither Munshi Hari Lal nor I who were on the select committee, have any personal interest in any electric supply company. Neither is he a shareholder nor am I a shareholder. No one dear or near to me is a shareholder in any Electric Supply Company. It is not therefore from any selfish motives or from any personal motives that I am stating what I have stated. Paragraph 15 of the statement submitted by the Lahore Electric Supply Company reads—

That plaintiff submits that under the terms of plaintiff's licence plaintiff is entitled to work it until the 25th of November, 1942, when it is open to the Local Government to purchase the undertakings in the manner provided by section 7 of the Indian Electricity Act, i.e., by electing on that date to purchase the undertaking and by serving on the plaintiff not less than two years notice of the election to purchase, before purchasing it.

And the reply which the Government Advocate gave on behalf of the Secretary of State is found in paragraph 8 of the statement submitted on behalf of the Government. It reads—

“ Paragraph 15 of the plaint is not denied.”

I really fail to understand why a man of such legal acumen as the honourable Advocate-General gave permission to the Government to bring forward this Bill before the House when it is really so repugnant to the existing Indian Electricity Act. The second ground on which I oppose this Bill is this. The Government has laid down in this Bill even after it has emerged from the select committee that the Government will take over the electric supply company without even making payments for that. Mr. Speaker, from that point of view, I characterise this Bill as a legalized loot. Without paying the money the Government wants to take over the entire business. It is legalized loot. I now draw your attention to one ruling which was given once in the Bombay High Court that as soon as the notice is given the relations of vendor and vendee are established. That means that as soon as the notice is given such relations are established, and if the money is not paid then it may be that legally and technically the electric supply company after that will not be able to realise that money from the Government. This is perhaps one point which my honourable friend Rai Sahib Sohan Lal did not consider. Although I have given notice of certain amendments, I am not in favour of moving them, because the entire Bill is not *intra vires* of the powers of the Punjab Government. As regards the amendments, it is merely tinkering with the Bill. I have just looked up an amendment of which notice has been given by Sir William Roberts, Sardar Bahadur Sardar Ujjal Singh and Rai Sahib Lala Sohan Lal. They say that it should be provided also that the purchase money should be paid to the licensee within a period of not less than six months. I think Rai Sahib Sohan Lal or Sardar Bahadur Sardar Ujjal Singh or Sir William Roberts should not be a party to this at all. They should not be party to it by moving this amendment. They are perhaps unconsciously accepting the position which the Government wants to thrust down their throats. This is a very serious fact that huge sums of money, lakhs of rupees are invested and there are shareholders, which, as I have already stated belong to the lower middle class who have invested money in these concerns and the Government wants to take it all away by one stroke of the pen. I confess that the purpose behind the circulation motion is definitely a dilatory one. I am opposed to the very principle of the Bill. The principle of the Bill is to entirely wipe out the provisions of the Indian Electricity Act. I am prepared to give co-operation to the Government if reasonable terms are brought forward. Another thing is this that it is stated in the Bill that doubts have been raised. I would like to know from the Honourable Minister for Public Works as to when those doubts arose. I would like to have even one single instance of these doubts so far as this province is concerned. Never have these doubts arisen here.

Minister for Public Works : You know better.

Chaudhri Krishna Gopal Dutt : No doubts have ever arisen. It is also stated in the Statement of Objects and Reasons that “ it has been the practice.” There has not been a single case of acquisition of any business

[Chaudhri Krishna Gopal Dutt.]

in this province. I fail to understand why the Punjab Government, knowing all these things and knowing that there has not been a single instance of acquisition, writes in the Statement of Objects and Reasons that there has been such a practice in the past. There has been no such precedent in the province at all. With these words I press my motion.

Mr. Speaker : Motion under consideration, amendment moved is—

That the Punjab Electricity Bill as reported by the select committee be circulated for the purpose of eliciting public opinion thereon by the 30th September, 1939.

Rai Sahib Lala Sohan Lal (North Punjab, Non-Union Labour) (*Urdu*): Sir, I rise to support circulation motion that has been moved by my honourable friend Chaudhri Krishna Gopal Dutt. I am of opinion that the proposed legislation is absolutely unnecessary because under the existing law the local Government has all the necessary powers which it now proposes to arm itself with by the proposed legislation, by adding to the terms and conditions in the licences to be granted in future. Section 10 of the Indian Electricity Act, 1910, fully empowers the provincial Government to assume all the powers which it proposes to have by enacting this legislation. It would therefore be useless to enact this measure. If there are certain powers which they wish to have in order to run the machinery of the Government better they can have those powers under section 10 of the said Act. Section 10 of the Indian Electricity Act, 1910, reads as follows :—

“ Notwithstanding anything in section 5, 7 and 9, the Local Government may in any licence to be granted under this Act—

- (a) vary the terms and conditions upon and the period on the expiration of which the licensee shall be bound to sell his undertaking, or
- (b) direct that, subject to such conditions and restrictions (if any) as it may think fit to impose, the provisions of the said sections or any of them shall not apply.”

Now, Sir, this is the section which I have quoted, under which the old Electric Supply Companies were granted their licences. But I am of the opinion that those companies who are going to be affected by the enforcement of the Bill under consideration, have absolutely no knowledge of its provisions. They must be given an opportunity to express their views on this piece of legislation. Hence I am at one with my honourable friend Chaudhri Krishna Gopal Dutt that the Punjab Electricity Bill as reported by the select committee should be circulated for the purpose of eliciting public opinion thereon by the 30th of September, 1939. There is every likelihood that when these opinions are received by Government, they might feel disposed to amend certain objectionable sections of the Bill. Then as regards the giving of notice to the licensee, I may point out to the honourable members that the Advocate-General has admitted in the Court of Law that according to the existing law the notice is given on the expiry of two years. But on the contrary it is provided in this new Bill that the notice will in future be given two years before the specified date. It is evident that this provision will certainly affect the interests of the existing licensees also.

adversely, if it is enacted into law. As this will constitute a great hardship to the public companies concerned, who are quite in the dark about the provisions of the Bill, and they must be allowed to have their say in the matter. Then the Bill aims at 'removal of doubts.' In this connection I may, with your permission, Sir, read out the relevant portion of the Bill. It reads thus :—

"For the removal of doubts, it is hereby declared that the notice to be given under sub-section (4) of the Act is to be given not less than two years before the specified date and that no further notice be necessary."

I do not consider that there is any doubt or conflict of opinion, as to the correct interpretation of the existing law in so far as it relates to the date and the terms of the notice. The matter has not so far come up before any High Court for adjudication and there has been no conflict of opinions of judicial authorities on the point. In fact there has never been an occasion when any doubts were entertained by Government with regard to this matter. However, if the Government has any doubt on the point, the same can be decided by a court of law if and when any dispute arises. I am, therefore, of the opinion that there is no necessity for rushing through this legislation. The Bill can wait till opinions from public are received by Government.

Then my honourable friend, Chaudhri Krishna Gopal Dutt was pleased to remark during his learned speech that no useful purpose would be served by the amendment which I along with Professor Roberts and Sardar Bahadur Ujjal Singh had tabled regarding clause 4. I may point out to the honourable member that the reason for having brought forward this amendment is that even if our efforts to get the clause 4 deleted, fail, the acceptance of this amendment by the Government will help the licensee to a certain extent. The amendment is to the effect "provided that in case the purchase money is not paid to the licensee at the time of the purchase of the undertaking, the licensee shall be entitled to interest at the rate of two per cent over Reserve Bank rate, minimum six per cent per annum." My honourable friend will see from this that the licensee does get some compensation, howsoever meagre, by virtue of this amendment. With these words I whole-heartedly support the circulation motion now before the House.

Shaikh Faiz Muhammad (Parliamentary Secretary) : I oppose the motion and I do not think that it is necessary for me to make a long speech at this stage. This Bill was introduced in the House during the Simla session last summer and was referred to a select committee. The select committee met in September last and its report was published in November last year. Ever since this Bill has been before the public. During the period of six months that this Bill has been before the public there has not been a single comment against it which shows that the public does not take as much interest in this Bill as the honourable members opposite will make us believe.

Mian Abdul Aziz : Why not circulate it ?

Shaikh Faiz Muhammad : It was published in the Gazette in November last and since then it is before the public. This is sufficient circulation for eliciting public opinion. In the Minutes of Dissent appended by three honourable members certain technical points have been raised. I think there would be enough time to consider them when we go through the Bill clause by clause.

Chaudhri Krishna Gopal Dutt : Is that the only reply by the Government? What is the reply of the Government on the points that I have raised ?

Mian Abdul Aziz : Why do you press them ? They cannot reply.

Chaudhri Krishna Gopal Dutt : They are repudiating their own documents.

Pandit Bhagat Ram Sharma : I find from section 3 that the object with which this law is being enacted is to remove the doubts. It is really the function of the law courts to remove doubts by the interpretation of existing law, and to explain those doubts whenever the matter comes before them. It is for the first time that any responsible Legislature has taken into its head to do the function of the law courts which function, as I have said, vests in the courts of law and not in a responsible Legislature.

Shaikh Faiz Muhammad : On a point of order, Sir. By referring the Bill to the Select Committee the House committed itself to the principle of the Bill. I think this is not the stage at which the question whether there are doubts which should be removed or not can be discussed now.

Chaudhri Krishna Gopal Dutt : The principle is to provide facilities to the Government. The Government should have some power to take over. But I would like to make it clear that this is not the principle of the Bill. The principle is that the Government should have some facilities to declare its option. (*An honourable member :* No.) You say, "No", but this is the principle of the Bill and so far as this thing is concerned, we are at one with the Government. (*Interruption*).

Mr. Speaker : It is not for me to decide what are the principles of the Bill.

Chaudhri Krishna Gopal Dutt : You should not forget that it was in a great hurry that the Bill was introduced in this House.

Pandit Bhagat Ram Sharma : I was submitting that it was really the function of law courts to interpret that law which is already on the statute book. As is clear, practically all the provisions which are sought to be legislated by this enactment are already on the statute book, i.e., in section 7 of the Electricity Act of 1910. Section 3 of the proposed Bill opens with the words, "For the removal of doubts, it is hereby declared." I would point out that if at all there was any necessity of this legislation, it was the imperative duty of the Punjab Government to bring before this House certain material for proving that there were really doubts with respect to the interpretation. May I know whether any decisions of the law courts were obtained or the question was ever agitated before a law court and was there any difference of opinion as to the interpretation of sub-clause 3 of section 7 of the Indian Electricity Act of 1910 ? If this is not so ; if there is no material before us by which we can see that there are really doubts existing with respect to the interpretation of the existing law, then it is, in my opinion, sheer waste of the public funds to bring in such a legislation of which there is no necessity whatsoever. So far as I have been in a position to study both these Acts, I have found that whatever the Punjab Government is seeking to have by this law is already on the statute book. They have come forward with the plea that

because there are doubts as to the interpretation of the law, therefore, this House should sit and decide on an unnecessary thing of which there is no necessity whatsoever. I pass on to clause 4 which says:—

“4. For the purposes of sub-section (3) of section 7 of the Act, a purchase shall be deemed to have been effected on such date as Government may appoint within a period of six months after the specified date, whether the purchase money has been paid or not.....”

I have gone through the whole text of the Bill and I have found one thing. I think that the idea of the Punjab Government is to deprive people of their property without paying anything for that. If that is the purpose underlying this legislation, then the Punjab Government is quite welcome. I congratulate them on their effort. Otherwise, there is no idea of enacting this measure. The power is already there. Even at this stage I request the Government to withdraw this law and save money of the public and not try to destroy that money which is hard earned by the poor people. This Government has time and again professed that they are the real custodians of the rights and privileges of the poor people. Therefore, I would request them to withdraw this legislation because it is unnecessary and there are certain obnoxious clauses in it which are derogatory to the commercial laws of the province and the commercial development of the province. Therefore, I would request the Punjab Government that in the interest of those poor people who have sent them to this province, they should withdraw this law and let the commercial enterprise of the province develop.

(Voices from Treasury benches : Question be now put.)

Chaudhri Jalal-ud-Din Amber (West Central Punjab, Indian Christian) (Urdu) : Sir, I want to indicate at the very outset of my speech that I am in support of the motion about circulation. Before I make a few observations in regard to the circulation of the Bill that has been put before the House I want to submit that some Europeans and Indian Christians have also got shares in those companies which have been formed to generate electricity in various towns. At this time I feel I should remind my learned friend Sir William Roberts of his statement that I as an Indian Christian should co-operate with Europeans. Now, I beg to draw his attention to the fact that I have after all co-operated with him at least in this matter (Laughter).

I should also make clear to the Government why I am going against the desire of the Government for not circulating the Bill at all for public opinion. The fact of the matter is, that Government has unfortunately developed this bad habit of opposing circulation motion in season and out of season and I would submit that it does not seem good on its part to do so. (*Opposition benches* : Hear, hear.) I am afraid, perhaps our Government is not aware of the fine results that can be achieved by circulating a Bill for public opinion which cannot at all be achieved otherwise. If this disease of not circulating a Bill becomes acute with the Government I am afraid it would be equally detrimental both to public and the Government. This Bill was introduced at Simla. Eight or nine months have passed and I think Government has not suffered a bit during that period. I, therefore, do not think there will be any harm if this Bill be circulated say for four months or so. It does not seem justifiable on the part of Government to rush through this measure like that.

[Chaudhri Jalat-ud-Din Amber.]

I would strongly submit that making hurry in matters of grave importance seldom gives good results.

As regards the merits of the Punjab Electricity Bill I submit when we have a look on them we feel one thing and that is what pinches us hard. I fail to understand why the Government wishes to take over charge of undertakings of companies on the expiry of their term without settling the question of compensation. In my opinion if the Government really so desires, I would call this procedure of the Government nothing but coercion. It is not understood that when Government knows it beforehand that the period is going to expire on such and such a date, say after half a year or so, then why it does not take steps to assess and settle the question of compensation beforehand. To say that no compensation will be provided is very unsympathetic on the part of Government. On these grounds I support the motion about circulation and before I resume my seat I would like to finish my remarks with a couplet which would have gone home regarding the high-handedness of Government if the Honourable Minister for Public Works were here.

ہجوم کھل جائے ظالم تیرے طعنے کی دھوازی کا

اگر اس طرہ پر کے پیچ و خم کا پیچ و خم نکلے

(Cheers from the Opposition).

Sir William Roberts: Sir, I want to say just a few words by way of explanation. The amendments which appear in my name are concerned with certain definite points in the Bill. It does not mean that I am against the whole Bill as such. Though I take strong exception to the methods and the procedure in which electrical companies were going to be acquired, and will explain my reasons when clause 4 comes up for discussion, I should like to make it quite clear that I think the Bill as a whole beneficial and overdue.

Dr. Sir Gokul Chand Narang (West Lahore Division, General Rural): Sir, I do not want to make a long speech. I am in full sympathy with the motion for circulation. The subject with which this Bill deals is an extremely important one. The Electricity Act itself is a very complicated law. In the first place, I am not sure whether the Government have decided now to acquire all the electrical industrial concerns in the province. If they have not then this is an idle attempt, an absolutely fruitless and useless step which the Government is taking. It will lead simply to the creation of an alarm in the minds of the people who are interested in the electrical industry of the province. If the Government have really made up their mind to acquire all these concerns then my submission is that the Government could not have committed a greater mistake than this. Considering the condition of finances in this province particularly the finances as reflected in the budget which we have just disposed of, the Government is really not in a position to invest any money in such industrial concerns. It is a well established principle that unless the Government has decided to run itself purely on socialistic lines it should not compete with private enterprise and it should not launch upon schemes of a doubtful character. It cannot be said that Government will

make every industrial concern a success. Past experience so far not only in this province but also in other provinces has not been very fortunate. The Punjab has certainly been better off than other provinces because the losses in other provinces where Government has launched on industrial concerns, have been greater; but it cannot be said that the experience even in the Punjab has been of a success. Therefore unless money is absolutely cheap and is flowing like water in the gutters of the province, Government should refrain from entering into these commercial enterprises. If the object is to control the electrical industry and to control the rates, Government already possesses that power. You will yourself know that it is open to the Government to appoint a committee of which I believe the Director of Industries is the *ex-officio* president which can go into the rates prescribed by any electrical concern, and it is open to that committee to revise those rates. Everybody in Lahore knows that about two years ago a committee was actually appointed and the rates were reduced from 8 annas to 4 annas and 6 pies or let us say after allowing for the deduction for payment within a certain date from 6 annas to 4 annas and 6 pies. In the same way, if I am not mistaken, a committee was appointed to go into the rates of the Gujranwala Electric Supply Company and I believe the rates there have also been reduced. If my honourable friend had been here he could have enlightened us on that point. So that all that Government wants, so far as electrical concerns are concerned is this that rates should not be high and the rights of the shareholders should be properly protected. Under the Indian Companies Act Government has every authority to see that the rights of the shareholders are well protected. Under the Electricity Act it has got the power to control rates and if the Government wants to set itself up as the distributor of electricity it has got the power to do that. Then I would say تو ہرون خانہ چہ کردی کہ درون خانہ آئی Government has made a mess of this hydro-electric scheme. They have been generating electricity at four times the cost at which it could be generated in spite of our protest, and you will remember, in spite of my staunch opposition and the opposition offered by some of my friends to the hydro-electric scheme, the Honourable Minister, who is now Minister of Development, went on with the scheme and wasted at least 8 crores of the money of this province on that scheme.

I am referring to the money which has actually been spent on that scheme and you can add to it Rs. 8½ crores which were spent on the railway from Pathankot to Jogindernagar, which I understand, is now being abandoned because it is not a paying concern and it is costing the Government of India too much money. When the Government has made such a bad mess of the Hydro-Electric Department and in spite of all that the Honourable Finance Minister said on that day, my submission is that it is unsafe for the province to entrust this Government, or for the matter of that any other Government, with the task of dealing with so many electric concerns. If the object is to take hold of one concern, which is earning a good profit, then my submission is that they may be causing a great deal of injustice to those who have invested their moneys in that particular concern. I do not know if they are after that particular concern, but probably they are, as it appears from what transpired recently that they are particularly anxious to acquire one concern, probably the Lahore Electric Supply

[Dr. Sir Gokul Chand Narang.]

Company, whose license is due to expire in 1942. You see, Sir, that this is one of the best concerns in the country. Its shares are selling at a very good rate and high premium and the dividends that this company has been paying for the last few years have been very handsome and very satisfactory. If the Government wants to acquire it, then it would mean that it would have to pay about 5 times the cost which was originally incurred. If it does not and if it simply pays rupee for rupee of the actual cost of poles, wires and of such other things, then they would be perpetrating a great act of injustice, because the people would be losing the investments that they have made and they would be losing good dividends that they are now earning from this concern. So, from that point of view also it would not be justified to just single out one concern and to acquire it. Then again, it would probably require crores of rupees. The Government has not got anything. It is a treasury like the *khazana-i-hamam*. (An honourable member: *khazana-i-hajjam*.) I would not call it *khazana-i-hajjam* because it may contain something, but I believe, *khazana-i-hamam* is the correct idiom because there is something minus. Their budget is a deficit budget. Therefore, they can ill-afford crores of rupees on the acquisition of this one concern. If they go into the market to sell electricity they would set themselves up as shopkeepers whom they despise so much. If they want to do so they have got their own Hydro-Electric Scheme and they should make a success of that scheme and win the gratitude of the people of this province. There are said to be great potentialities in that scheme. There is the second stage and there is the third stage of that scheme. Now we are being told, what we said at the time, that the water running in that rivulet, which I used to compare with the gutter flowing outside the Mori Gate, is not sufficient to run the present plant. It was said that the number of cusecs of water that flowed in that river even in winter time was 105, but it is coming down to something like 90. So it would be very difficult for them even to run that plant. But let us suppose that these estimates are based on pessimistic grounds. Then come the second and third stages. They can electrify the whole province. Look at the example of the United Provinces Government. There the Chief Engineer, Sir William Stampe started this system and a very considerable part of the United Provinces has been electrified by means of that system at the cost of only a fraction of what the Punjab Government spent on this Hydro-Electric Scheme. Then again, take another argument. If they are anxious to see that the juice, which they are producing at Jogindernagar should be consumed, then it is not necessary to acquire this concern. They can enter into an agreement with the Lahore Electric Supply Company and some other companies which may fall in the way near high tension lines that those companies would take bulk supply from the Hydro-Electric Department and that they should act as distributors. In that way the Government will be saved an initial expense of a crore of rupees or more than that and they will be able to sell their current which they may get from Jogindernagar. In any case, my submission is that there is a large number of electricity companies now in the province and the persons concerned in this industry are very numerous, there may be thousands and thousands of shareholders, not only in this Lahore Electricity Company but on every company in Gujranwala, Rawalpindi, and Wazirabad, etc., in fact, almost

every town now with a population of more than 20 thousand has got an electricity company. The number of shareholders, therefore, must be very very large and as it concerns such a vast population, my submission is that it is necessary and only just and fair that they should know what the Government proposes to enact, so that they may be able to express an opinion. I need not repeat what I have been saying before, but it is very unfortunate that the Government has adopted a policy of not taking the public into their confidence. They have been proceeding in a very rough and ready manner and they have been riding rough-shod over public opinion, if I may so put it, and they have rushed the legislation through this House without taking the public into their confidence. As this is a very important measure, which is going to be an onerous legacy for the Government itself and as it is going to affect millions of people, at least in their own interest, they should consult the public and the people who are in a position to advise them. I am not sure at all if even the Board of Directors of various electricity companies have been taken into their confidence. I understand from my honourable friend Rai Sahib Sohan Lal that I was right in saying that opinions of various electricity companies in this province have not been taken; although this Act is intended really to deprive them of their assets and of the industry which they are running. I know that the standard of fairness and justice, which this Government has set up, is somewhat different from what used to be followed by its predecessors and what is followed in other countries. But I think they should have some sense of justice and fairness and they should not ignore public opinion and even at this stage they should decide to take the public, at least those who are directly and vitally interested in this industry, into their confidence and ask them what they think about this measure. With these words I support the motion for circulation.

Mr. Speaker : I understand from the Secretary of the Assembly that his impression about the Governor's sanction having been received was not correct.

3 P.M.

Dr. Sir Gokul Chand Narang : In view of the information now given, it may be necessary that sanction may be obtained of the type necessary under the rules. So I do not think it is necessary for us to proceed with the Bill at present.

Diwan Chaman Lal : May I ask whether, in view of the fact that sanction has not been obtained, it is competent for this House to continue to discuss this measure. The question before the House is this. I think my honourable friend was a little too previous in regard to the statement that he has made. I want to put it to you to give us a ruling in regard to this matter, and therefore I said that my friend was a little too previous. It is quite possible that your ruling may be that this House can proceed with the discussion of this measure in spite of the fact that formal sanction has not been received by Government. If that is so, then my honourable friend—I again repeat the words—is again too previous in wanting to withdraw this measure from this House. If it is to be discussed, the sanction can be received in the course of the discussion, otherwise if the obtaining of the sanction is precedent to the discussion on the floor of this House, then he may not be within his rights in stating that he does not wish to proceed with the discussion until such time as the sanction

[Diwan Chaman Lall.]

has been received. Let us be clear in regard to the legal position. What is the legal position, whether we can or cannot discuss this measure in spite of the fact that the formal sanction from the Governor has not been received? If you come to the conclusion that the discussion of this measure can proceed even though the formal sanction of the Governor is not there, then we may proceed to the discussion and obtain during the course of the discussion the necessary sanction.

There is another point that arises in connection with this matter. According to section 299 (3) and (4)—

- (3) No Bill or amendment making provisions for the transference to public ownership of any land or for the extinguishment or modification of rights therein, including rights or privileges in respect of land revenue shall be introduced or moved in either Chamber of the Federal Legislature without the previous sanction of the Governor-General in his discretion, or in a Chamber of a Provincial Legislature, without the previous sanction of the Governor in his discretion.

- (4) Nothing in this section shall affect the provisions of any law in force at the date of passing this Act.

If sub-section (3) of section 299 is followed, then obviously no discussion should take place without obtaining the previous sanction of the Governor. Whether that sanction is necessary in view of sub-section (4) which says that "nothing in this section shall affect the provisions of any law in force at the date of passing this Act", and if any amendment to part of an Act which is already in force in the Punjab—the Indian Electricity Act—in section 7 is being made by this measure, and if any amendment of that Act which is already in force comes before this House, whether that previous sanction is necessary or not, it is doubtful.

The second point is this that rule 83 of our rules of procedure runs thus—

As soon as may be after a Bill has been introduced the Bill shall be published in the Gazette.

In view of this provision is it necessary to obtain any further sanction of the Governor? Has the Bill been published in the Gazette or not? I take it that it has been published. No publication in the Gazette can take place without the previous sanction of the Governor. It is the sanction of the Governor which enables them to be published. Would this constitute indirectly the necessary sanction that is required of the Governor? So that from both points of view which I am placing before you, it may be possible to continue with the discussion and if there is any doubt regarding this matter which may arise in reference to section 299 of the Government of India Act, sub-clauses (3) and (4), that doubt may be removed by my honourable friends taking the necessary formal sanction of the Governor during the course of the discussion of this measure. That is why I said that my friend is perhaps a little bit too previous in reference to the statement that he made. He might wait and get the ruling of the chair in regard to this matter and if he holds it necessary we might go on with the debate and my honourable friend may in the meantime obtain the necessary sanction of the Governor.

Minister for Public Works : All I want to say is that the Bill cannot be enacted into law in any case to-day, as there is doubt as to the

sanction that may be necessary. To avoid any difficulty I suggested that we would get the sanction first and then proceed with the Bill.

Mr. Speaker : Either sanction is necessary or not. If it is necessary this Bill on account of the absence of sanction shall go automatically for want of sanction. What I mean is that whatever has been done so far is *ultra vires* and null and void and that a new Bill shall have to be moved after obtaining the requisite sanction. But if no sanction is needed, we shall proceed with this Bill from its present stage. So, let us go on with it up till half past four and finish its consideration so far as we can, as we may ultimately find that no sanction is necessary.

Dr. Sir Gokul Chand Narang : Do you mean to say that if we have wasted two days, we may waste another and risk another hour or two ?

Mr. Speaker : Yes, the discussion may now proceed.

Dr. Sir Gokul Chand Narang : What does the Minister want ? He probably wishes to withdraw it.

Minister : I am not withdrawing it. To remove doubt, however, it would be safer if it is not proceeded with at present.

Dr. Sir Gokul Chand Narang : Does he suggest that the House need not proceed with the Bill at this stage ?

Minister : If you see nothing wrong, the discussion may proceed.

Lala Sita Ram (Trade Union, Labour) (Urdu) : Sir, I have stood up to support the motion which has been moved to circulate this Bill for eliciting public opinion thereon. I do not propose to repeat the arguments which have been advanced by honourable members who preceded me. I have to urge a few points from the economic point of view. The fact is realised both inside and outside of this House that as the Punjab is mainly an agricultural province, no real progress is possible here unless and until industrial progress is provided for. The fact has been many a time urged for the consideration of the Government but to no purpose. The Government seems to be chary of encouraging industrial progress in the province. We can only wonder why. It is the duty of the Government to develop industry and then to entrust it to private hands. This will help the unemployed. People will be thus induced to invest money in industries to which a start is given on behalf of the Government. True, the Government has not sufficient funds to invest in industries. But it can encourage private enterprise. If people are encouraged, they will use both their brains and money and the industries will be placed on a sure footing. But if on the other hand, the Government proceeds to withdraw even those facilities which are at present being enjoyed by private industries, as indeed it is doing by means of the present Bill, it will be impairing the cause of industry in this province beyond redemption. In these circumstances people will think a thousand times before they embark in this province, on a scheme of starting new industries. If they start new industries, they will be constantly trembling in their shoes lest the Government should all of a sudden try to take over the industry itself. It has been claimed on behalf of the Government that the present Bill has been brought forward with a view to removing certain doubts. But have any doubts ever arisen ? Have they been preferred before any courts of law to be adjudicated upon ? Why has the Government thought it fit to proceed to remove imaginary doubts ?

Mr. Speaker : The honourable member is repeating the arguments advanced by other honourable members.

Lala Sita Ram : The Government stands to lose nothing if the Bill is circulated. But the people will be able to have their say in this matter if the Bill is circulated. It will be all to the good if the Government has an opportunity of listening to the opinions both for and against this measure before it proceeds with its consideration on the floor of this House.

Mr. Speaker : The question is—

That the Punjab Electricity Bill as reported by the select committee be circulated for the purpose of eliciting public opinion thereon by the 30th of September, 1939.

The motion was lost.

Mr. Speaker : The question is—

That the Punjab Electricity Bill as reported by the select committee be taken into consideration.

The motion was carried.

Mr. Speaker : Shall we now proceed to consider the Bill clause by clause ?

Minister for Public Works : Yes, Sir. We may defer the debate on the third reading of the Bill till after we have decided the question whether the Bill requires the previous sanction of the Governor. Meanwhile we may proceed to consider the Bill clause by clause.

Clause 1.

Minister for Public Works : I beg to move—

That in line 2 for the figures "1938" the figures "1939" be substituted.

The motion was carried.

Mr. Speaker : The question is—

That clause 1 as amended stand part of the Bill.

The motion was carried.

Clause 2.

Mr. Speaker : The question is—

That clause 2 stand part of the Bill.

The motion was carried.

Clause 3.

Chaudhri Krishna Gopal Dutt : I beg to move—

That in line 5, for the word "before" the word "after" be substituted.

I have discussed this point already and therefore I do not propose to take up the time of the House in discussing the same matter over again. I shall simply formally move the amendment.

Mr. Speaker : Clause under consideration, amendment moved—

That in line 5, for the word "before" the word "after" be substituted.

Minister for Public Works (The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana) : I oppose the amendment. It only means that instead of the licence being for a specific period two years will be added to the licence. I think it is essential to leave the clause as it is.

Munshi Hari Lal (South Western Towns, General Urban) : I submit that the question of option of purchasing the undertaking arises only after the expiry of the period stipulated in the licence and not before. The amendment moved by Chaudhri Krishna Gopal Dutt is consistent with section 7 of the Indian Electricity Act. Under this section a notice of election to purchase the concern has to be served upon the licensee. When does this election or option to purchase arise? It arises, according to section 7 (1) on the expiration of the period stipulated in the licence, and not before. How can a notice be given before? The amendment moved by Chaudhri Krishna Gopal Dutt is thus in line with the Indian Electricity Act and it should be accepted.

Mr. Speaker : The question is—

That in line 5, for the word "before," the word "after" be substituted.

The motion was lost.

Rai Sahib Lala Sohan Lal (North Punjab, non-Union Labour) : Sir, I beg to move—

That in lines 6-7, the words "and that no further notice is necessary" be deleted.

(Urdu) : It goes without saying that the words which my amendment seeks to delete are absolutely redundant. Clause 3 reads as follows :—

For the removal of doubts, it is hereby declared that the notice to be given under sub-section (4) of section 7 of the Act, is to be given not less than two years before the specified date and that no further notice is necessary.

This shows that the latter part of the clause is definitely unnecessary. I assure the Honourable Minister in charge of the Bill that the deletion of the words "and that no further notice is necessary" would not make any difference at all. I, therefore, request him to accept my amendment.

Mr. Speaker : Clause under consideration, amendment moved is—

That in lines 6-7, the words "and that no further notice is necessary" be deleted.

Minister for Public Works (The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana) : I cannot accept this amendment. If these words are deleted there might be ambiguity. They now make the position clear.

Mr. Speaker : The question is—

That in lines 6-7, the words "and that no further notice is necessary" be deleted.

The motion was lost.

Mr. Speaker : The question is—

That clause 3 stand part of the Bill.

The motion was carried.

Clause 4.

Chaudhri Krishna Gopal Dutt (North Eastern Towns, General, Urban) : Sir, I beg to move—

That in line 6, for the word "whether" the words "on the condition that" be substituted.

Clause 4 reads as follows—

For the purposes of sub-section (3) of section 7 of the Act, a purchase shall be deemed to have been effected on such date as Government may appoint within a period of six months after the specified date, whether the purchase money has been paid or not.

[Chaudhri Krishna Gopal Dutt.]

I have already objected to this in my point of order. If the Government refuses to accept this amendment then I would say that it is nothing but sheer robbery on the part of the Government. (*Interruption*). I see that the Government has sent in notice of an amendment to this clause, but that amendment also contravenes section 7 of the Indian Electricity Act.

Mr. Speaker : Question is—

That in line 6, for the word "whether" the words "on the condition that" be substituted.

The motion was lost.

Minister for Public Works (The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana): Sir, I beg to move—

"That at the end the following proviso be added:—

Provided also that the purchase money shall be paid to the licensee within a period not exceeding six months of the specified or fixed date for the purchase as the case may be, and if for any reason the purchase money is not paid within such period the licensee shall be entitled to interest at 1 per cent. above the Reserve Bank of India rate from the expiry of such period."

I have to intimate that as required by section 82 (1) of the Government of India Act, this amendment has been moved on the recommendation of the Governor.

The motion was carried.

Mr. Speaker : The question is—

That clause 4 as amended stand part of the Bill.

The motion was carried.

Clause 5.

Mr. Speaker : Question is—

That clause 5 stand part of the Bill.

The motion was carried.

Clause 6.

Mr. Speaker : Question is—

That clause 6 stand part of the Bill.

The motion was carried.

Clause 7.

Chaudhri Krishna Gopal Dutt : I beg leave to introduce the following sub-clause:—

Whenever the Government engages in the business of supplying electrical energy, whether after purchase of an undertaking under section 7 of this Act, or otherwise, it shall be responsible for all the liabilities of a licensee mentioned in the Act.

(Leave was not granted).

Mr. Speaker : Question is—

That clause 7 stand part of the Bill.

The motion was carried.

The Assembly then adjourned till 12 noon, on Thursday, 20th April 1939.

PUNJAB LEGISLATIVE ASSEMBLY.

FIFTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Thursday, 20th April, 1939.

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

STARRED QUESTIONS AND ANSWERS.

GRANT TO POOR HOUSE, MUSTI GATE, LAHORE.

***4767. Mrs. Duni Chand :** Will the Honourable Minister of Public Works be pleased to state—

(a) whether it is a fact that the grant payable to poor house, inside Musti Gate, Lahore, managed by certain charitably-minded persons, has been stopped by the Administrator, Lahore, with the result that its usefulness has been very much impaired ;

(b) the reasons for stopping the grant ;

(c) the action, if any, the Government proposes to take in the matter ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) and (b) The Administrator discontinued the grant as the institution was not serving any useful purpose.

(c) Government do not propose to take any action in the matter.

SUBORDINATES AND CLERKS OF PUBLIC WORKS DEPARTMENT WHO REPRESENTED THEIR CLAIMS FOR PENSION.

***4768. Lala Bhim Sen Sachar :** Will the Honourable Minister of Public Works be pleased to lay on the table of the House a list of the subordinates and clerks of the Public Works Department who represented their claims for pension under the "Next below," rule and whose claims were not entertained on the ground that they were not entitled to the benefit of the "Next below," rule referred to in the Government of India, Finance Department, letter No. 150-C. S. R., dated 11th February, 1920 ; whether the Accountant-General, Punjab, was consulted in this matter and in case his view was that the "Next below" rule was not applicable in any of these cases, were those cases sent to the Government of India for final orders ; if so, with what results ; if not, why not ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : I regret that the answer to the Assembly question is not yet ready.

Lala Bhim Sen Sachar : May I know if the answer was to be prepared by the office of the Honourable Minister ? Does the preparation of the answer relate to the office of the Honourable Minister ?

Parliamentary Secretary : That is no supplementary question.

Lala Bhim Sen Sachar : I am asking the reason for the delay.

Parliamentary Secretary : I cannot give any reason. All I can say is that the answer is not ready and that as soon as it is ready it will be communicated to the honourable member.

REPRESENTATION FROM JHANG MOTOR UNION.

***4769. Lala Bhim Sen Sachar :** Will the Honourable Minister of Public Works be pleased to state whether during the month of March, 1939, he received a representation from the members of the Jhang Motor Union in connexion with the grant of permits for the plying of lorries on the Jhang-Lyallpur road ; if so, the action taken on the representation ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : Yes. (The petition was addressed to the Chief Secretary.) The signatories were advised to represent their case to the Deputy Commissioner, Jhang.

Lala Bhim Sen Sachar : Have any instructions been given to the Deputy Commissioner to report to the Government ?

Parliamentary Secretary : The Deputy Commissioner will dispose of this case on its merits.

Lala Bhim Sen Sachar : Do I understand that the Deputy Commissioner is the final authority for the disposal of such a case ?

Mr. Speaker : That is a question of law.

Lala Bhim Sen Sachar : May I know if the subject matter of the representation has received the attention of the Government itself ?

Parliamentary Secretary : The petition, as I have said, was received by the Chief Secretary. Naturally he went through it and found that the matter was such as was directly the concern of the Deputy Commissioner, Jhang. He, therefore, directed the signatories to approach the Deputy Commissioner.

Lala Bhim Sen Sachar : Do I take it that the Honourable Minister has nothing to do with it ?

Parliamentary Secretary : The petition was wrongly addressed to the Chief Secretary. He forwarded it to the Minister and he sent it to the Deputy Commissioner.

Lala Bhim Sen Sachar : Therefore I take it that the representation was also within the knowledge of the Minister. Can I know if the Minister in charge thought it fit to move into the matter ?

Parliamentary Secretary : Unless the Deputy Commissioner has expressed some opinion it is impossible for the Government to look into the matter directly.

Lala Bhim Sen Sachar : Did he call for a report ?

Parliamentary Secretary : The Deputy Commissioner can dispose of the case on merits and if any body considers himself aggrieved by the decision, he can move the Government.

Lala Bhim Sen Sachar : Are the Government considering the proposal of throwing open that road for the use of other lorries besides those which are plying at present ?

Parliamentary Secretary : This is a request for action.

Lala Bhim Sen Sachar : No. My question is whether the Government have considered the question, the subject matter of which was contained in the representation made to the Government, namely, that the roads may be thrown open to other lorries than those which are at present plying there.

Parliamentary Secretary : That depends upon the volume of the traffic and the number of lorries. Therefore, the Deputy Commissioner is the proper person to be addressed. When the Deputy Commissioner has expressed his opinion then the matter can be brought to the notice of the Government if necessary.

Lala Bhim Sen Sachar : Am I right in believing that the Government is not proposing to deal with the matter from above ?

Parliamentary Secretary : Government do not propose unnecessarily to interfere with the discretion of the local officers.

ELECTIONS FOR LYALLPUR DISTRICT BOARD.

***4774. Chaudhri Kartar Singh :** Will the Honourable Minister of Public Works be pleased to state—

(a) whether it is a fact that normal period of life of the present Lyallpur district board has expired or is about to expire ;

(b) if the answer to (a) above be in the affirmative, when the elections for the said board will be held and the action the Government intends to take to avoid delay in this matter ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) The normal period expires in May next.

(b) The elections have been postponed to January next owing to the extension of franchise, and the change in the zail boundaries, which has necessitated a revision of the district board electoral circles.

Pandit Muni Lal Kalia : For how long have these elections been postponed ?

Parliamentary Secretary : If the honourable member will look into the matter he will see that rules are made and they are notified and objections are invited, disposed of and then these circles are fixed up. All this requires time but it is difficult for me to say how much.

Pandit Muni Lal Kalia : Is this postponement also due to the general policy of the Government ?

Parliamentary Secretary : The honourable member is entitled to hold whatever views he likes.

Lala Bhim Sen Sachar : Was it not possible for the Government to go through these formalities before the time of elections ?

Parliamentary Secretary : The position is this. Originally the idea was to hold elections under the existing rules and with the existing election circles. But then there was a demand for liberalization of the franchise which necessitated reformation of the circles. This is the reason for the delay.

Pandit Muni Lal Kalra : May I know when did the question for which the postponement is being made arise for the first time ?

Parliamentary Secretary : I cannot give you the date.

LOAN ADVANCED TO KHUSHAB MUNICIPAL COMMITTEE FOR CON-
STRUCTING WATER WORKS.

***4779. Lala Bhim Sen Sachar :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that out of the loan advanced to the Khushab municipal committee for constructing water works, Rs. 11,000 only are now due ;
- (b) how much in all has the committee paid upto now including interest and penal interest, what was the total amount advanced to it and at what rate of interest ;
- (c) whether it is a fact that water of the water works at Khushab has become chemically contaminated and therefore is unfit for human consumption ; if so, the action the Government intends to take in the matter to afford relief to the said municipal committee ;
- (d) whether the Government has come to any final decision regarding the question of giving cent per cent grant to the Khushab municipal committee in the matter of drainage scheme ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) The balance of principal due at the close of the year 1988-89 amounted to Rs. 9,066-10-5.

(b) A loan of Rs. 47,000 was advanced to this municipal committee in 1920, at 6 per cent per annum. This rate was, however, reduced to 5½ per cent per annum with effect from the 1st September, 1984. The municipal committee had made the following repayments up to the end of 31st March, 1989 :—

						Rs.	A.	P.
Principal	..	..	..	..	..	37,933	5	7
Interest	..	..	..	..	..	22,783	8	5
Penal Interest	..	..	..	..	..	3,958	12	3
Total						64,675	10	3

(c) No.

(d) Government have sanctioned a grant-in-aid of Rs. 32,614 for the Khushab Drainage Scheme, leaving the municipal committee to provide the balance of Rs. 6,022 from its own funds.

Lala Bhim Sen Sachar : In view of the fact that on the principal of Rs. 47,000 the Zamindara Government has already received interest amounting to Rs. 25,000 or so, has it not considered the desirability of reducing the rate of interest from $5\frac{1}{2}$ per cent to a lower figure when the bank rate at the present moment is only 3 per cent ? Furthermore, may I ask if the Government would not consider the question of remitting the balance due ?

Parliamentary Secretary : This is not a supplementary question. It is either an argument or a request for action.

Lala Bhim Sen Sachar : It is not a question of argument. Shall I repeat the question ?

Parliamentary Secretary : It is either a very good argument or a request for action.

Sardar Sohan Singh Josh : Why beat about the bush ? Give a straight answer.

Mr. Speaker : Order please. No such remarks.

Lala Bhim Sen Sachar : When deciding about the question of writing off or not writing off the balance or giving or not giving any relief in the matter of rate of interest, will the Government prominently take into consideration the fact that on the capital of Rs. 47,000 the Government have already realised interest amounting to more than Rs. 25,000 and that it is high time that the balance was remitted or at any rate the rate of interest was substantially reduced when the bank rate is no more than 3 per cent.

Parliamentary Secretary : The honourable member is under the impression that the Government makes these payments out of its own coffers. That is not the case. The Government is only an intermediary. It arranges loans for local bodies and the Government is naturally under an obligation to pay interest to the firm or the person from whom they raise the money.

Lala Bhim Sen Sachar : Do I take it that the Government are paying as high a rate as $5\frac{1}{2}$ per cent on the loans ?

Parliamentary Secretary : *Plus* administrative charges. Nothing beyond that so far as I know.

Lala Bhim Sen Sachar : Is the Parliamentary Secretary in a position to say that the rate of interest *plus* the administrative charges do not still leave sufficient in the hands of the Government when charge of $5\frac{1}{2}$ per cent is made ?

Mr. Speaker : For arranging the matter between the borrower and the lender ?

Lala Bhim Sen Sachar : The Parliamentary Secretary says the lender's rate *plus* a little extra charge. My question is that when these two are put together, then is not sufficient balance still left in the hands of the Government ? May I know from the Parliamentary Secretary the rate of interest which the lenders are charging ?

Parliamentary Secretary : It is impossible for me to give the rate of interest on which Government borrowed for this particular committee because I do not know from what particular fund the amount was advanced. It is a question which should be separately addressed to the Honourable Finance Minister.

Lala Bhim Sen Sachar : Is the Parliamentary Secretary in a position to deny or categorically say—

Minister for Public Works : He is not denying anything. He is giving you information.

Lala Bhim Sen Sachar : If he could not deny, he could definitely assert that the rate of interest which the lender is charging is 5 per cent or so.

Parliamentary Secretary : I cannot say that.

ELECTIONS OF DISTRICT BOARD, AMRITSAR.

***4805. Sardar Sohan Singh Josh :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether the Government has postponed the election of the district board, Amritsar ;
- (b) the period for which it is postponed ;
- (c) the reasons for postponement ;
- (d) whether the Government contemplates any changes in the qualifications of voters ?

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

(b) One year.

(c) and (d) The election has been postponed in order to enable the Deputy Commissioner to prepare the electoral rolls on the basis of the recently enlarged franchise, and to rearrange the existing circles.

Sardar Sohan Singh Josh : May I know if there will be any change in the formation of constituencies also ?

Mr. Speaker : That question does not arise.

Chaudhri Muhammad Hassan : Is it a fact that one of the reasons is that the Unionist Party is losing ground in that district ?

Mr. Speaker : Disallowed.

PROVINCIALIZATION OF THE SHAKARGARH-AMRITSAR ROAD.

***4811. Chaudhri Abdul Rahim :** Will the Honourable Minister of Public Works be pleased to state whether it is a fact that the district board, Gurdaspur, and the Commissioner of Lahore division recently requested the Government to provincialize the road from Shakargarh *via* Dera Baba Nanak to Amritsar ; if so, the action taken in the matter ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : So far as is known to Government the district board, Gurdaspur, has not requested for the provincialization of the Shakargarh-Dera Baba Nanak road. The Commissioner has, however, recently made a proposal in this direction and it will receive due consideration.

ELECTION OF DISTRICT BOARD, GURDASPUR.

***4812. Chaudhri Abdul Rahim :** Will the Honourable Minister of Public Works be pleased to state when the next election of the district board, Gurdaspur, will take place and the proposed qualifications of the voters to the said district board ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : The next general elections of the district board of Gurdaspur are due to be held towards the end of this year. Rule 6 of the District Board Election Rules, 1933—a copy of which is laid on the table—describes in detail, the qualifications prescribed for voters of all district boards in the Punjab.

Chaudhri Abdul Rahim : Will the Parliamentary Secretary please state whether the Government intend to reconstitute the constituencies anew ?

Mr. Speaker : That does not arise.

Chaudhri Abdul Rahim : May I know whether the Government intend to postpone the elections of district board, Gurdaspur ?

Parliamentary Secretary : Up to the present time the Government have no such intention.

Chaudhri Abdul Rahim : Will there be any classification ?

Parliamentary Secretary : The answer is in the affirmative.

Rule 6 of the District Board Election Rules, 1933.

6. (1) Every male British subject, or natural born subject of an Indian State, shall be entitled to have his name registered on the roll of a constituency, provided—
Qualifications of voters—

- (a) that he has on the first day of the month in which the roll is published under the provisions of sub-rule (1) of rule 8, attained the age of twenty-one years ; and
- (b) that he has not been adjudged by a competent court to be of unsound mind ; and
- (c) that he is a zaildar, inamdar, sudeposh or lambardar in the constituency ; or
- (d) that he is the owner of land situated within the area subject to the authority of the Board, and assessed to land revenue of not less than five rupees per annum ; or
- (e) that he is an assignee of land revenue amounting to not less than ten rupees per annum in respect of land situated within the area subject to the authority of the Board ; or
- (f) that he is a tenant or lessee under the terms of a lease for a period of not less than three years, of Crown land situated within the area subject to the authority of the Board for which rent of not less than five rupees per annum is payable, provided that, when the amount payable is assessed from harvest to harvest the annual rent payable by such person shall be deemed to be the annual average amount payable by him in the three years previous to the date aforesaid ; or
- (g) that he is a tenant with a right of occupancy as defined in Chapter II of the Punjab Tenancy Act, 1887, in respect of land situated within the area subject to the authority of the Board and assessed to land revenue of not less than five rupees per annum ; or
- (h) that he resides in the area subject to the authority of the Board and was, during the financial year previous to the date of publication of the roll, assessed to income-tax ; or
- (i) that he is a retired, pensioned or discharged commissioned or non-commissioned officer or soldier of His Majesty's regular forces resident in the area subject to the authority of the Board ; or
- (j) that he has paid in the year ending on the thirty-first of March, last preceding the date on which the rolls of constituencies are published under the provisions of sub-rule (i) of rule 8, not less than the sum of two rupees on account of any cess, rate or tax payable to the Board ; or

- (k) that he is a tenant of not less than six acres of irrigated or twelve acres of un-irrigated land in the constituency ; or
- (l) that he is the owner of immovable property situated within the area subject to the authority of the Board of the value of not less than Rs. 2,000 or of an annual rental value of not less than Rs. 60, not being land assessed to land revenue ; or
- (m) that he is a tenant of immovable property situated within the area subject to the authority of the board of an annual rental value of not less than Rs. 60, not being land assessed to land revenue ; or
- (n) that he has attained the primary or an equivalent or higher educational standard and is a resident of the area subject to the authority of the board ; or
- (o) that he pays tirmi on land situated in the area subject to the authority of the board :

Provided further that a person who is a member of a *scheduled caste shall be entitled to have his name registered on the roll of a constituency if he either—

- (i) is shown in the prescribed manner to be literate and is a resident of the area subject to the authority of the board ; or
- (ii) has, throughout the twelve months preceding the prescribed date owned immovable property within the area subject to the authority of the Board of the value of not less than fifty rupees, not being land assessed to land revenue, or has throughout that period, owned malba of a house of not less than that value ; or
- (iii) has, throughout the twelve months preceding the prescribed date occupied as tenant immovable property in the constituency of an annual rental value of not less than thirty-six rupees.

(2) When two or more persons are co-sharers in land assessed to land revenue or in any tenancy or lease of land assessed to land revenue or in receipt of assigned land revenue, every such person shall be qualified as an elector who would be so qualified if his share in such land, property, tenancy, lease or assignment were held separately.

Explanation.—The words “land revenue” used in this rule shall be deemed to mean the average amount of “land revenue” paid during the three years preceding the date of publication of the electoral roll.

*NOTE.—Scheduled castes are—

Ad Dharmis, Bawaria, Chamar, Chuhra or Balmiki, Dagri and Kohli, Damna, Od, Sansi, Sarara, Marija or Marecha, Bangali, Barar, Bazigar, Bhanjra, Chanch, Dhanok, Gagra, Gaddhila. Khatik, Kori, Hat, Pasi, Perna, Sepala, Sirkiband, Meghs, and Ramdaais.

BRIDGE AT TRIMUN PATAN.

***4813. Chaudhri Abdul Rahim :** Will the Honourable Minister of Public Works be pleased to state whether he is aware of the fact that the public of tahsil Shakargarh have to experience great difficulty in the rainy season for attending the courts at Gurdaspur for want of a suitable bridge at Trimun Patan ; if so, what action, if any, Government proposes to take in the matter ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : There is a ferry running at Trimun Patan and the residents of tahsil Shakargarh should, therefore, experience no difficulty in the rainy season.

VILLAGE ROAD IN KANGRA DISTRICT.

***4828. Rai Bahadur Lala Gopal Das :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether the Government have any schemes under consideration for improving the village roads in the Kangra district ;
- (b) if the answer to (a) be in the negative, when the Government intends to take up the matter ?

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

(b) Does not arise.

OKARA-GOGERA ROAD.

***4837. M. Jafar Ali Khan :** Will the Honourable Minister for Public Works be pleased to state—

(a) whether he is aware of the fact that large traffic is carried on the Okara-Gogera road ;

(b) whether the passengers experience great inconvenience on account of the unmetalled condition of the road ;

(c) whether the dust that rises from the road causes great harm to the neighbouring crops ;

(d) whether the above-named road is situated at a very low level between milestones No. 10 and No. 11 and in the rainy season it becomes impassable ;

(e) if the answers to the above parts be in the affirmative, the action the Government proposes to take in the matter ?

The Honourable Nawabzada Major Khizar Hayat Khan Tiwana : (a) Yes. Sufficient traffic is carried on on this district board road. Three lorries ply daily in addition to tongas and other carts.

(b) The length of this road is 18 miles ; out of which 4.5 miles are metalled and already tarred and sandy reaches aggregating to 1.75 miles have also been metalled and are being tarred. The remaining 6.75 unmetalled miles are being maintained on ponded system ; but it is true that the portion becomes dusty when there are canal closures and some inconvenience is experienced.

(c) The dust does not do much harm to the surrounding crops as the unmetalled portion of the road is occasionally watered according to the "waris" allowed by the Canal Department, and the crops on this road are no worse than the crops on any other unmetalled road.

(d) A strip of about 3 furlongs in mile No. 11 is at about the same level as the adjoining fields but the rain water sometimes accumulates a few inches in depth as it is blocked up there by two watercourses running along the road boundaries in this strip on a higher level.

(e) A permanent maintenance gang is always working on ponded system on this road for the convenience of the traffic and will continue till the remaining miles are metalled. 1.75 miles length of sandy reaches were metalled last year and it is expected that brick on edge soling will be laid in about 2 miles this year too and it is hoped that the remaining portion will also be metalled gradually.

TOTAL INCOME OF THE LUDHIANA DISTRICT BOARD FROM 1936 TO 1939.

***4847. Pandit Muni Lal Kalia :** Will the Honourable Minister of Public Works be pleased to state—

(a) the total income of the Ludhiana district board during the years 1936-37, 1937-38, 1938-39 ;

[Pandit Muni Lal Kalia.]

- (b) the amount realised by the said district board on account of local rate and professional tax during these years giving separately the amount of professional tax charged from the non-agriculturists ?

The Honourable Nawabzada Major Khizar Hayat Khan Tiwana :

	1936-37.	1937-38.	1938-39.
	Rs.	Rs.	Rs.
(a) Total income ..	6,62,752	6,45,798	6,81,587
(b) Income from local rate ..	1,89,076	1,89,096	1,89,172
Income from professional tax ..	21,208	5,449	7,365
Professional tax realised from non-agriculturists.	18,954	4,806	6,225

SHEDS ERECTED BY TAHSILDAR, PIND DADAN KHAN.

***4848. Mian Abdul Aziz :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that in July, 1938, the tahsildar of Pind Dadan Khan got erected two pacca sheds without the sanction of the local municipal committee ;
- (b) whether the matter mentioned in (a) above was brought to the notice of the Deputy Commissioner by the junior vice-president Sayad Qurban Hussain Shah of the said committee ;
- (c) whether the Deputy Commissioner, Jhelum, directed the tahsildar to pull down the sheds in question and the tahsildar reported to the Deputy Commissioner that his orders had been complied with although the sheds were not demolished and they exist even now ;
- (d) whether one Mehta Ram Rakha applied for sanction to re-erect the same sheds and the committee by a resolution brought it to the notice of the Deputy Commissioner and Commissioner that the sheds still existed and the application was a bogus one ; if so, whether any action was taken in the matter, if not, why not ?

The Honourable Nawabzada Major Khizar Hayat Khan Tiwana : I regret the reply to this question is not yet ready.

COMMUNAL PROPORTIONS IN ADMISSION TO C. E. CLASS IN MACLAGAN ENGINEERING COLLEGE.

***4849. Pandit Shri Ram Sharma :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether the Government has now opened C. E. class in the MacLagan Engineering College, Mughalpura ; if so, the communal proportions that would regulate admissions to this class ;

- (b) whether the award of scholarship to students admitted to this class would also be regulated according to communal proportions ?

The Honourable Nawabzada Major Khizar Hayat Khan Tiwana : (a) Yes. The class will form part of the existing "A" Class of the College. The first and second year courses of the class will be common to all three branches of engineering, namely, Civil, Mechanical and Electrical Engineering. Specialization as between the three branches of engineering will take place at the end of the 2nd year, separate 3rd year courses being maintained each for Civil, Mechanical and Electrical Engineering. Students who pass the 2nd year examination will be promoted to the 3rd year class and permitted to join the class of the particular branch of engineering which they wish to follow at their own choice up to the number of vacancies available. In the event of there being more candidates for a particular branch than there are vacancies, the students standing highest in the examination will ordinarily be given priority of choice. Accordingly there will be no direct admission to the Civil Engineering Class. All students will be admitted to the "A" Class in the first instance in the communal proportions laid down in the prospectus, viz., Muslims 40 per cent, Hindus 30 per cent, Sikhs 20 per cent, and Christians 10 per cent.

(b) No.

PUBLIC WELLS OPENED TO SCHEDULED CASTES.

***4866. Chaudhri Jugal Kishore :** Will the Honourable Premier be pleased to state the number of public wells at present in each district of the Ambala division respectively, water of which is used for drinking purposes and the number of those public wells among them from which members of scheduled castes are allowed to draw water ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : I presume by "public wells" the honourable member means wells constructed from provincial funds and open to the public. If so the time and labour involved in collecting this information would not be justified. The honourable member is aware that Government has already issued instructions that such wells are open for use by members of the scheduled castes like other classes and that notice boards should be put on all such wells to indicate that there is no restriction on the wells being used by members of the scheduled castes.

Lala Duni Chand : It may be all right that the Parliamentary Secretary has not thought it fit to collect the figures, but may I know if it is within his knowledge that notwithstanding the orders of the Government, in practice members of the scheduled castes are not allowed to draw water from the public wells in the Ambala district ?

Parliamentary Secretary : If any complaints are brought to the notice of the Government, Government will certainly go into the matter.

Lala Duni Chand : Have not complaints already come to notice of Government to that effect and is it not a fact that this question has been discussed on the floor of the House more than once ?

Parliamentary Secretary : I have said if any specific complaints are brought to the notice of the Government, Government will certainly investigate the matter.

Lala Duni Chand : What effective steps Government have taken or intends to take to give effect to their orders. I may inform him that the orders of the Government are observed more in their breach than in observance.

Parliamentary Secretary : Such may be honourable member's information. That information is not in my possession.

Pandit Muni Lal Kalia : May I know whether the definition which has been given of public wells by the Parliamentary Secretary is an authoritative one or is only coined for the purpose ?

Parliamentary Secretary : I have not followed the question.

Pandit Muni Lal Kalia : May I know whether the wells constructed from funds of any local body fall within that definition only ?

Parliamentary Secretary : Wells which are constructed from such funds are open to the public.

Pandit Muni Lal Kalia : May I know the approximate number of such wells in the whole province ?

Mr. Speaker : That does not arise.

Lala Duni Chand : May I know if the wells sunk by any section of the population are public wells ?

Parliamentary Secretary : They do not fall under this definition.

Lala Duni Chand : May I know if it is not a fact that mostly the wells in villages are sunk by the local inhabitants or by one section of the inhabitants of the village.

Parliamentary Secretary : That might be correct that in some villages wells are sunk by the villagers themselves.

Lala Duni Chand : Are these within the meaning of the public wells as defined by the Parliamentary Secretary. That means there are no public wells in villages.

Parliamentary Secretary : There are public wells but the wells defined by my honourable friend which are constructed by funds collected by the villagers are the property of the villagers and it is open to the villagers to allow those wells to the scheduled castes or not.

Lala Duni Chand : If the wells described by him are excluded from the definition of the public wells, then where are those wells to which orders of the Government apply ?

Parliamentary Secretary : The orders apply to the wells which are constructed from the provincial funds.

Lala Duni Chand : Do I understand that it comes to this that Government has passed orders giving right to members of scheduled castes to make use of wells which really do not exist ?

Parliamentary Secretary : It must be within the knowledge of the honourable member that there is a large number of wells which are constructed by the local bodies or by Government and not constructed by villagers alone.

Lala Duni Chand : Will he please point out a single well in the Ambala district sunk by the district board or any local board ?

Chaudhri Jugal Kishore : Will the Parliamentary Secretary please state the number of public wells in the Ambala division ?

Lala Harnam Das : May I know the number of wells which are intended to be sunk by Government in the Ambala division in the current financial year ?

Parliamentary Secretary : Sir, I cannot tell off-hand the number of public wells in the Ambala division.

Lala Harnam Das : My question is different. I want to know as to how many wells Government intend to sink in the Ambala division during the current or next year ?

Mr. Speaker : This does not arise.

Chaudhri Jugal Kishore : What is that peculiar difficulty which Government have to face in constructing public wells ?

Lala Duni Chand : Will the Parliamentary Secretary take the trouble to enquire from the district board, Ambala, whether wells in villages from the public fund have been sunk by them or they intend to sink such wells ?

Parliamentary Secretary : If the honourable member will give notice, information will be collected.

Pandit Muni Lal Kalra : May I know whether these statistics and figures of wells had to be collected by the Parliamentary Secretary or by the clerk of the local bodies ?

Parliamentary Secretary : The information has to be collected by the local authorities. It does involve time, labour and money.

Pandit Muni Lal Kalra : Time and money of the Assembly or of the clerks ?

Parliamentary Secretary : Of the local authorities.

Pandit Muni Lal Kalra : What amount will be spent on that ?

Parliamentary Secretary : I have pointed out many a time that one question costs Rs. 250.

Pandit Muni Lal Kalra : The cost of making an enquiry is Rs. 250 when such an enquiry is to be conducted by a servant drawing about Rs. 20 or Rs. 25.

Mr. Speaker : I think the honourable member has misunderstood the Parliamentary Secretary.

Lala Duni Chand : May I know what is the average cost of a single evasive answer given by the Parliamentary Secretary ? (Laughter.)

CHIRAGH SHAH, POLICE CONSTABLE OF POLICE STATION BHAI PHERU,
DISTRICT LAHORE.

***4638. Maulvi Mazhar Ali Azhar :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that one Chiragh Shah, police constable of police station Bhai Pheru, district Lahore, along with another man, got seats in a motor lorry No. P-8739-C on 24th February, 1939, forcibly, and compelled the driver to take them without any fare;
- (b) whether it is a fact that the Assistant Inspector-General, Police (Traffic), Lahore, found them travelling when he checked the lorry on Lahore-Montgomery road on the said date;
- (c) if the answers to parts (a) and (b) above be in the affirmative, the action, the Government has taken or proposes to take in this matter?

Parliamentary Secretary (Shaikh Faiz Muhammad) : I regret that the answer to this question is not yet ready.

PUBLIC VEHICLES PLYING IN KANGRA DISTRICT.

***4793. Pandit Bhagat Ram Sharma :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that all public vehicles plying within the limits of Kangra district are required to report at every police station situated on the road side;
- (b) whether it is again a fact that the practice referred to in (a) above has resulted in great inconvenience to the public;
- (c) if answers to (a) and (b) above be in the affirmative, what action does the Government propose to take in the matter?

Parliamentary Secretary (Shaikh Faiz Muhammad) : I regret that the answer to this question is not ready.

FUNDS FOR BADEN POWELL BOY SCOUTS ASSOCIATION.

***4521. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Education be pleased to state—

- (a) whether any sub-judge or any other judicial officer collected funds from residents of the town where he is appointed for Baden Powell Boy Scouts Association during the years 1937 and 1938 and January, 1939; if so, which officers, at what places and the amount of money they so collected;
- (b) whether any instructions have been issued by Government or the High Court regarding such collections; if so, whether he will be pleased to lay a copy of those instructions on the table of the House?

The Honourable Mian Abdul Haye : (a) Government have no information.

(b) Yes. A copy of Chief Secretary to Government, Punjab's letter No. 17056 (H.—Gaz.), dated the 14th June, 1927, is placed on the table.

Lala Duni Chand : May I know whether, before answering the question in the negative, the Honourable Minister had taken the trouble of making an enquiry and getting this information ?

Copy of a letter No. 17056 (H.—Gaz.), dated the 14th June, 1927, from H. D. Craik, Esq., C.S.I., I.C.S., Chief Secretary to Government, Punjab, to all Commissioners of Divisions and Heads of Departments in the Punjab.

COLLECTION OF SUBSCRIPTIONS AND DONATIONS BY GOVERNMENT SERVANTS.

In continuation of my letter No. 11405 (H.—Gaz.), dated the 11th April, 1927, on the subject noted above, I am directed by the Governor in Council to say that the collection of subscriptions for well-known funds, such as those indicated in the margin, which have been encouraged by Government and its officers for many years, should be considered to be approved by Government. Permission is also accorded to a Deputy Commissioner inviting subscriptions to a fund not exceeding Rs. 500 in all for the relief of sufferers in any purely local calamity, e.g., on fire.

Provincial Boy Scouts Association, St. John's Ambulance Association, Red Cross Society, Lady Dufferin Fund, Lady Minto Nursing Association.

CONTRIBUTION TO RED CROSS FUND BY STUDENTS OF AMRITSAR GOVERNMENT HIGH SCHOOL.

***4688. Dr. Sant Ram Seth :** Will the Honourable Minister for Education be pleased to state whether it is a fact that six annas from free students and three annas from students paying half fees and one anna from all other students are at present being charged for contributing towards the Red Cross Fund in the Government High School, Amritsar ; if so, why ?

The Honourable Mian Abdul Haye : Yes. The subscriptions which are entirely voluntary are collected for various beneficent activities such as supply of free medicines, free milk to under-fed children and monetary aid to poor and deserving boys. It has already been decided that, with effect from April 1st, 1939, there shall be a uniform rate of subscription, namely, one anna, at Government High School, Amritsar, the subscription remaining voluntary as before.

Dr. Sant Ram Seth : May I ask the Honourable Minister for Education whether the Red Cross Fund exists in any other school except this one which has been mentioned in his answer ?

Minister : Yes, this fund exists in other schools as well.

Dr. Sant Ram Seth : Will the Honourable Minister be pleased to state the place and the name of that school ?

Minister : I cannot give the names off-hand.

Dr. Sant Ram Seth : Will the Honourable Minister be pleased to state whether it is a fact that six annas are charged from each of those poor students who are exempted from payment of their fees ?

Minister : There is no question of charge. Those students give this petty sum of their own accord. They are not forced to pay it.

Dr. Sant Ram Seth : Does the Honourable Minister for Education know that in this particular school this petty sum of six annas is compulsory ? From those students who are exempted from payment of their full

[Dr. Sant Ram Seth.]

fee six annas are charged and from those students who are given half concession three annas are charged and from those students who pay full fee only one anna is charged. In view of this fact may I know the reason why six annas are charged from poor students who cannot afford to pay their fee even ?

Minister : I have already stated this point in part 2 of my answer that orders have been issued to the effect that one anna may be charged from them who are pleased to pay it of their own accord and this petty sum should not be taken forcibly.

Lala Duni Chand : May I know whether they have so much spirit of patriotism that they are willing to pay the subscription ?

Minister : I think they have got many Duni Chands there and they pay.

Dr. Shaikh Muhammad Alam : How many Abdul Hayes are there ?

Minister : I wish they were many (*Laughter*).

APPOINTMENTS IN PLACES OF LALA BARKAT RAM KHOSLA, AND OTHERS IN EDUCATION DEPARTMENT.

***4689. Lala Duni Chand :** Will the Honourable Minister for Education be pleased to state—

(a) the names and the qualifications of the gentlemen appointed in the places vacated by Lala Barkat Ram Khosla, Principal, Intermediate College, Pasrur, Rai Sahib Sohan Lal and Lala Gurditta Mal, Professors, Central Training College, Lahore, on their retirement and also in the places vacated by Lala Harish Chandar Bali, District Inspector of Schools, and Lala Charanjit Lal of Government High School, Kaithal, on the promotion of one as Deputy Inspector of Schools and on the transfer of the other as second master in another Government school ;

(b) whether any gentlemen in the Education Department with superior qualifications and having better claims have been superseded by those appointed in the vacancies mentioned in part (a) ; if so, the names and number of such persons and the reasons for such supersessions ?

The Honourable Mian Abdul Haye : (a) 1. Dr. Bihari Lal Bhatia, D.Sc. (Punjab), F.Z.S., F.R.M.S., K.H.M.

2. M. Muhammad Nazir, B.A., B.T. (Punjab), B.A. (London), Honours in Geography.

3. M. Mohammad Abdul Bari, M.A., B.T.

4. Pir Mohammad Nawaz, B.A., B.T.

5. M. Abdul Alim Faruqi, B.A. (Punjab), B.A. (London), Higher Diploma in Education, Dublin.

(b) The vacancies were filled by the transfer of officers considered suitable for the posts. As this was done in the interests of public service no question of supersession arises.

Lala Duni Chand : May I know if there exists a feeling of resentment in the department that men with much higher qualifications and stronger claims have been superseded and men with inferior qualifications and weaker claims have been appointed ?

Minister : I have already stated in my reply that there is no question of supersession. When these posts became vacant, other officers have been placed there by transfer. Nobody has been superseded.

Lala Duni Chand : I invite the attention of the Honourable Minister to the fact that the question deals not only with the question of transfer but it also deals with other cases.

Minister : What other cases ?

Lala Duni Chand : That certain officers have retired and in their places some other persons have been appointed.

Minister : No fresh recruitments have been made. Nobody has been superseded. The only officers working elsewhere have been transferred to those posts to work there as such.

Lala Duni Chand : May I invite the attention of the Honourable Minister to the first part of the question ?

It says :—

“ the names and the qualifications of the gentlemen appointed in the places vacated by Lala Barkat Ram Khosla, Principal, Intermediate College, Pasrur, Rai Sahib Sohan Lal and Lala Gurditta Mal, Professors, Central Training College, Lahore, on their retirement..... ”

So, the question deals with the question of retirement.

Minister : The previous incumbents have retired. No fresh appointments have been made from outside. Persons already belonging to the Education Department and working elsewhere have been transferred. That is all.

Lala Duni Chand : I understand what the Honourable Minister says. But what I want is this, whether men who have been posted in their places, were men of higher qualifications and higher claims ?

Minister : Yes, Sir. They were most suitable.

Lala Duni Chand : May I know what he means by saying suitable persons ? That is too vague and an indefinite term.

Pandit Shri Ram Sharma : By suitable persons, does the Honourable Minister mean his own favourites ?

Minister : No, Sir.

OPENING OF INTERMEDIATE CLASSES AT MONTGOMERY.

*4933. **Sardar Ajit Singh :** Will the Honourable Minister of Education be pleased to state whether it is a fact that the public of Montgomery district has sent a number of representations for the opening of intermediate classes at Montgomery ; if so, the action intended to be taken thereon ?

The Honourable Mian Abdul Haye : Yes. Government is not prepared at present to consider the opening of any new intermediate colleges.

**OFFICERS NEXT TO ASSISTANT DIRECTOR OF PUBLIC INSTRUCTION
AT HEADQUARTERS.**

***4694. Lala Duni Chand :** Will the Honourable Minister of Education be pleased to state—

- (a) who are the three important officers in the Education Department at the headquarters next to the Director and Assistant Director of Public Instruction, Punjab ;
- (b) the names of the officers whom these three officers succeeded and the dates on which they succeeded them ;
- (c) the qualifications of the three incumbents who are holding these offices at present ?

The Honourable Mian Abdul Haye : (a) and (b) 1. Malik Ghulam Rasul Shauq, M.A., Inspector of Vernacular Education, Punjab.

2. M. Zafar Iqbal, M.A., B.T., Registrar, Departmental Examinations, Punjab.

3. Mr. P. D. Bhanot, B.A., B.T., Inspector of Training Institutions, Punjab.

(b) No. I succeeded Chaudhri Mohammad Hussain (on his death) on 11th September, 1936.

No. II succeeded M. Abdul Hamid, M.A., when the latter proceeded on leave from 2nd July, 1936.

No. III also succeeded M. Abdul Hamid, M.A., on 2nd January, 1937, when he proceeded on leave preparatory to retirement.

Lala Duni Chand : Before making these appointments, did the Honourable Minister really satisfy himself that they were the most suitable men—according to his own language—for these places ?

Minister : Does the honourable member consider them unsuitable and does he want to arrogate the powers vested in me ? The honourable member must realise that these appointments were made before I took office.

Lala Duni Chand : Is it not true that a good deal of heart-burning exists with regard to these appointments ?

Minister : Not the least.

Khan Sahib Chaudhri Sahib Dad Khan : Who were the predecessors of the Assistant Director of Public Instruction and whether they possessed greater qualifications or inferior qualifications ?

Minister : This does not arise.

STUDENTS ADMITTED TO KING EDWARD MEDICAL COLLEGE,
LAHORE, AND GOVERNMENT COLLEGE, LAHORE.

***4695. Lala Duni Chand :** Will the Honourable Minister of Education be pleased to state—

- (a) the total number of students admitted to the Training College, Lahore, last year and the number of students so admitted community-wise ;
- (b) the total number of students admitted to the King Edward Medical College, Lahore, last year and the number of students so admitted community-wise ;
- (c) the total number of students admitted to the Government College, Lahore, last year and the number of students so admitted community-wise ?

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

Lala Duni Chand : May I bring it to the notice of the Honourable Minister for Education the fact that nothing is further from my intention of raising a communal question. Having given this explanation, will he now give me the facts ?

Minister : In the two previous questions that I have answered, it was open to me to say that both of them savoured of communalism, but my friend was very careful in drafting them and therefore I answered them. The present question was not worded carefully.

Lala Duni Chand : In case I insist upon these questions being answered, will he bring the same excuse.....

Minister : I insist upon refusing to answer them on the floor of this House, but the information can be had by tabling unstarred questions.

Pandit Muni Lal Kalia : May I know whether there is any difference between answering questions on the floor of the House and answering them when they are put as unstarred questions ? Do unstarred questions not savour of communalism ?

Minister : It has been made clear already that we would not allow heat to generate on the floor of this House.

Lala Duni Chand : May I know if the reason for refusing to answer such questions on the floor of the House is that if they are answered they will expose the policy of Government ?

Minister : I have absolutely no such fears from any quarter.

GOVERNMENT GRANT TO HISSAR DISTRICT *RE* CAMPAIGN TO REMOVE
SCARCITY OF DRINKING WATER.

***4704. Chaudhri Sahib Ram :** Will the Honourable Minister of Education be pleased to state—

- (a) whether the Government have decided to give money by way of help to the district board, Hissar, in its campaign to remove scarcity of drinking water in the rural areas of the said district ;

[Ch. Sahib Ram.]

if so, the amount already granted and the amount proposed to be granted in this connexion in the next financial year ;

- (b) whether it is a fact that the villagers are required to contribute $\frac{1}{3}$ rd of the cost of constructing water reservoirs in the areas which are suffering from shortage of drinking water ;
- (c) whether the Government is aware of the fact that the people of such areas have become too poor to contribute anything towards the cost of construction of water reservoirs ; if so, the action, the Government intends to take in the matter ;
- (d) whether the Government is aware of the fact that in some parts of the district due to scarcity of rains the ponds have dried up while in others, where there are wells with sweet water, the people have become too poor to maintain them ; if so, the action the Government intends to take to arrange for supply of drinking water to those areas ;
- (e) tahsil-wise the names of villages in the said district where it is feared that there will be shortage of drinking water in the months of May and June 1939 ;
- (f) whether the Government is prepared to bear all the expenses for supply of drinking water to these villages ; if not, why not ;
- (g) whether the Government has decided to provide canal water to all the villages in the *barani ilaga* of Hissar district which are situated at a distance of about four miles from the areas commanded by canals ; if so, tahsil-wise names of such villages, which can thus be supplied canal water and also of those which have already been granted licences from the canal department to get water for their ponds and how many of them have not yet got it ?

The Honourable Mian Abdul Hays : (a) (i) Yes.

(ii) The following grants have been made during the year 1938-39 for the required purpose :—

Rupees 1,200 from the Special Development Fund for sanitating wells in 8 villages of the Hissar tahsil.

Rupees 770-7-0 by the Sanitary Board, Punjab, for completion of a pucca tank in village Bareguda for which a cent per cent grant-in-aid of Rs. 14,000 was given by the Sanitary Board, Punjab, in 1935-36.

Rupees 8,000 by the Sanitary Board, Punjab, for trial boring in connection with the rural water supply in Hissar district.

(iii) The following amounts are proposed to be given during the year 1939-40 :—

Rupees 1,200 from the Special Development Fund, for sanitating wells in 8 villages of Hansi tahsil ;

Rupees 98,914, from Government of India second grant for the construction, repairs and enlargements of tanks, borings and excavation of *khaals* for canal water at an estimated cost of Rs. 1,46,000.

(b) Yes.

(c) Yes. Government have been requested to sanction the amount of Rs. 47,086 on account of villagers' contribution from the provincial funds as well.

(d) Yes. In some parts of the district the scarcity of water is greater than in others. No information is available regarding the inability of villagers to maintain the wells with sweet water. The question of providing water supply at Government expense in these areas, therefore, does not arise.

(e) The rains at the beginning of March have removed any immediate apprehension of a scarcity of drinking water in most parts of the district. The possibility of further rain is not yet over and it is too early to say which villages would be without water in May and June. This also depends on the porosity of the floors of tanks and on variations in the consumption of water.

(f) Suitable schemes received from the district board, Hissar, through proper channel for the improvement of drinking water supplies in rural areas will receive due consideration.

(g) Government have sanctioned a special staff of canal officers and naib-tahsildars with the object of supplying canal water for the tanks to such barani villages which are in dire need of water, as are situated within four miles of a canal and within the commanded area. The work is in progress and it is yet not possible to give a complete list of these villages.

Khan Muhammad Yusaf Khan : Is it a fact that Government sanctioned Rs. 96,000 last year for drinking purposes ?

Minister : I have already said—Rs. 98,914.

Khan Muhammad Yusaf Khan : How much of it was paid during the last financial year ?

Minister : I have already stated that the amount that was paid last year out of this was Rs. 8,000.

Khan Sahib Chaudhri Sahib Dad Khan : Why is this money paid to the district boards and not put in the hands of the executive for its general and better use ?

GOVERNMENT GRANTS TO THE PUNJAB UNIVERSITY.

***4706. Mian Abdul Aziz :** Will the Honourable Minister of Education be pleased to state—

- (a) the total grant from the Government to the Punjab University ;
- (b) how much of it is spent on the University Chemical Laboratories ;
- (c) the total strength of the staff of the said Laboratories showing the number of Muslims and the amount of pay drawn by them in comparison with other communities ;
- (d) the number of Muslim students educated by this department so far in comparison with students belonging to other communities ;

[Mian Abdul Aziz.]

(e) what steps does the Government propose to take to ensure proper representation of Muslims on the staff of the University Chemical Laboratories ?

The Honourable Mian Abdul Haye : The question savours of communalism. If the honourable member puts an unstarred question I shall be pleased to answer it.

INSUFFICIENT ACCOMMODATION FOR PATIENTS IN CIVIL DISPENSARY AT ZAFARWAL.

***4715. Shaikh Karamat Ali :** Will the Honourable Minister of Education be pleased to state whether insufficient accommodation for out and in-door patients in the civil dispensary at Zafarwal in the Sialkot district has ever been noticed and reported about by any officer of the Medical Department ; if so, what action is proposed to be taken to provide sufficient and suitable accommodation for such patients in the dispensary ?

The Honourable Mian Abdul Haye : No. The accommodation for both in and out-door patients in the civil dispensary at Zafarwal in the Sialkot district is sufficient. There are 8 beds for in-patients while the daily average of in-patients has been so far below 4.

PROVISION OF A SIKH PROFESSOR IN EMERSON COLLEGE, MULTAN.

***4726. Sardar Ajit Singh :** With reference to the answer to my unstarred question No. 690¹ asked in the current session of the Assembly, will the Honourable Minister for Education be pleased to state whether the resolution passed by a huge conference of the Sikhs of the Multan district held in connection with the spread of female education at Multan in December 1938 and forwarded to the Educational authorities regretting the attitude of the Principal, Emerson College, Multan, with regard to the provisions of a Punjabee Professor in the said college and demanding that that provision may be made at once, has come to his notice, if so, the action taken or intended to be taken on that resolution ?

The Honourable Mian Abdul Haye : Government have no knowledge of the resolution passed by the conference of the Sikhs of the Multan district.

CASUALTIES DUE TO OUTBREAK OF EPIDEMIC.

***4737. Sardar Hari Singh :** Will the Honourable Minister for Education be pleased to state the number of casualties due to the outbreak of epidemic diseases : plague, smallpox, cholera and meningitis in the province during the last one month ; if so, the steps taken to cope with the menace besides the use of powers conferred by section 2-A of the Epidemic Diseases Act, 1897 ?

The Honourable Mian Abdul Haye : No death from cholera, plague or cerebro-spinal fever was recorded in the province during the month of February, 1939. Three hundred and nineteen deaths were registered from smallpox.

Anti-smallpox propaganda and vaccination operations were pushed on with great vigour—28,409 primary and 189,901 re-vaccination operations were performed during the same month in the infected localities and their neighbourhood.

Smallpox did not assume epidemic form anywhere in the province and, therefore, it was not considered necessary to extend the Epidemic Diseases Act to the infected areas.

Sardar Hari Singh : Has the Government received reports of outbreak of certain cases in Simla Hills ?

Minister : I am afraid the honourable member shall have to give me notice for that question.

Sardar Hari Singh : Is Simla not included in the province of the Punjab ?

Minister : If you want definite information, you will have to give me notice.

PROVIDENT FUND OF TEACHERS OF MUSLIM HIGH SCHOOL,
AMBALA.

***4749. Lala Deshbandhu Gupta :** Will the Honourable Minister of Education be pleased to state—

- (a) whether according to Rules it is obligatory for all recognised and aided schools to deposit the amount of the Teachers' Provident Fund in some bank ;
- (b) whether it is the duty of the Inspectors of Schools to see that this Rule is observed by all the schools within their circles ;
- (c) whether it is a fact that the Provident Fund of the teachers of the Muslim High School, Ambala, which amounts to about rupees ten thousand, has not been deposited in any bank by the managing committee ;
- (d) if so, why the Inspector of schools, Ambala, has not taken any action against it and the action the Government propose to take in the matter ?

The Honourable Mian Abdul Haye : (a) Yes, in the case of schools to which the Standard Provident Fund Rules for Teachers (Appendix III, Punjab Education Code) apply.

(b) Yes.

(c) Government has no information about the total amount standing to the credit of the fund but a sum of Rs. 7,637-4-0 was reported by the Inspector to have been short deposited. Out of this a sum of Rs. 3,517-12-0 has since been deposited and information about the balance is awaited.

(d) The school authorities have recently been pressed to deposit the balance at an early date failing which suitable action will have to be taken.

Lala Duni Chand : Has the Government satisfied itself that the balance not yet deposited is in safe hands or is there any danger of this fairly big amount of money being mis-appropriated or being lost ?

Minister : What is the object of my honourable friend ? Does he want this school to be closed ? There are many schools that are in that predicament and it is not fair to single one out.

Lala Duni Chand : May I inform him that I am as good a well-wisher of that school as he himself is ?

Minister : I will have to close down half of the schools if he wants to be so strict.

POSTING OF A MUHAMMADAN AS IN CHARGE OF CIVIL HOSPITAL,
MULTAN.

***4752. Makhdumzada Haji Sayad Muhammad Wilayat Hussain Jeelani :** Will the Honourable Minister of Education be pleased to state—

- (a) whether it is a fact that no Muhammadan has been posted as in charge of Civil Hospital, Multan, during the last fifteen years; if so, why ;
- (b) whether Government proposes to post a Muhammadan as in charge of the said hospital in the near future ?

The Honourable Mian Abdul Haye : I must decline with regret to answer this question which savours of communalism on the floor of the House. If the honourable member puts an unstarred question I shall be glad to supply the necessary information.

GOVERNMENT INTERMEDIATE COLLEGE, GUJRAT.

***4773. Lala Bhim Sen Sachar :** Will the Honourable Minister on Education be pleased to state whether it has been decided to close the Government Intermediate College at Gujrat ; if so, from what date and for what reasons and whether Government are prepared to re-consider their decision ?

The Honourable Mian Abdul Haye : Yes, with effect from the 15th of May, 1939. The attention of the honourable member is also invited to the answer to the starred question No. 4588,¹ asked in the current session of the Assembly.

Lala Bhim Sen Sachar : Is it a fact that the closing of the college is due to the existence of a Muslim Zamindara College there ?

Minister : Not to the presence, but to the opening of a new college.

Lala Bhim Sen Sachar : May I take it that Government are for closing down Government colleges all over the province where private colleges exist ?

Minister : That is the policy of the Congress Governments in other provinces. Wherever people of a certain locality are prepared to take upon their shoulders the burden of higher education, Government would like to save some money for primary and girls' education and for the eradication of illiteracy.

Lala Bhim Sen Sachar : Is it the policy of the Punjab Government that Government colleges shall be closed wherever private colleges exist ?

Minister : *Can* be closed and not *shall* be closed.

Lala Bhim Sen Sachar : May I know whether at any other place where private colleges and Government colleges exist side by side, Government have decided to close down their colleges ?

Minister : We have taken no such general decision.

Lala Bhim Sen Sachar : What particular reason is there, then, for closing this college which has been meeting the needs of the people very efficiently ?

Minister : Government came to the conclusion that two colleges of the same type were not required in Gujrat. As, in the case of one institution, the authorities were willing to raise it to the standard of a college, Government decided to close their college. Application for affiliation was made in the first instance to the University and the University before according affiliation made a reference to Government and asked what they proposed to do with their college. I, on behalf of Government, replied that I would be willing to close the Government college.

Lala Bhim Sen Sachar : Do I understand that Government are of the opinion that a communal institution like the Muslim Zamindara College can meet the needs of the people as well as a non-communal institution like the Government college ?

Minister : I see no reason why it should not.

Lala Bhim Sen Sachar : May I know how the Minister considers that the two institutions are of a similar nature ? The Muslim Zamindara college is evidently a communal institution. What provision has the Honourable Minister made for the needs of people who want a non-denominational institution ?

Minister : I am in the happy position to state that wherever I go I find boys and girls of one community going freely and willingly to institutions maintained by other communities. I hope my honourable friend will not adopt a course which would lead to water-tight compartments.

Khan Bahadur Malik Allah Bakhsh Khan Tiwana : Is there any bar to any community joining this private institution ?

Minister : Absolutely none.

Dr. Sir Gokul Chand Narang : Is the Honourable Minister aware that he once made a statement on the floor of the House that if he had the power he would close all communal institutions ?

Minister : I did not say so. What I said was that we must nationalise all institutions.

Dr. Sir Gokul Chand Narang : Is this the method he proposes to adopt to nationalise communal institutions, that is, by replacing Government institutions by private communal institutions ?

Minister : I have already stated that the funds at our disposal are limited and that therefore wherever we can save money I would adopt this course any day.

Dr. Sir Gokul Chand Narang : Do I understand the Honourable Minister to mean that wherever denominational and Government institutions exist side by side he would close the Government institutions?

Minister : Yes, if they are unnecessary and if the other communities are not discouraged or handicapped by these denominational institutions.

Dr. Sir Gokul Chand Narang : Is it a fact that the Honourable Minister was forced to close the Government Intermediate College in order to make room for the zamindara college? Was there any agitation by the non-zamindar communities of the Gujrat district against the proposal of closing the Government college?

Minister : Certain gentlemen of the district asked me for an interview and I saw them more than twice and had a frank and heart to heart talk with them; and after considering their point of view I came to the conclusion that the Government College should be closed.

Dr. Sir Gokul Chand Narang : Were the other communities satisfied?

Minister : It is difficult to satisfy every individual or community.

Dr. Sir Gokul Chand Narang : Did the Honourable Minister satisfy the gentlemen whom he met?

Minister : I made my point of view clear to them and I told them that in some of the provinces where they had Congress ministries an appeal has been issued that all their colleges should be taken over by the people and maintained by them so that the Government may have a free hand to encourage primary education.

Mr. Speaker : I must stop further supplementary questions.

Diwan Chaman Lall : I should like to ask one question. Is it not a fact that Government institutions in view of the facilities of finance being available to them are in a better position to impart better education than denominational institutions?

Minister : I will not go to the extent of saying that every private institution is not in good financial position or that education there is not as good as in Government institutions.

Diwan Chaman Lall : Is it not a fact that the Honourable Minister only the other day said that he wanted to put an end to all denominational institutions?

Minister : Not at all.

Sardar Hari Singh : Is it a fact that one M.L.A. threatened to resign from the Unionist Party if the Government college was not closed in favour of the Zamindara college?

Minister : It is absolutely wrong for the honourable member to make that assertion.

Lala Bhim Sen Sachar : Has such a report come to the notice of the Honourable Minister that the Government college had been closed merely on the ground that a Unionist M. L. A. threatened to resign from the party? (Cries of 'no, no'.)

Khan Bahadur Malik Allah Bakhsh Khan Tiwana : I rise to a word of personal explanation. I am the President of the Zamindara Association of Gujrat and I never threatened the Government with resignation.

Lala Bhim Sen Sachar : I am not referring to the honourable member.

UNSTARRED QUESTIONS AND ANSWERS.

NAME, COMMUNITY AND CASTE OF PERSONS RECRUITED TO
VARIOUS SERVICES FROM SOUTH-EASTERN DISTRICTS.

784. Pandit Shri Ram Sharma : Will the Honourable Premier be pleased to state, district-wise, the names, community and caste of persons who were taken for the following posts from the south-eastern districts of the province, since April 1st, 1937 :—

1. Extra Assistant Commissioners ;
2. Tahsildars ;
3. Naib-Tahsildars ;
4. Sub-Inspectors, Police ;
5. Assistant District Inspectors of Schools ;
6. Sub-Assistant Surgeons ;
7. Inspectors, Co-operative Societies ;
8. Veterinary Sub-Assistants ?

The Honourable Major Sir Sikander Hyat-Khan : A statement is laid on the table :—

Statement.

Service to which recruited.	Name of the officer.	District to which he belongs.	Community and caste.
P.C.S. (Executive Branch)	1. Chaudhri Amar Singh 2. Chaudhri Sube Singh 3. Khwaja Habib Ali .. 4. M. Hamid-ud-Din .. 5. Pandit Din Dayal Sharma. 6. Lala Sagar Chand Jain.	Hissar .. Rohtak .. Karnal .. Gurgaon .. Hissar .. Ambala ..	Hindu, Jat. Hindu, Jat. Muslim, Ansari. Muslim, Qureshi. Hindu, Gaur Brahmin. Hindu, Jain.
Tahsildars ..	Nil	..	..
Naib-Tahsildars ..	Nil	..	..
Sub-Inspectors of Police..	Nil	..	..
Assistant District Inspectors of Schools.	1. Chaudhri Karan Singh, B.A., S.A.-V. 2. Chaudhri Karan Singh, Malik, B.A., B.T. 3. Mr. Bhola Singh, B.A., B.T.	Rohtak .. Do. .. Ambala ..	Hindu, Jat. Hindu, Jat. Scheduled caste.

Service to which recruited.	Name of the officer.	District to which he belongs.	Community and caste.
Sub-Assistant Surgeons ..	1. Dr. Abdul Mughni Ahmedy.	Ambala ..	Muslim, Sheikh.
	2. Dr. Abdul Shakur ..	Do. ..	Muslim, Kamboh.
	3. Dr. Hari Shankar Sharma.	Karnal ..	Hindu, Gaur Brahmin.
	4. Dr. (Miss) Rainka Devi.	Ambala ..	Hindu, Brahmin.
Inspectors, Co-operative Societies.	1. Kanwar Jagmal Singh	Ambala ..	Hindu, Rajput.
	2. S. Mohindar Singh Chillina.	Do. ..	Sikh, Saini.
	3. Syed Shamsher Ali, Jaffri.	Do. ..	Muslim, Syed.
	4. Chaudhri Sheo Karan Singh.	Hissar ..	Hindu, Jat.
Veterinary Assistants or Veterinary Assistant Surgeons.	Nil	..	..

ADDITIONAL POLICE POST LOCATED AT RAJA JANG.

785. Mr. Dev Raj Sethi : Will the Honourable Premier be pleased to lay on the table a statement showing the strength and the estimated costs with details of the additional police post located at village Raja Jang, district Lahore in March, 1939 ?

The Honourable Major Sir Sikander Hyat-Khan : A statement is appended.

Cost of the additional police post located at village Raja Jang in the Lahore district.

	Rs.	A.	P.
FIRST YEAR.			
Pay of establishment (1 Sub-Inspector, 2 Head Constables and 18 Foot Constables)	6,048	0	0
Recurring charges on account of clothing, equipment, contingencies, leave and pension contributions and conveyance allowance	2,859	12	0
Initial charges on account of uniform, clothing and equipment	600	0	0
Hutting charges	400	0	0
Total	9,907	12	0
SECOND YEAR.			
Pay of establishment (as before)	6,048	0	0
Recurring charges on account of clothing, equipment, contingencies, leave and pension contributions and conveyance allowance	2,884	12	0
Hutting charges	400	0	0
Total	9,332	12	0

NAMES OF VILLAGES IN GUJRAT DISTRICT IN WHICH ADDITIONAL
POLICE POSTS WERE LOCATED IN 1987.

783. Mr. Dev Raj Sethi : Will the Honourable Premier be pleased to lay on the table a statement showing the names of the villages in Gujrat district in which additional police posts were located in 1987 and supply the following information about each of these posts :—

- (a) strength ;
- (b) estimated costs with full details, i.e., items and the amount under each item ;
- (c) actual costs of each post with full details, i.e., items and the amount spent under each item ;
- (d) the total amount received from each village by the end of February, 1989 ;
- (e) the amount assessed on each village ?

The Honourable Major Sir Sikander Hyat-Khan : The only force of additional police quartered in the Gujrat district in 1987 was that ordered to be located for six months in Mandi Baha-ud-Din and 26 other villages (*Punjab Gazette* notification No. 1007-S., dated the 20th September, 1987) :—

- (a) The strength was 1 sub-inspector, 1 assistant sub-inspector, 4 head constables and 50 foot constables.
- (b) and (c) The cost as originally worked out was Rs. 18,971 made up as follows :—

	Rs.
(a) Pay of establishment	7,338
(b) Clothing and equipment	840
Contingencies	734
Leave and pension contributions	1,799
Conveyance allowances for the sub-inspector and assistant sub-inspector	270
Initial charges for clothing and equipment	2,980
Hutting charges	1,000
Total ..	18,971

As regard the actual cost a reference is invited to the reply given to Question *3282¹, put by the honourable member for Lyallpur East (Sikh-Rural) in the last summer session.

- (d) and (e) Recoveries up to the end of February totalled Rs. 12,060-14-8. Figures showing the amount recovered

[Premier.]

from each village are not readily available. The amount originally assessed on each estate is shown in the following :—

Estate.					Assessment.		
					Rs.	A.	P.
Bugge	..	..	..	..	241	14	0
Khanana	..	..	..	..	618	2	0
Kaluwali	..	..	..	..	597	15	6
Kuthala Sayadan	..	..	..	..	527	6	9
Kadhanwal	..	..	..	..	1,021	4	0
Pindi Baha-ud-Din	..	..	..	..	1,955	2	6
Wau	..	..	..	..	1,481	7	9
Mandi Baha-ud-Din	..	..	..	..	534	2	3
Chak No. 21	..	..	..	..	97	6	9
Ker Baha	..	..	..	..	3	5	9
Ala	..	..	..	..	1,184	14	6
Chimmon	..	..	..	..	870	6	0
Sahna	..	..	..	..	802	5	0
Sohawa Bullani	..	..	..	..	600	3	0
Sohawa Jumani	..	..	..	..	363	1	0
Sohawa Diloana	..	..	..	..	497	1	0
Majhi	..	..	..	..	890	15	0
Chak Dawarka	..	..	..	..	72	3	0
Kothi Afghanan	..	..	..	..	206	4	6
Chak No. 4	..	..	..	..	189	12	0
Haasan	..	..	..	..	108	12	0
Kot Jharana	..	..	..	..	82	3	0
Katowal	..	..	..	..	92	3	0
Kirtowal	..	..	..	..	92	3	0
Mal	..	..	..	..	121	4	0
Kot Bloch	..	..	..	..	298	12	0
Shahidanwali	..	..	..	..	481	4	0

CANDIDATES IN THE OFFICE OF DEPUTY COMMISSIONER,
RAWALPINDI.

787. Khan Muhammad Yusuf Khan : Will the Honourable Minister of Revenue be pleased to state—

- (a) the number of persons accepted as candidates (apprentices) in the office of Deputy Commissioner, Rawalpindi, community-wise, since January, 1938 ;
- (b) the number of persons taken community-wise as paid apprentices or clerks from the list of persons mentioned in (a) above ;
- (c) the number of persons who have been confirmed from the above list community-wise ;
- (d) the number of clerks who have been given senior grade of Rs. 40—2—90 since 1938 community-wise ;
- (e) the number of persons who have been accepted as candidates as in (a) or made apprentices or made permanent clerks or promoted to the senior grade and who belong to districts other than Rawalpindi as also the number of agriculturists and non-agriculturists promoted to senior grade ;
- (f) whether it is a fact that in the cases enumerated in (a), (b), (c), (d) and (e) the Muslims have not been allotted their due share in service and promotion ;
- (g) if the reply to (f) is in the affirmative, the action the Government propose to take in the matter ;
- (h) whether it is also a fact that agriculturists are also not duly represented in the said office ;
- (i) if the reply to (h) be in the affirmative, the action the Government intends to take in the matter ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) —

(a) Muslims.	Hindus and others.	Sikhs.	Total.
2	3	2	7

The total number of candidates is 22, out of which 11 are Muslims, 7 Hindus and others and 4 Sikhs.

(b) Muslims.	Hindus and others.	Sikhs.
6	1	2
(c) 10	5	1
(d) 2	1	2

(e) (i) 2.

(ii) Out of 5 junior grade clerks promoted to senior grade one is an agriculturist and 4 are non-agriculturists.

(f) No.

(g) Does not arise.

(h) No.

(i) Does not arise.

DAMAGES TO CROPS IN CERTAIN VILLAGES OF TAHSIL JARANWALA.

788. Sardar Kartar Singh : Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that in several villages of zails Badwala, Hitarwali and Pauliani of tahsil Jaranwala, district Lyallpur, a severe hailstorm on 24th March has damaged the crops badly ;
- (b) whether the Government is aware of the fact that several of these villages were visited by the hailstorm twice ; for the first on 28th February and for the second time on 24th March ;
- (c) if so, what action has been taken to give relief to these villages in respect of remission in land revenue and grant taccavi loans ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) A hailstorm occurred in the following 12 chaks but it was severe in six only. In other chaks it was not so severe and there was no real damage to crops :—

Name of zail.	NAME OF CHAKS AFFECTED.	
	In all.	Severely damaged.
Badwala	53, 57, 58, 59, and 63-R.B.	53, 58, 59 and 63-R.B.
Hitarwali	62 and 67-R.B. ..	62-R.B.
Pauliani	97, 99, 100, 101 and 102-G.B.	99-G.B.

(b) Some of the chaks mentioned above were also damaged by hailstorm of the 28th February, 1939.

(c) A field to field inspection of the area damaged by the hailstorms on 28th February has since been finished, while in chaks damaged on 24th March as well those which have been damaged twice, a special girdawari is still in progress. Appropriate remissions in *abiana* and land revenue have been allowed in respect of the areas of which final results are available while in the rest adequate remissions will be given on the lines adopted in 1937, when *girdawari* operations are over.

On his visit to the affected areas, soon after the occurrence of the calamity, the Revenue Assistant persuaded the zamindars to apply for taccavi grant. Some of them asked for the same without interest being charged, but it is not admissible under the rules. In fact, no applications have been received for the grant whether with or without interest.

ADJOURNMENT MOTION.

ALLEGED INSULTING REPLY TO PIR MOHY-UD-DIN LAL BADSHAH
BY THE DEPUTY COMMISSIONER, ATTOCK.

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 insulting and defamatory reply, dated the 5th April, 1939, given to Pir Mohy-ud-Din Lal Badshah by the District Magistrate, Attock district, on the application for return of arms and licences submitted on 30th March, 1939.

Diwan Chaman Lall : Before you give your ruling, Mr. Speaker, may I submit one thing ?

Mr. Speaker : Under what rule ?

Diwan Chaman Lall : There is a general consensus of opinion regarding procedure where it is a debatable point which arises in reference to procedure, that the Speaker gives a certain amount of latitude to honourable members to put forward their arguments. That has been the practice in the Central Legislature and you yourself have been well advised on occasions to show this latitude.

Mr. Speaker : When there is any doubt in my mind.

Diwan Chaman Lall : The point to which I wish to draw your attention is apparently of a very doubtful nature and that is why I am rising now to ask your permission to say one word in reference to this adjournment motion. I submit that this adjournment motion is in order and my argument in favour of this proposition is briefly this.

An adjournment motion is covered by rule 46 of our rules of procedure.

The right to move the adjournment of the Assembly for the purpose of discussing a definite matter of urgent public importance shall be subject to the following restrictions.

Then the restrictions are detailed in the rule and not one of these restrictions applies to this adjournment motion. Among others we find this :

The motion must not deal with a matter on which a resolution could not be moved.

Now, I submit that as far as resolutions are concerned, if you will turn to rule 114, it lays down the type of resolution that can be moved and the restrictions to the moving of resolutions. It is stated in rule 114 :

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 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.

These are the only restrictions in regard to resolutions. So, I submit that there is nothing in our rules which can prevent this particular motion being accepted by you.

[Diwan Chaman Lall.]

Now there is the point that has been raised on the floor of this House, I believe, once when it was stated—I do not know, Mr. Speaker, whether it was stated in your absence or not because I do not recall the occasion. I only recall the incident—where an objection was raised that if a substantive motion could be moved in reference to a particular matter, then an adjournment motion is not possible of being moved on the floor of this House. I submit that this adjournment motion which relates to the attack made on Pir Mohy-ud-Din Lal Badshah by the District Magistrate of Attock impugning the judgment of the High Court which has held him to be innocent is not a motion which is capable of being moved by means of a substantive motion and can only be moved by means of an adjournment motion. What is a substantive motion? Page 271 of May's Parliamentary Practice lays down the features of a substantive motion. The only one that I can think of which can possibly be considered by any stretch of imagination to include this motion is the reference to the disability imposed upon honourable members moving an adjournment motion relating to judges of the High Court and to county court judges. For instance, an adjournment motion cannot be moved on "Lord Chancellor, the Speaker, the chairman of ways and means, members of either house of Parliament and judges of the superior courts of the United Kingdom, including persons holding the position of a judge, such as a judge in a court of bankruptcy and of a county court". That is the only provision that might conceivably be held to apply as far as this adjournment motion is concerned. I submit that there is no analogy between a county court judge and a district magistrate of our province. A county court judge is a judge of what is known as an inferior court of record and that inferior court of record is subject to the writ of mandamus of the superior courts, that is the High Court. One of the most vital distinctions between those courts and inferior courts here is that an inferior court of record such as the county court is subject to the writ of mandamus of the superior court, namely, the higher judiciary but none of our courts are subject to this. Furthermore the county court deals only with specified matters. There are about 70 Acts of Parliament which give the authority to the county courts to deal with certain specific matters, and where the sum total of claim does not exceed £ 100. They are all matters of a civil nature which are dealt with by the county courts. Here we are dealing not with a civil court, namely, a judge of the civil court who is sitting in his capacity by virtue of an Act dealing with special matters, but we are dealing with an individual who is exercising his authority as an executive officer, that is, who is represented by my honourable friend over there. The direct authority and the responsibility of the Government arises out of the action of this individual who has issued this particular order purely in his executive capacity and not in any judicial capacity. The county court, as I have stated, is limited to cases of £ 100 and certain specified jurisdiction is given to the county court judges whose records can be taken away by a writ of mandamus by a superior court. There is this vital distinction between the county court judge and this district magistrate who has issued this particular order impugning the judgment of the High Court and holding that the High Court has gone wrong, that the High Court has committed an offence in holding Pir Mohy-ud-Din Lal Badshah to be innocent and not believing the judgment of the High Court.

itself. This is a very serious and important matter in which the authority and the responsibility of the executive government is involved and therefore being a matter of great public interest, a matter which has arisen now, a matter which involves the responsibility of the Government, I submit that you should hold this matter in order.

Mr. Speaker : Will the honourable member kindly sum up his points and state them *seriatim* so that I may give my ruling separately on each of them ?

Diwan Chaman Lall : In the first place there is no restriction in our rules. Rule 46 which I quoted applies to this adjournment motion. Rule 46 refers to resolutions also and says that an adjournment motion cannot be moved in reference to matters about which a resolution cannot be moved.

Then I referred you to rule 114 regarding resolutions and I detailed statements that according to this rule there is no restriction laid down which applies to this motion.

Thirdly the restriction which you find in May's Parliamentary Practice, page 171, regarding substantive motions does not apply to this case because no substantive motion is necessary in moving this particular matter. An adjournment motion is not a substantive motion. An adjournment motion cannot be moved in reference to a motion which can be brought up by means of a substantive motion. I submit that over this particular matter we are not in a position to move any substantive motion.

Mr. Speaker : The honourable member need only state his points briefly.

Diwan Chaman Lall : These are the four points that I have to put before you.

Mr. Speaker : The honourable member admits, I presume, that an adjournment motion is not a substantive motion. He has tried to define a substantive motion according to May ; but I invite his attention to our own rules, page 15. There a substantive motion is defined as follows :

A self-contained proposal submitted for the approval of the Assembly and drafted in such a way as to be capable of expressing a decision of the Assembly.

This is the definition of a substantive motion given in our rules. This is the Explanation appended to rule 58. Now again if he will refer to the last line of rule 48, to which he referred, he will find that an adjournment motion must not relate to a matter of privilege or a matter debatable only upon a substantive motion. This is our own rule. Therefore the only question that arises is :—whether an adjournment motion can be discussed in regard to the conduct of a district magistrate.

Sardar Sampuran Singh : He is only a collector.

Mr. Speaker : Will the honourable member please listen ? One thing that is strongly and emphatically stated is that he is an executive officer. Probably some other gentlemen also hold the same view.

Dr. Sir Gokul Chand Narang : You have to look at him in connection with the powers vested in him under the Arms Act.

Mr. Speaker : Under the Arms Act the District Magistrate has to deal with a licence because he is responsible for the maintenance of peace and order in the district and is acting as a magistrate and not as an executive officer. No definition is given in the Act itself. Therefore to say that he is an executive officer is a matter of opinion. Magistrates are judges.

Dr. Sir Gokul Chand Narang : Perhaps you would like to throw light on this question also whether under the Arms Act the district magistrate or the Deputy Commissioner acts in a judicial capacity or in executive capacity. This is the real question.

Mr. Speaker : Under the Arms Act a magistrate does not act in executive capacity. He acts judicially. I think it would be anomalous to say that a district magistrate acts under the Arms Act in his executive capacity.

Malik Barkat Ali : May I draw your attention to the ruling of the Punjab Chief Court in which it was held that a district magistrate when he is acting under the Press Act calling for a security and so on, acts only in his executive capacity and not as a judicial officer and therefore his order calling for security is not reviewable or appealable ?

Mr. Speaker : But my ruling is my own (*hear, hear*). I have been in this chair now nearly for 15 years. All questions about magistrates, honorary magistrates, sub-judges, district magistrates, divisional magistrates, and sessions judges have always been disallowed and their conduct has never been allowed to be criticised by an adjournment motion. This has been the practice of the House and I am afraid I cannot depart from that practice.

Dr. Sir Gokul Chand Narang : I have been in this seat for the last 18 years and I know that there has been no such case where a deputy commissioner or a district magistrate has been brought under discussion with reference to the administration of the Arms Act. The Secretary is here and he can point out if he can quote a single case of this nature or you may point out a single case where this very matter came up for discussion in this House. Suppose I apply to a district magistrate for a licence of a gun and he says 'no'. I ask you whether he acts in a judicial capacity or executive capacity. Does he pass any order which is revisable or appealable ? The analogy which Malik Barkat Ali has given in spite of his being on the Government benches is like a true lawyer ; he has done his duty and doing his duty as a lawyer he has pointed out that the analogy is absolutely in point, the only difference being that it relates to an action under the Press Act.

Premier : I have also been a member of this House, though I have not always been in the same seat, for 18 years. My honourable friend has been sometimes in this seat and sometimes in that and when he is in that seat, he argues one way and when he is in this seat he argues differently.

Dr. Sir Gokul Chand Narang : Whether I was in this seat or in that, never did this question come up for discussion.

Premier : But I differ from him in one point. My honourable friend Diwan Chaman Lal said that there has been a slur cast on the High Court. This is a very serious matter and I do not think that this House is

competent to sit in judgment on the High Court in a matter like this. If there has been a contempt of the court, it is open to the honourable member to move the High Court through the proper channel and not bring this matter up in this House. We cannot sit in judgment on the High Court.

Diwan Chaman Lall : Your district magistrate is sitting in judgment over the High Court, we are not.

Premier : My honourable friend says that it constitutes a defamation of the High Court and yet he insists on discussing this matter in this House. We cannot take upon ourselves the responsibility of adjudicating in a matter like this. We are not competent to do so. Why not go to the High Court if it is a case of defamation of the High Court ?

Mian Abdul Aziz : Will the Honourable Premier kindly tell me under what law he can do so ?

Malik Barkat Ali : Contempt of court.

Dr. Gopi Chand Bhargava : You will find from the wording of the adjournment motion leave for moving which I am asking, that it does not relate to the opinion of the district magistrate about the High Court at all. I only say that a district magistrate should not give such an insulting and defamatory reply to a citizen of the province as the district magistrate has done. That is the point of my adjournment motion.

Dr. Sir Gokul Chand Narang : May I make a submission ? After all, the judgment of the highest court of the province is entitled to very great respect.

Premier : Quite.

Dr. Sir Gokul Chand Narang : I am glad you agree with me at least on that point. It is entitled to the highest respect. A judgment of the highest court in the province has been quoted in an analogous case which was delivered under a special Act and it was held then that the deputy commissioner or the district magistrate acting under the Press Act does not act in his judicial capacity but in his executive capacity. My submission is that though you are not subordinate to the High Court still I think that even as Speaker of this House you would not show any disrespect to the pronouncement of the highest court of this province. And that judgment should really be a sufficient guide to any one occupying this exalted chair of yours and should in a way make him absolutely reluctant to go against that judgment.

Premier : That is precisely the reason why objection to this motion has been taken by me because we cannot sit in judgment on the High Court. We cannot discuss this motion.

Dr. Sir Gokul Chand Narang : I have not finished yet. Our grievance is not, as the Premier wants to point out, that we are sitting in judgment on the High Court, but our grievance is that one of their officers is showing this indiscretion to sit in judgment on the High Court—the highest tribunal of the province—and it is against that indiscretion that we want to protest.

Premier : My friend should remember that the High Court is perfectly capable of—(Uproar).

Mr. Speaker : Honourable gentlemen are requested not to interrupt. As to my not following the ruling of the Punjab Chief Court, it is not out of any disrespect that I do not follow it ; but opinions generally differ. (*Inter-ruption.*) As opinions differ, and they shall always differ, I respectfully differ from the ruling to which the honourable Malik Barkat Ali has referred. As regards the High Court and the contempt of the High Court, that matter is an important one ; but it is not for this House to discuss or deal with it. That matter rests with the High Court which alone can deal with it. The High Court knows its duties and will see that the man, who has misbehaved, does not go unpunished. This House is not a court where matters, dealt with by the High Court, should be or can be allowed to be discussed. I have already stated that according to the practice of this House even the second class magistrates have been treated as judges. A district magistrate is a judge because he is called a district magistrate in the Arms Act. There is no doubt in my mind that he acts in a judicial capacity inasmuch as he is responsible for maintaining peace and order in the district as a magistrate or judge.

Dr. Sir Gokul Chand Narang : No judicial officer is responsible for the peace of the province. It is an executive function.

Mr. Speaker : The honourable member may be right and I may be wrong ; but I have to act according to my own lights. Another reason why the motion is not in order is that its subject matter can be dealt with only by a substantive motion. The last, though not the least reason against the motion is that it does not relate to a definite matter of urgent public importance inasmuch as it relates to an individual.

Mian Abdul Aziz : It is a question of principle.

Mr. Speaker : But the matter must be of public importance. Again, how is it urgent ? It can be dealt with by an ordinary motion. There is no urgency that it must be dealt with to-day. Will heavens fall upon earth if it is not dealt with to-day ? (*Hear, hear.*)

Mian Abdul Aziz : The Assembly will fall but the heavens will not fall.

Mr. Speaker : For the reasons I have given and following the past practice of the House, I feel bound to hold the motion to be out of order. (*Cheers from Treasury benches.*)

PERSONAL EXPLANATION.

Khan Bahadur Nawab Chaudhri Fazl Ali : On a point of personal explanation, Sir. In my absence some honourable member remarked that a member of the Unionist Party held out a threat to sever his connection with the party in case the Government did not agree to abolish the Government College at Gujrat. So far as I am concerned I declare on the floor of this House that there is nothing more untrue than this. I strongly repudiate this false accusation. Suffice it to say that accused is one who speaks lie.

(لعنت الله على الكاذبين)

Besides, I may submit that the managing body of the Zamindara College is not a communal body. There have been Hindus, Sikhs and even Christian members of zamindara association and still are. Therefore to say that it is a communal body has absolutely no basis in truth.

NO-CONFIDENCE MOTION.

Premier : Sir, with regard to the no-confidence motion against the Deputy Speaker it was suggested yesterday by my honourable friend opposite that it was incumbent on the Government to give time for its discussion at the earliest possible moment. I should have been delighted to accommodate them but, as I explained yesterday, my hands are fettered by the Government of India Act—and not by our Rules—which lays down that this motion cannot be taken up before fourteen days have elapsed. Since this session is likely to end within the next one or two days, that motion will have to be deferred to the next session and since I said that if there is no urgent public business, there may not be any summer session, it means that this motion may have to be postponed till the autumn session. That, I consider would not be fair to my honourable friends opposite and, therefore, I suggest another way out of that difficulty which would not contravene the Government of India Act or any other formal procedure. I have been hearing for some time now that attempts are on foot to move a no-confidence motion against the ministry. I am waiting for that motion with confidence and not without a certain amount of interest. I am disappointed that that motion has not yet materialised. Perhaps my honourable friends have not been able to muster the requisite number of members. I am told that during the last two or three days feverish efforts have been made to get signatures on some kind of paper either to move a no-confidence motion—*(Interruption)*—please let me finish—against individual Ministers or against the ministry as a whole. I have also been reading in a section of the press since the beginning of the present session as a matter of fact such propaganda has been going on ever since the inauguration of this Assembly—that a big landslide from the Ministerial benches is expected soon. Apparently to test the result of this propaganda a no-confidence motion has been moved against the Deputy Speaker. The poor Deputy Speaker has merely been made a pawn in the game. *(Interruption.)* Since my honourable friends have not brought a motion against the ministry, I am prepared, if they so desire, to give them time to-day or to-morrow for discussion of a motion of no confidence against the ministry. Even if they are unable to get the requisite number of members to get a no-confidence motion admitted I will be prepared to give them time....

Sardar Sohan Singh Josh : We will choose our time.

Premier : Yes you will choose your time, but I am suggesting a way out of the difficulty. You were anxious yesterday to discuss the motion against the Deputy Speaker quickly, and I am now showing you a way out of the difficulty, and that way is that you move a substantive motion of no-confidence against the ministry. We will waive technical formalities, and I am prepared to give Government time during the next two days. I am making this offer so that my honourable friends may not say later on that Government refused to give time during this session and thus shirked meeting the motion against the Deputy Speaker.

Diwan Chaman Lall : You shirked it the first day.

Mr. Speaker : What I said the other day was right. However, I should not have allowed the honourable member to raise discussion on a point which was not before the House.

Diwan Chaman Lall : Which point are you referring to ?

Mr. Speaker : I am referring to the interpretation of the expression "soon after receipt".

Diwan Chaman Lall : You decided and discussed the matter. What are you then referring to ? You say you made a mistake and we discussed the matter.

Mr. Speaker : The honourable member is again saying something.

Diwan Chaman Lall : What am I saying ? I am saying it to him that he shirked it. (*Uproar*). I now rise on a point of order.

Mr. Speaker : I have to say a word.

Diwan Chaman Lall : It is a question of opinion. You hold your opinion and I hold mine.

Mr. Speaker : I wish to state why I got up.

Diwan Chaman Lall : It is very wrong.

Mr. Speaker : When the honourable member said, "He shirked it". (*Uproar*.) I thought that as the ruling was mine the honourable member had cast a reflection on me.

Dr. Gopi Chand Bhargava : May I remind you that the Leader of the House was asked to come here and to express his opinion and we concluded from his expression of opinion that he did shirk ?

Diwan Chaman Lall : On a point of personal explanation. You will permit me to say one word. I am not impugning your authority. What I held and what I hold to-day is that my honourable friend did shirk it. If he did not shirk it he would have got the matter discussed. They utilised the time for the purpose of canvassing. The result was that some of the independent members did not vote. Some of those who wanted and were ready to stand did not stand. They wanted time (*Interruptions*).

Sardar Sahib Sardar Santokh Singh : My friend was pleased to say that our party did not vote.

Diwan Chaman Lall : I did not say that. (*Interruptions*.)

Mr. Speaker : Let him finish his say.

Sardar Sahib Sardar Santokh Singh : It was said that our party did not vote as a result of official influence or pressure. I want to repudiate this insinuation with all the emphasis at my command. (*Hear, hear.*)

Diwan Chaman Lall : The cheering from those benches is eloquent (*Hear, hear and interruptions*).

Premier : My honourable friend says that I—

Diwan Chaman Lall : It was pure tactics.

Premier : I was merely trying to meet my honourable friends' wishes and to be accommodative to him. He suggested that this matter was of urgent concern to the House and the matter was important and

therefore Government should try to allot time as early as possible. Since this House will not be in session—

Sardar Lal Singh : On a point of order.

Mr. Speaker : Does the honourable member's point of order relate to the speech of the Honourable Premier or to anything else?

Sardar Lal Singh : Yes. The Honourable Premier has imported all sorts of heresay information which he has gathered outside this House.

Mr. Speaker : Is that a point of order or a speech?

Sardar Lal Singh : He is making a speech which he has no right to make on the floor of the House. (*Interruptions.*)

Mr. Speaker : Order, order. I request Munshi Hari Lal not to interrupt.

Munshi Hari Lal : I am sitting quietly in my seat. (*Laughter.*)

Premier : He is not only sitting quietly but unobtrusively : I cannot see him. (*Laughter.*)

Dr. Gopi Chand Bhargava : It is a question of eyes and no eyes.

Premier : I was trying to repeat, what I had already said, for the benefit of my honourable friend Diwan Chaman Lall. He made a suggestion that Government should give an early opportunity for discussing the motion against the Deputy Speaker which was admitted yesterday. As I have said the House is going to be adjourned shortly and since there is likelihood of there being no summer session it would follow that the motion must be postponed to the autumn session. This, I consider, will not be fair either to my honourable friend the Deputy Speaker or to my honourable friends opposite. I was suggesting a way out of the difficulty. Under the Act my hands are fettered. I have no discretion to go beyond the Act : even the Speaker cannot do so. Therefore my difficulty is that the period of 14 days which is mandatory cannot be got over. Even with your help we cannot surmount that difficulty. I therefore suggested to my honourable friends opposite that although they may wish to choose their own time to bring a motion of no-confidence against the ministry, about which we have been hearing so much for a long time, I am prepared to give my honourable friend opposite, the Leader of the Opposition, if he so desires, time to discuss a motion of no-confidence against the ministry which will give him and his party ample opportunity to test their strength and discuss—

Mr. Speaker : But where is that motion?

Premier : If they want time for discussing the motion I am prepared to give it to them out of Government time. If my honourable friends cannot pick up courage to bring forward a motion (*Voices from the Opposition :* Oh, oh, oh) they should leave it to me and I will arrange to have a motion moved in another form from this side. We can discuss it and my honourable friends opposite can ventilate their grievances, if any, and let off pent up steam which, I understand, is making it difficult for them to concentrate on any other business. I therefore propose, with your permission, to allot time for the purpose to-day after the normal business, or to-morrow. It is a very fair offer, an humble offer and not a challenge.

Sardar Sohan Singh Josh : May I know if that is all for the galleries.

Mr. Speaker : The question is whether the current session of the Assembly shall continue till the next autumn or it shall be prorogued.

Premier : That is a question that cannot be settled off-hand.

Mr. Speaker : In this connection I may quote rule 4. It says—

Subject to the provisions of sub-section (2) of section 73, of the Act, all pending notices shall lapse on prorogation.

If the Assembly is prorogued, as is likely, notices of all motions shall lapse.

Dr. Sir Gokul Chand Narang : Will they take advantage of your suggestion ?

Mr. Speaker : Fresh notices shall have to be given.

Dr. Gopi Chand Bhargava (Lahore City, General, Urban) (Urdu) : Sir, I feel extremely grateful to the Honourable Premier for his generous offer. But I would like to enquire from him whether he desires us to withdraw the motion for removal of the Deputy Speaker. Do we take it that he is very anxious to discuss a motion of no-confidence against the ministry rather than the one for which leave has been granted by the House ? Is it because he wants to shield the Deputy Speaker from the fire of scathing and trenchant criticism ? Then my honourable friend, the Premier, was pleased to remark that he considered the motion for removal of the Deputy Speaker in the nature of a feeler and that the Deputy Speaker had been used as a pawn in the game. I may tell him that he is sadly mistaken in this respect. The remark is absolutely incorrect. It is for the opposition to determine the right moment for moving a censure motion against the ministry. I would also like to make it clear that according to rules of procedure the question of removal cannot be discussed by means of a no-confidence motion. Such a motion could only be urged against the ministry. Besides, the no-confidence motion against a ministry is in the nature of a recommendation to the Governor for turning out that ministry, while in the case of Speaker and Deputy Speaker, the House itself has the power to dislodge them, as they are its servants. I, therefore, hold that no-confidence motion cannot be moved against the Deputy Speaker, although it is permissible in the case of Ministers, because they are public servants and we have the right to make their conduct a subject for censure motion. I would, therefore, request my learned friend the Premier that we do not stand in need of his making recommendation to the Speaker in this respect. (*Cheers from the Opposition.*) Because it is up to the Speaker to fix time after grant of leave, for the motion to be discussed before the House and the Leader of the House has got nothing to do with it. If fifty members rise in their seats in favour of leave being granted to move the motion, the Speaker shall allow the motion to be moved in the House. And after leave is given, by the House, then it is up to the Leader of the House to fix time for its discussion and not before. I wonder how my learned friend the Premier has overlooked this important point. Again, I may be permitted to say that in case of removal of Speaker or Deputy Speaker a notice is necessary to be given to that effect and it cannot be discussed before expiry of fourteen days. Perhaps in Parliaments of England such occasions might not have arisen. And I would submit that we don't feel any pleasure in doing so. We have been, however, forced to do so. So we could not

help. I may again tell the Honourable Premier that we do not want to use anybody as pawn in the game. This is done by the Government and not by us. Let me also ~~point out~~ to the Government that their desire that we should not move this no-confidence motion can be fulfilled by one way and that is this. If the Government take serious steps to remove our complaints and objections which we have got against them, their desire can be fulfilled. It has been stated by the Honourable Premier that a few days ago there was a rumour on foot to the effect that the Opposition wanted to bring a no-confidence motion before the House, against the Ministers. How did he take that rumour? We know it full well. We are also aware of the fact how his agents ran from door to door in order to smell the truth of that rumour. (*Cheers.*) How strange it looks that the same Premier is now prepared to take action against that rumour. I may be permitted to submit that according to my knowledge some disgusted members are also present in the Government party and it was they who set afloat that rumour that a no-confidence motion was going to be moved in the House. Why did they do so? Because they simply wanted the stiff-necked Government to flatter them. You perhaps do not know, Sir, how the Government was worried at that time. It is a fact that the Party Whip was ordered by the Premier to go to those members personally and to put as much pressure on them as he could. Even then if they did not come to terms, he was directed to give them promises to the effect that their relatives would be accommodated in Government service. The Government spent sleepless nights till the Premier was satisfied that nothing extraordinary would occur. This is the way, how firstly rumours are set afloat by the Government party itself and then after making enquiry that nothing serious is going to take place, our Premier collects courage in himself in order to challenge us on the floor of the House saying that his party is water-tight and he is not afraid of a no-confidence motion. In reference to this type of courage of the Premier, I would like to submit that we thank him for his generous offer. I would further submit that I do not beg any facility or recommendation or favour from the Premier. I do not need such facility as has been offered by the Premier and therefore I would announce it on the floor of this House that I decline to accept this so-called generous offer of the Premier.

Mr. Speaker : It has been suggested by the last speaker that the motion for the removal of the Deputy Speaker may be converted into a motion of no-confidence. But can a no-confidence motion be moved against the Speaker or the Deputy Speaker. Both these officers are servants of the House and can be removed by the vote of the House ; while a no-confidence motion can be moved against Ministers, who cannot be removed by the House.

Premier : I again submit that my offer was not a challenge. I would like to draw the attention of the honourable members opposite to what has been published in a newspaper called, the *National Congress*—

Dr. Gopi Chand Bhargava : On a point of order. Can anything be read out from a paper? You stopped me from reading from a paper the other day.

Mr. Speaker : The Honourable Premier raised the matter and made a request. A reply has been given and the matter ends.

(Premier again rose to say something.)

Diwan Chaman Lall : On a point of order. Since the Honourable Premier has made the statement and the reply has been given, the matter should end and now it is for you to decide. Are we going to turn this House into an ordinary school boys' debating society? This House is governed by rules.

Premier : On a point of order. We might have to convene a special sitting and that is what I was going to suggest.

Diwan Chaman Lall : What is the point of order?

Mr. Speaker : There is no point of order. Probably the Honourable Premier wishes to make a suggestion or request for saving the time of the House.

Diwan Chaman Lall : There is no question of taking the time of the House, the little time that is left. This matter should end. This is a non-official day and we should proceed with our business.

Premier : I was going to tell my honourable friends that if they are not prepared to accept my offer, it would mean either that this motion will have to be deferred, and if the session is prorogued, it will lapse altogether. The alternative is that we should call a special session, which would be very expensive. I have, therefore, suggested a very fair and an honourable alternative. Instead of the Deputy Speaker, we are prepared to court a no-confidence motion against the ministry.

Diwan Chaman Lall : On a point of order. My honourable friend is absolutely out of order. I do claim the privilege to say that the time of the House should not be wasted. His offer is completely rejected with contumely.

Premier : My honourable friends have rejected it, and have also said that there was no proposal or intention to move a no-confidence motion. Here it is published in the *National Congress*. *(Honourable members from the Opposition : Order, order.)*

Diwan Chaman Lall : On a point of order. The non-official day should not be wasted like this.

Premier : I will not refer to that paper, but it is here for you to see *(Here the Premier began to show the paper to the honourable members of the House.)*

Dr. Gopi Chand Bhargava : On a point of order. I beg to submit that in spite of your ruling that nothing is to be said, the Honourable Premier has been doing some thing and, I think, he should withdraw it; otherwise it is an infringement of the rules.

Mr. Speaker : The Honourable Premier had a right to make a statement, even if it contained a request, and nobody had a right to give a reply. But as he wanted a reply and the Honourable Leader of the Opposition was inclined to give a reply, I allowed it as a special case. So, the matter ends.

MUNICIPAL (AMENDMENT) BILL.

Mr. Speaker : The Assembly will now resume discussion on Lala Duni Chand's Punjab Municipal (Amendment) Bill.

Lala Duni Chand (Ambala and Simla, General, Rural) : Sir, I want to add only a few words to what I said on the last occasion. I then pointed out—(*Interruptions*).

Dr. Gopi Chand Bhargava : Sir, the Resident Secretary of the Unionist Party says that nobody is prepared to listen to this venerable gentleman. I think this is an unparliamentary remark that he has made.

Sayed Afzaalali Hasnie : Sir, I did say that in this chaos and confusion in this corner of the Chamber nobody seems prepared to listen to this venerable gentleman. If it is unparliamentary, I do certainly withdraw.

Lala Duni Chand : I should say that the House should feel ashamed of the presence of such members in the House. I pointed out in that speech that there exists an anomaly and that anomaly—

Mr. Speaker : If the honourable members are determined to make noise, I shall have to suspend the sitting of the House and the little time that has been given for non-official business shall be lost. I cannot tolerate noise. The honourable members are responsible gentlemen. They must realize that they are members of Parliament. This is not a *daira*, or a bazar.

Lala Duni Chand : I hope the next time the Unionist Party will bring better members to the House. I pointed out in that speech that there exists an anomaly that a magistrate who happens to be a member of the cantonment board cannot try any cases under the Cantonment Act, while a magistrate who is a member of the municipal committee can try all the cases under the Punjab Municipal Act. This anomaly has been removed by the Cantonment Act of 1936, so far as the Cantonment Act is concerned, but that anomaly is still there in section 280 of the Punjab Municipal Act. I do not want to say much except this that I hope the Honourable Minister of Public Works remembers what I said on that occasion. There are no reasons why that anomaly should not be removed.

Minister of Public Works : You said many things irrelevant.

Lala Duni Chand : I want to say only one word more and it is this. On that occasion there was a reference made to the saying: Handsome is that handsome does. The only handsome thing that is expected from the Government is that they should be a consenting party to the removal of the anomaly that should not be there. With these words I move my motion.

Minister of Public Works (The Honourable Nawabzada Major Khizar Hayat Khan Tiwana) : Sir, my honourable friend from Ambala said many things on the last occasion when he was speaking in support of the Bill which were totally irrelevant. He did so because the honourable members wanted to keep the House occupied so that the Gurdwara Bill may not be introduced. (*An honourable member* : That is an insinuation.)

Minister : I said that that was possibly the reason.

Mr. Speaker : Why assign an imaginary reason ?

Minister : I will only confine myself to the merits of the Bill. The honourable member has quoted no instance in support of his Bill where there might have been a miscarriage of justice. Besides no demand has come from the public in support of his Bill, and I know of no volume of public opinion in support of the measure. If we presume that miscarriage of justice is possible by a magistrate who is a member of a local body, there is a provision in the ordinary law and the aggrieved party can apply for transfer from that court. In view of that provision there is no necessity for the Bill. I know that there is a provision in the Cantonment Act to this effect and I can assure the honourable member that we will examine this question and if found necessary when the Government comes forward with a measure for the amendment of the Municipal Act, a similar provision will be incorporated in that measure. After these remarks I think the honourable member will not press his Bill.

Mr. Speaker : The question is—

That leave be granted to introduce the Punjab Municipal (Amendment) Bill.

The motion was lost.

FEMALE SINGERS' PROHIBITION BILL.

Khan Muhammad Yusaf Khan (Rawalpindi Sadar, Muhammadan, Rural) : I beg to move—

That leave be granted to introduce the Female Singers' Prohibition Bill.

The motion was carried.

Khan Muhammad Yusaf Khan : I beg to introduce the Female Singers' Prohibition Bill.

RELIEF OF INDEBTEDNESS (AMENDMENT) BILL.

Lala Duni Chand (Ambala and Simla, General, Rural) : I beg to move—

That leave be granted to introduce the Punjab Relief of Indebtedness (Amendment) Bill.

Mr. Speaker : Motion moved—

That leave be granted to introduce the Punjab Relief of Indebtedness (Amendment) Bill.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram) : I am opposed to it.

Lala Duni Chand (Urdu) : I have drafted my Bill in English. I would have spoken in English in support of it but for the convenience of the non-English-knowing members of this House whom I want to realize the importance of the Bill. The main object underlying this Bill is to amend the definition of "debtor" given in the Punjab Relief of Indebtedness Act of 1934. The said definition runs as follows :—

"Debtor" means a person who owes a debt and—

- (i) who both earns his livelihood mainly by agriculture and is either a landowner, or tenant of agricultural land, or a servant of a landowner, or of a tenant of agricultural land, or
- (ii) who earns his livelihood as a village menial paid in cash or kind for work connected with agriculture.

Thus my measure seeks to mitigate the severity of the clause which I have just read out to the House.

2 P.M.

Now, Sir, I would like to draw your attention to section 84 of the Punjab Relief of Indebtedness Act of 1934, which runs as follows :—

Notwithstanding anything to the contrary contained in any other law for the time being in force, no judgment-debtor shall be liable to arrest for default in the payment of any money due under a decree unless the court is satisfied that the judgment-debtor has, without just cause, contumaciously refused to pay the amount of the decree, in whole or in part, within his capacity to make payment.

I do admit that the poor people who earn their livelihood mainly by agriculture and who are either landowners, or tenants of agricultural land or servants of any landowner or of a tenant should certainly have the concession as has been provided in clause 84. But my objection is that the clause as it stands offers this protection even to millionaires and big landholders and so they are not liable to arrest unless the Court is satisfied that they are deliberately avoiding the repayment of their debts. Besides the clause does not discriminate between an agriculturist and a non-agriculturist, the rich and the poor. "The term judgment-debtor" has not been defined in clause 7 of the Act. It is just and proper to afford all sorts of relief to poor agriculturists, but I cannot understand as to why such concessions should be given to those rich people who in reality do not stand in need of them. There is a great anomaly in the Act of 1934. The term 'judgment-debtor' does not come under the definition of the word "debtor" as it has been given in section 7. I do believe that the interpretation of the term judgment-debtor, as has been made so far by the judicial courts is correct. According to this interpretation no debtor, whether rich or poor, agriculturist or non-agriculturist, can be arrested unless he contumaciously refuses to repay the amount. I am, therefore, of the opinion that the generality which is quite obvious in clause 84 should better be restricted to some extent. The measure which I have given notice of, aims at depriving the rich zamindars of such benefits as have been assured in the Act. My Bill seeks protection from arrest only for those agriculturists whose annual income from agriculture and other sources is proved to be Rs. 1,200 or less. My amendment is absolutely just and reasonable. The Bill which I have brought forward does not deny this concession even to those agriculturists whose annual income is Rs. 1,200. It is only just and proper that all those poor agriculturists, whether landholders or tenants or village menials, who earn their livelihood mainly by agriculture should be granted immunity from coercive arrests. But I do not find any reason why all rich zamindars should be granted the same amount of protection as poor zamindars, tenants and village kamins are entitled to. I would like to cite an instance here by way of illustration. Supposing a village shop-keeper has invested Rs. 100 in his business, but one day a resourceful big zamindar of the village approaches him and requests the former to lend him Rs. 50. The poor shop-keeper advances the required sum but after some time when the poor fellow asks him to repay his debt the zamindar refuses to do so. The shop-keeper knocks at the door of the Court which may give a decree in his favour but it is powerless to issue a warrant of arrest against the debtor. Thus the matter ends in ruination of the business of the poor creditor on the one hand, and an unlawful encouragement to a resourceful defaulter on the other.

[Lala Duni Chaud.]

I do not think there is any fair-minded person under the sky who would approve of this state of affairs. In short it is absolutely unjust to grant such protection to the rich and the poor alike. Apart from the interests of the creditors this does not stand to benefit the debtors even. How strange it is that the law which allows an agriculturist to borrow from a sahukar does not help the latter to get his money back. Section 34 has given a great set back to the credit of the agriculturist community. Their economic condition is getting worse day by day. It goes without saying that the economic existence of any society depends upon its sound credit. But it is a pity that the Government is ruining the credit of the poor agriculturists. The big landholders are nothing less than a kite who pounces upon its prey, seizes it in its talons and flies with it high up in the sky without being attacked or molested by any one. Does the present Government want to bring about this state of affairs in society? Does it intend to encourage the defaulter by giving them assurance of immunity from arrest? Let fear of arrest hang over the heads of defaulters and dishonest debtors as a sword of Damocles. It did not strike the framers of the Act of 1934 that there was a great difference between the term 'judgment-debtor' and the word 'debtor' as defined in clause 7 of the Act. I request the Government to remove this inequity which is not only playing havoc with the creditors but also ruining the credit of the agriculturist debtors. The protection from arrest should only be granted to those who really deserve it. If the Government were to accept my motion and refer the Bill to a select committee it would be free to add any number of restrictions thereon. Apart from the creditors, clause 34 is neither beneficial to the debtors nor to the Government. And so the latter should have no hesitation whatsoever in accepting my motion. I may submit on the strength of my personal knowledge that during the last famine, even those people who were in the jaws of death, could not move the heart of money-lenders by their supplications and entreaties to advance loan to them for keeping their body and soul together. But the reason for this is not far to seek. To-day the agriculturist has lost all credit and the sahukar is not prepared to put his money to an obvious risk of non-payment. I again request the Government to end this great injustice that is being done to the creditors by means of clause 34 which is also responsible for the ruination of the credit of the agriculturist debtors. With these words, Sir, I beg to press my motion.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram) (Urdu): Sir, my honourable friend, the representative of the rural constituency of the Ambala district has moved this Bill with a view to amending section 34 of the Indebtedness Act. But I have not been able to follow his arguments. It is difficult to see clearly whether his intention is to benefit the indebted classes or the sahukars. He has used the language of a well-wisher of the debtors. But such words are only a cloak to hide his sympathy for the sahukars whose cause he wishes really to promote. It is, therefore, clear that his real object is to benefit the sahukars so that they may be able to fleece the poor as before. He has said that it is not just to differentiate between one class of debtors and another. I repeat what I have said more than once before that I have no objection if he wishes that no class of

debtors be imprisoned for non-payment of debts. If he brings forward an amendment to that effect, I shall lend him support. But what he is really up to is something different. He wishes that even those poor people who have been exempted from arrest already should again be made liable to imprisonment for non-payment of debts. He wants that it should be made possible for the *sahukars* as before, to intimidate the debtor with threats of arrests some times on the occasion of a marriage and at another time when his crop is ready for harvest and thus coerce him into payment.

Dr. Sir Gokul Chand Narang : What about dishonest rich debtors ?

Minister for Development : I am talking of the dishonest *sahukars*.

Dr. Sir Gokul Chand Narang : I have asked you : what about dishonest debtors ? What about those debtors who can pay but who do not pay ?

Lala Duni Chand : Suppose a man of Honourable Minister's position and status takes a loan and a decree is given against him for the payment of that loan. Have you any objection to his being arrested for non-payment of his debt decreed by law ?

Minister for Development : My personal opinion is this that it is barbarous to incarcerate a person for non-payment of a debt.

Lala Duni Chand : Does he not know that there is such a law even in England ?

Minister for Development : I am not aware of it, but my personal opinion is that nobody should be sent to prison for failing to pay his debts. If my honourable friend had brought forward an amendment to secure exemption from imprisonment for another class of debtors, he would have had my sympathy but as it is he wishes to deprive of the exemption even those who already enjoy it, I am not prepared to accept his proposal.

Dr. Sir Gokul Chand Narang : We do not propose to touch the poor ; we want the rich debtors to pay.

Minister for Development : Are there any rich debtors ? Sir, it is not fair to interrupt me after every sentence which falls from my lips. My honourable friends should try to appreciate their opponent's point of view.

Pandit Bhagat Ram Sharma : The Honourable Minister has said that in his opinion it is a barbarous act to incarcerate a person for non-payment of his debts. Is he prepared to support the amendment of sections 68 to 72 of the Land Revenue Act which provide for realizing land revenue even by throwing the zamindars into prison ? (*Applause.*)

Minister for Development : Here is my honourable friend, another representative of a rural constituency. He wants to know if I would support an amendment moved to abolish imprisonment for non-payment of land revenue. But he should not be restive. He should consider dispassionately that there is a distinction between various kinds of lapses which lead to penalties. For instance, I am sure that he would wish to continue to imprison people for theft, robbery or cheating. To award a sentence of imprisonment is barbarous in every case. What I meant to convey was that

[Minister for Development.]

imprisonment for default in payment of a debt is a relic of barbarity. But so far as land revenue is concerned it is not on the same footing as a debt. It is a tax.

An honourable member : And then you get your salary out of it.

Minister for Development : Even in other countries taxes are realized on pain of imprisonment. But if my honourable friend thinks that it is barbarous even to imprison people for non-payment of taxes he may give notice of a separate Bill to that purpose. That question can be decided at its own time and according to its own merits. It has nothing to do with the present question.

Lala Duni Chand : Does any system of law in any country support you?

Mr. Speaker : Please do not interrupt.

Minister for Development : Sir, I desire to proceed with my speech, if my interrupters will kindly let me. My learned friend, Dr. Sir Gokul Chand Narang, wanted to know why a rich debtor should not be imprisoned. I say "Why should they borrow if they are rich."

Dr. Sir Gokul Chand Narang : It is wrong. When he makes such preposterous statements they are provoking. When he says "Why should they borrow if they are rich", do you believe him?

Mr. Speaker : No question can be put to the Chair (*Laughter.*)

Dr. Sir Gokul Chand Narang : But you know it. (*Laughter.*)

Minister for Development : Will you please listen to reasons? It seems that my honourable friend has taken leave of his senses. He does not wish to listen to anything which may be in favour of the zamindar debtor or against the interests of the *sahukar*. What I mean to say is that the rich do not borrow as a rule and if they borrow they do so like my honourable friend to set up large business houses, or industrial concerns, such as his own steel works with the investment of 20 to 50 lakhs. That is not borrowing of the type which we are discussing now. That is an investment of capital in a paying concern. But nobody takes out warrants of arrest of such people because everybody knows that the debt can easily be paid out of the income from the investment. My honourable friend can easily pay what he borrowed, if he borrowed anything at all out of the annual receipts from his steel works. Therefore, why should anybody think of sending him to prison?

Dr. Sir Gokul Chand Narang : Because I am not dishonest.

Minister for Development : The case of the poor zamindar debtor is different. He borrows for his daily personal needs. He does not borrow for investment in a lucrative business.

Dr. Sir Gokul Chand Narang : May I ask what he thinks of rich zamindars who borrow to buy land and possess sometimes hundreds of squares and do not pay back? Under the law as it stands now the creditors cannot realize their loans and even such people cannot be arrested. I was referring to these people.

Minister for Development : My opinion about that is well known. I have never made a secret of my opinion. If a zamindar borrowed money to purchase land and later on he cannot repay the loan out of his income from the land the law protects his land from attachment and sale. Now if law gives him that protection I cannot agree to his land being snatched from him. If my honourable friends wish that they should be given the right to deprive the zamindar of his land by getting him imprisoned I will stoutly oppose all such attempts. If the Alienation of Land Act gives a certain protection to zamindars they are going to enjoy that protection as long as this Act is there on the Statute Book, and the Act is going to remain there so long as this fraternity of zamindars is in existence. (*Hear, hear.*)

But the meaning of the section sought to be amended is quite clear, i.e., if a man is in a position to pay his debts but contumaciously refuses to do so warrants can be issued for his arrest. My contention in this connection is that even with the present law sahukars resort to all sorts of tricks to deprive the debtor of his protection. For instance, even if a judgment-debtor is not in a position to pay the money-lender goes to the court and puts in an affidavit that the debtor is able to pay the debt but wilfully refuses to do so. The result is that a notice is issued to the man concerned by the court to show cause why he should not be arrested. But when the process-server goes to serve that notice the money-lender offers him a rupee and asks him to make a report to the effect that when he went to the judgment-debtor to serve the notice the latter threw him down by force and that, therefore, he affixed the notice to his door. These are the tricks played in respect of those who are absolutely unable to pay their debts. The mover says that his Bill will touch only the big zamindars but my submission is that you have not yet released from your clutches even the helpless poor people.

As regards the solicitude of my honourable friends opposite for the credit of the zamindars I would request them to mind their own business. On the one hand they are asking the mandiwalas not to purchase anything from the zamindars so that the latter may not be able to pay land revenue and other Government dues and on the other they are overflowing with anxiety for the credit of the zamindars. I would also request them not to attach unnecessary importance to the reports in the newspapers that a zamindar in such and such a village wanted a loan of Rs. 200 for the marriage of his daughter but since nobody was prepared to risk his money the poor fellow committed suicide to get out of this quandary. Let me tell them that nobody has committed suicide and nobody will commit suicide. These reports are absolutely false and baseless, and are set afloat with ulterior motives. Anyway, let my friends leave us alone. We have God to look after us and they need not waste their solicitude on us. With these words I strongly oppose the motion.

Mr. Speaker : The question is—

That leave be granted to introduce the Punjab Relief of Indebtedness (Amendment) Bill.

The motion was lost.

DEBTORS' PROTECTION (AMENDMENT) BILL.

Captain Sodhi Harnam Singh (Ferozepore North, Sikh, Rural) : I beg to move—

That leave be granted to introduce the Punjab Debtors' Protection (Amendment) Bill.

The motion was carried.

Captain Sodhi Harnam Singh : I beg to introduce the Punjab Debtors' Protection (Amendment) Bill.

LAND REVENUE (AMENDMENT) BILL.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) : I beg to move—

That leave be granted to introduce the Punjab Land Revenue (Amendment) Bill.

Mr. Speaker : Motion moved—

That leave be granted to introduce the Punjab Land Revenue (Amendment) Bill.

Minister for Revenue : I object to the leave being granted.

Sardar Kapoor Singh (*Punjabi*) : Sir, my honourable friend the Minister of Development was pleased to state as an argument for opposition to Lala Duni Chand's Bill that the said Bill was designed to benefit the money-lenders. But here is a Bill which is clearly intended to help the poor zamindars. Can the Honourable Minister deny that by no stretch of imagination can my Bill be held to be prejudicial to the interests of poor zamindars? My submission is that this Bill is intended to help those poor jats who have been paying such rates of land revenue as the Government is not entitled to charge. They are no longer able to pay those rates but the Government insists on them and I have brought forward this Bill to request the Government to reduce the burden on those poor people.

Now, Sir, it is well known that previously the zamindars could be assessed to land revenue to the extent of $\frac{1}{2}$ of their net assets. But in 1928 Chaudhri Sir Chhotu Ram and other members got the Land Revenue Act amended and now under section 48-B of the said Act the land revenue payable to the Government cannot exceed $\frac{1}{2}$ of the net assets. But there is a proviso attached to that section to the effect that the provisions of the section shall not affect any assessment in force at the time of the commencement of the Punjab Land Revenue (Amendment) Act, 1928. This means that the section applies only to future settlements and I want this proviso to be repealed. I know that the Chaudhri Sahib and other members did not like this proviso too, but they accepted it as a policy. They knew that they could not expect full justice from a Government of the white *banias*, and, therefore, they accepted whatever little they could get. But I wish to point out that the present Government pronounce themselves to be a *zamindara* Government. And also my honourable friend the Minister for Development declares in season and out of season that this Government is a *zamindara* Government and it has at heart the welfare of zamindars. But in spite of all these high sounding phrases and pronouncements when any Bill is brought forward for the welfare and betterment of zamindars my honourable friends object to leave being granted to introduce it. It is surprising that this Bill is being opposed by them although if it is passed the Government will not suffer any appreciable loss at all.

Now, Sir, I wish to point out for the information of the honourable members from Karnal, Hoshiarpur, Jullundur, and Ambala that if this Bill is passed into law then as compared with zamindars of other districts it will benefit the zamindars living in the above-mentioned districts to a very large extent. No doubt the zamindars of a solitary tahsil of district Ludhiana will also benefit through this Bill but I may submit that if this Bill is enacted largely the zamindars of other districts will derive benefit through its provisions. At this time my honourable friend Bhai Fateh Jang Singh is not present in his seat. I think he will suffer a loss if this Bill is passed into a law and that is why he has gone out of the House.

Now I wish to say a few words as regards the zamindars of different tahsils and the loss that they are at present suffering on account of excess demand. In tahsil Naraingarh, district Ambala, the Government is realizing Rs. 10,000 in excess of $\frac{1}{4}$ of the net assets. In tahsil Jagadhari Government is realizing Rs. 10,050 in excess of $\frac{1}{4}$ of the net assets. Here I would like to point out for the information of my learned friend Chaudhri Ranpat that in tahsils Thanesar and Karnal the Government realizes Rs. 50,000 annually in excess of $\frac{1}{4}$ of the net assets. That is to say, the Government is realizing something like one lakh of rupees in excess of $\frac{1}{4}$ of net assets from the zamindars of Karnal and Ambala alone. If this Bill is allowed to be enacted then this sum of one lakh would be remitted which in fact exceeds $\frac{1}{4}$ of the net assets. I would like to point out to my honourable friends from tahsil Dasua that if this Bill is placed on the Statute Book, it will benefit the zamindars of that ilaqa to a very large extent.

Mr. Speaker : May I request the honourable member to be brief?

Sardar Kapoor Singh : Very well, Sir. Besides, I may submit that tahsil Samrala is such that the Government realizes Rs. 1,22,000 annually in excess of $\frac{1}{4}$ of the net assets. I am greatly interested in this tahsil myself and therefore I wish to say a few words in connection with it. The Honourable Minister for Development usually tours the Ludhiana district and makes high sounding promises and I, therefore, wish to bring home to him that if he has any real sympathy for the people of that district he should persuade the Government to grant leave for the introduction of this Bill. I wish to tell him that tahsil Samrala is such that if we leave out the Colony district we would find that zamindars of this district are paying the highest rate of land revenue inasmuch as they are paying Rs. 2-7-0 per acre as land revenue. I would like also to draw the attention of the Honourable the Revenue Minister to the report of Mr. Dunnett which he submitted about this tahsil. He writes in his report that the zamindars of this tahsil are very poor indeed. But it is surprising that as compared with zamindars of other districts they pay much more land revenue. In spite of the fact that the zamindars of this tahsil are very poor and one of the officers of the Government has pointed out this fact still whenever the question of granting remission in land revenue or its suspension is raised on the floor of the House the Honourable Minister for Revenue rises up and says that nothing can be done for them and no remission can be granted to them. I, therefore, wish to know from him why he cannot grant remission in land revenue where its rate is already too high. It is highly necessary that this Bill should be allowed to be moved so that some remission should be granted to the poor and down-trodden peasantry from whom the Government realizes lakhs of

[Sardar Kapur Singh.]

rupees as land revenue. I fail to understand why the Government do not grant remission to the zamindars of this tahsil from whom they are realizing in excess of $\frac{1}{4}$ of the net assets. What is the reason that the Government do not do this needful? Why are they not prepared to allow us to introduce this Bill, the object of which is to give relief to the poor and down-trodden peasantry? I would therefore appeal to the honourable members who belong to this district that they should vote for leave being granted to introduce this Bill. Besides, I wish to point out to the Government that if they allow the Bill to be introduced and enacted into law, they would only lose at the most Rs. 5 lakhs. To my mind this is a very insignificant sum. This sum is so small that it equals the total amount of salaries which the Honourable Ministers draw per annum. If they give up their salaries that sum can be made good. It is highly necessary that the poor people should be relieved of their burden of heavy taxes. I hope, after hearing my speech the Honourable Revenue Minister would make up his mind to leave being granted for the introduction of this Bill. With these words I resume my seat.

Minister for Revenue (The Honourable Dr. Sir Sundar Singh Majithia): My friend has tried to influence the benches on this side to vote for him but I am afraid his is a weak case which he is putting forward before this House. Honourable members know their duty towards their constituents and not only their duty towards this House and towards the outside public; so they do not require any appeal from my friends opposite. I may tell my honourable friend that in the olden times the share of Government in the land revenue was 9/10th of the net produce. For a very long time this system continued and then reduction was made and the extent of Government share was something like 75 per cent. Again reduction was made by the Government and it was brought down to 66 per cent. Reduction was made again by the Government and it was brought down to 50 per cent. Even up to this time this 50 per cent is the general rule which is applied to those provinces where my friends of the Congress Party are the Government and it has not been reduced at all from that standard. The credit of reduction of land revenue to one-fourth first of all goes to the Punjab. (*Hear, hear.*) I was Revenue Member at that time (*Hear, hear*) when this question was taken up. Unfortunately my time was over and my successor Sir Fazl-i-Husain brought forward in the year 1928 a Bill to reduce the incidence of land revenue to 25 per cent of the net assets. When this reduction was made there were certain other clauses which were introduced. I think I had given an undertaking before that this rule would apply to all future assessments and even with retrospective effect to some of the districts which had recently come under assessment. But in the case of those districts which have not been heavily assessed and whose assessment is to take place, this rule will not be applied. The undertaking which I gave to the House was fully carried out by my successor. Therefore, Sir, the first reduction that has been made by Government is reducing the Government share of land revenue from 50 per cent which is still in vogue in the Congress provinces, to a lower figure of 25 per cent at the present moment (*hear, hear*). My honourable friend has very innocently put forward certain figures. Sometimes he said one lakh, sometimes he said two lakhs and eventually he said that

the only loss which the Government shall have to suffer will be approximately 5 lakhs and nothing more. My honourable friend would not be astonished if I tell him that the loss, if his proposition is accepted, will be more than 51 lakhs. (*Sardar Kapoor Singh* : Quite wrong.) My honourable friend does not know ; he has not studied the case. He says it is quite wrong. I can give him facts and figures at this very moment to show that the total loss to the province will be more than 51 lakhs of rupees. He has no eyes to see and no ears to hear. The second thing I may point out is this. He says it is a very good Bill. I suppose he is interested in the poorer classes of the landholders and not in the richer classes of the landholders. I suppose that is his policy at the present moment or the policy of the benches on which he is sitting. He would not be astonished if I tell him that if the cut of 10 per cent which was proposed by Mian Nurullah, had been accepted by the House, the poorer classes comprising something like 17 lakhs of people, would be getting three annas per harvest. That is the relief that would be given. As regards the bigger people more than 1,700 would have been given away. My friend would not be astonished that the total number of people who pay land revenue is 34 lakhs. Out of them 33 lakhs will get relief of little more than 21 lakhs and the one lakh and 19 thousands who are the residue of 34 lakhs will get 20 lakhs. My friend asks Government to support a measure or a proposition which would give the benefit to the richer class and give no relief to the poorer classes with whom I myself have sympathy (*Sardar Kapoor Singh* : That is wrong.) I have gone into this matter of net assets about which my friend does not know much or, if I may say so, does not know anything. There are other factors which have to be taken into account when net assets are to be ascertained. If we accept this proposition : he is very keen of the interests of all the zamindars, then I am afraid it would introduce inequality between one district and another district and also between one assessment circle and another circle either in the same district or in another district. These are the three points which I want to bring forward to oppose my friend's proposal. My honourable friend said that the incidence of land revenue in Samrala tahsil is very heavy.

Sardar Kapoor Singh : Leaving aside the colony district.

Revenue Minister : Perhaps my honourable friend will be astonished if I may tell him that the average for the Ludhiana district comes to 26·5 per cent of the net assets. Government has not been taking, I suppose, the full 50 per cent net assets that they were authorised to do. I can say without fear of contradiction that the utmost ranges something like 30 per cent.

Sardar Kapoor Singh : Seventy-five per cent of the net assets is being charged.

Revenue Minister : I am giving my honourable friend the figures. In Samrala it is 37 per cent and in other tahsils of Ludhiana it is 24 per cent and 22 per cent. Therefore as I say these incidences are different in different parts of the country. Perhaps my honourable friend would allow me to say a few words as regards percentage of net assets hitherto taken. In Hissar we have taken 28½, in Rohtak 35, Gurgaon 39½, Karnal 39½, Ambala 25

[Revenue Minister.]

Simla 26, Kangra 32, Hoshiarpur 25½, Jullundur 21½, Ludhiana 26½, Ferozepore 20 and in Lahore 22. I am leaving all other districts because those figures do not go beyond what I have said before. With these few remarks I hope I shall be justified in opposing the leave being granted to introduce the Bill. I am not going to make any appeal to my honourable friends this side who know their duty. I may say one more word. This point itself was before the Darling Committee and the Darling Committee must have gone into this matter very fully. Government will consider the report of that committee probably in Simla. Soon after that it will be in the hands of my honourable friends and they can digest what is contained therein. Before that report is fully considered and its implications fully realized I think it will be unjustified if my friends press a motion which I think is not necessary at the present juncture.

Mr. Speaker : The question is—

That leave be granted to introduce the Punjab Land Revenue (Amendment) Bill.

The Assembly divided : Ayes 39, Noes 85.

AYES

Abdul Rab, Mian.
Baldev Singh, Sardar.
Bhagat Ram Choda, Lala.
Bhagat Ram Sharma, Pandit.
Chaman Lall, Diwan.
Chanan Singh, Sardar.
Dev Raj Sethi, Mr.
Duni Chand, Lala.
Faqir Chand, Chaudhri.
Girdhari Das, Mahant.
Gokul Chand Narang, Dr. Sir.
Gopi Chand Bhargava, Dr.
Hari Lal, Munshi.
Hari Singh, Sardar.
Harjab Singh, Sardar.
Harnam Dass, Lala.
Jalal-ud-Din Amber, Chaudhri.
Jugal Kishore, Chaudhri.
Kabal Singh, Master.
Kapoor Singh, Sardar.

Kartar Singh, Chaudhri.
Kartar Singh, Sardar.
Krishna Gopal Dutt, Chaudhri.
Mazhar Ali Azhar, Maulvi.
Mohy-ud-Din Lal Badshah, Pir.
Muhammad Hassan, Chaudhri.
Muhammad Hussain, Sardar.
Muhammad Iftikhar-ud-Din, Mian.
Mula Singh, Sardar.
Muni Lal Kalia, Pandit.
Partab Singh, Sardar.
Prem Singh, Mahant.
Rur Singh, Sardar.
Sahib Ram, Chaudhri.
Sampuran Singh, Sardar.
Sant Ram Seth, Dr.
Shri Ram Sharma, Pandit.
Sohan Singh Josh, Sardar.
Sudarshan, Seth.

NOES

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

Allah Bakhsh Khan, Khan Bahadur
Nawab Malik.
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 Hussain Khan, Chaudhri.
 Farman Ali Khan, Subedar-Major Raja.
 Fateh Muhammad, Mian.
 Fazl Ali, Khan Bahadur Nawab Chaudhri.
 Fazal Din, Khan Sahib Chaudhri.
 Fazal Karim Bakhsh, Mian.
 Few, Mr. E.
 Ghazanfar Ali Khan, Raja.
 Ghulam Mohy-ud-Din, Khan Bahadur Maulvi.
 Ghulam Qadir Khan, Khan Bahadur.
 Ghulam Samad, Khawaja.
 Gopal Singh (American), Sardar.
 Gurbachan Singh, Sardar Sahib Sardar.
 Habib Ullah Khan, Malik.
 Hans Raj, Bhagat.
 Hari Chand, Rai Sahib Rai.
 Harnam Singh, Captain Sodhi.
 Indar Singh, Sardar.
 Jafar Ali Khan, M.
 Jagjit Singh Bedi, Tikka.
 Joginder Singh Man, Sardar.
 Khizar Hayat Khan Tiwana, The Honourable Nawabzada Major.
 Kishan Das, Seth.
 Manohar Lal, The Honourable Mr.
 Mubarak Ali Shah, Sayed.
 Muhammad Akram Khan, Khan Bahadur Raja.
 Muhammad Ashraf, Chaudhri.
 Muhammad Azam Khan, Sardar.
 Muhammad Faiyaz Ali Khan, Nawabzada.
 Muhammad Hayat Khan Noon, Nawab Malik Sir.
 Muhammad Hussain, Chaudhri.
 Muhammad Jamal Khan Leghari, Nawab Sir.
 Muhammad Nawaz Khan, Major Sardar.

Muhammad Qasim, Chaudhri.
 Muhammad Raza Shah Jeelani, Makhdumzada Haji Sayed.
 Muhammad Saadat Ali Khan, Khan Bahadur Khan.
 Muhammad Sarfraz Khan, Chaudhri.
 Muhammad Wilayat Hussain Jeelani, Makhdumzada Haji Sayed.
 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.
 Nasir-ud-Din, Chaudhri.
 Nasir-ud-Din Shah, Pir.
 Naunihal Singh Mann, Lieutenant Sardar.
 Nawazish Ali Shah, Sayed.
 Nur Ahmad Khan, Khan Sahib Mian.
 Pir Muhammad, Khan Sahib Chaudhri.
 Pohop Singh, Rao.
 Prem Singh, Chaudhri.
 Pritam Singh Siddhu, Sardar.
 Ranpat Singh, Chaudhri.
 Riasat Ali, Khan Bahadur Chaudhri.
 Roberts, Sir William.
 Shahadat Khan, Khan Sahib Rai.
 Shah Nawaz, Mrs. J. A.
 Sikander Hyat-Khan, The Honourable Major Sir.
 Sohan Lal, Rai Sahib Lala.
 Sumer Singh, Chaudhri.
 Sunder Singh Majithia, The Honourable Dr. Sir.
 Suraj Mal, Chaudhri.
 Talib Hussain Khan, Khan.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sardar.

SALE OF HOLY QURAN RESTRICTING BILL.

Mian Abdul Rab (Jullundur South, Muhammadan, Rural) : Sir, I beg to move—

That leave be granted to introduce the Sale of Holy Quran Restricting Bill.

The motion was carried.

Mian Abdul Rab : Sir, I beg to introduce the Sale of Holy Quran Restricting Bill.

MUSLIM MUSSAWAT BILL.

Khawaja Ghulam Samad (Southern Towns, Muhammadan, Urban) : Sir, I beg to move—

That leave be granted to introduce the Punjab Muslim Mussawat Bill.

The motion was lost.

(At this stage Mr. Speaker left the Chair and Mr. Deputy Speaker occupied it amidst loud and prolonged cheers.)

Chaudhri Muhammad Hassan : Sir, is it permissible for a gentleman against whom a no-confidence motion is pending, to occupy the chair ? I expect a ruling from you.

3 P.M.

Premier : My honourable friend is trying to count his chickens before they are hatched.

An Honourable Member : No motion of no-confidence has been tabled so far.

Mr. Deputy Speaker : There is no point of order involved. The honourable member should know the rules better.

RESOLUTION.

ECONOMIC HOLDINGS.

Pandit Bhagat Ram Sharma (Kangra West, General, Rural) (Urdu). Sir, I beg to move—

This Assembly recommends to the Government that the minimum economic holdings, or less of land owned by those who cultivate it personally be declared inalienable and free of all rents and taxes.

Before I proceed with my speech I would like to quote a well-known English poet who expressed his feelings in the following words :—

Ill fares the land to hastening ills a prey,

Where wealth accumulates and men decay ;

Princes and Lords may flourish or may fade,

A breath can make them as breath has made ;

But a bold peasantry their country's pride,

When once destroyed can never be supplied.

(Hear, hear).

The poor peasants of this province have fallen on such evil days that I fail to find suitable words to describe their miserable plight. I wish I could fully ventilate their grievances. My honourable friends who claim

to be their representatives have in fact done nothing to improve their lot. However, I would like to make a few observations in connection with the subject matter of this resolution. The peasantry of the province is so indigent and poverty-stricken that it should become an urgent and immediate concern of the Government to afford them some substantial relief. So far the Government have done little for the starving peasantry of the province. They have created high salaried posts for the Unionist leaders and granted allowances to the members of this House at the rate of 22½ rupees per diem. But they have not cared to do anything to increase the purchasing power of the poor peasants.

It is the essential function of a government, which claims to be a popular one, to pay its special consideration to these matters of great importance. It is the bounden duty of such a government to ameliorate the condition of the poor zamindars.

I do not propose to raise any academic discussion about the meaning of the term "minimum economic holdings." I would like to make my submissions from an entirely practical point of view. I admit that nothing can be said about the size of land. It is extremely difficult to ascertain as to whether a particular land with a certain length and breadth can be called a "minimum economic holding" or not. In determining a minimum economic holding, we will have to take into account various factors which have a great influence over increasing and decreasing the quantity of produce which a particular land yields. We will have to consider the natural characteristics of soil, means of irrigation, the personal capacity of the cultivator and last but not the least the methods of cultivation. So these are the factors which actually determine the extent of production. But there are certain other things which should not be lost sight of, namely, rotation of crops, good seeds, scientific manure and the new methods of cultivation. So these are the factors upon which the size of a minimum economic holding depends.

Now, I would like to explain as to what a minimum economic holding means. Such a holding is that which yields so much produce which after deducting the cost of cultivation during the year is barely sufficient for the sustenance of a cultivator's family. It is a point which deserves your special notice. Now if I were to take a plough-holding as a unit—

Khan Bahadur Captain Malik Muzaffar Khan : On a point of order, Sir. The honourable mover of the resolution may kindly be asked to speak either in English or in Urdu. He is making his speech in both the languages, and it is very difficult for the non-English knowing members to follow him. (*Interruptions.*)

Pandit Bhagat Ram Sharma : I seek the protection of the Chair, and enquire as to whether or not I am allowed to have my say? (*Maulvi Ghulam Mohy-ud-Din :* What is a plough-holding.) My honourable friend Maulvi Sahib is a resident of Lahore and therefore he cannot understand the meaning of a plough-holding. He should better ask the back benchers who are mostly agriculturists.

Mr. Deputy Speaker : The honourable member is requested to go on with this speech.

Pandit Bhagat Ram Sharma : What I wanted to submit was that the produce which a plough-holding yields happens to be definitely inadequate to keep the cultivator's body and soul together. The poor fellow has not only to maintain his family but also to pay land revenue and rent. There is no gainsaying the fact that such a cultivator finds it impossible to pay the Government dues without raising loans.

Now, Sir, in order to develop my point that a plough-holding does not yield so much which may be considered sufficient to support the family of a cultivator, I would like to give accounts of certain holdings in eight districts which are based on the Punjab Farm Accounts prepared by the Board of Economic Enquiry. These accounts will clearly show that if we deduct the wages for the cultivator's labour during the year out of the total production we are sure to find that in most cases, instead of raising any profit, the poor fellow faces heavy losses. These Farm Accounts have been quoted in the memorandum which was submitted by the Institute of Agrarian Reform to the Land Revenue Committee appointed by the Punjab Government. The Board of Institute of Agrarian Reform while preparing these accounts has taken the average for the years 1930 to 1934. A reference to these accounts would make it abundantly clear that the kisan who cultivates a plough-holding does not raise any profit out of his enterprise. The accounts show that during these 4 years, i.e., 1930—1934, the average annual gross income from a plough-holding situated in village Bundala, district Jullundur, was Rs. 240-4-0. Similarly in a village in Ludhiana the income from a plough-holding on average for the same period was Rs. 238-14-0. This holding included chahi as well as barani area. (Interruptions.)

The third village is in Hoshiarpur district which has chahi-cum-barani area and the average income of one plough-holding here is only Rs. 259. This income, we must remember, is the result of the annual labour of two adults over a plough. Similarly the average annual income from a single plough-holding, calculated on an average of a period falling between 1930 to 1934, in an Amritsar village has been not more than a paltry sum of Rs. 184-2-0. Further in Multan villages, the average annual income over the same period as mentioned before and from a single plough-holding of chahi-cum-barani area was no more than Rs. 101-4-0. In a village of Rohtak district the average annual income from a single plough-holding was calculated for the same period in a chahi-cum-barani area and found to be hardly more than Rs. 59-12-0. Finally, in Jhelum the average income annually accruing on a single plough-holding in an area of an identical type was calculated to be only Rs. 90-5-0. Keeping the income of all the aforementioned holdings in view, the biggest yield has been in the case of the holding in Hoshiarpur, namely, Rs. 259. But no deduction has been made from this sum towards the annual wages of the two adult zamindars for their patient and hard labour. And if deduction is made towards the wages of the cultivators, although on the most modest of rates, you may be sure there would not be a single holding anywhere in the Punjab which may be considered to have yielded a hundred-rupees annual income to the zamindar. You can imagine how, in these circumstances a zamindar can make both ends meet or support his family. How can he afford to lead a respectable life with this income? How can he afford to give his children necessary

education? I leave all these questions for the House to decide. It is argued on the other side that land revenue is necessarily a tax. But nobody seems to pay any attention to the all important fact that all taxes have to be assessed to income. If there is no income, in the real sense of the word, no civilized people or Government can ask for a tax. I beg this honourable House to consider that the zamindar in the province is having no income from a minimum economic holding; hence no tax can be levied on him equitably and legitimately. The zamindar really cannot afford to pay land revenue. I will refer you to the report of the Abiana Committee which sat in 1934 to consider the question of reducing abiana and of which Chaudhri Sir Chhotu Ram was a member. Urging in this committee that a reduction in abiana was imperative in view of the pitiable plight of the zamindar, Chaudhri Sir Chhotu Ram has reported and his words appear on page 25 of the report. Mark his words:—

The price of the produce of an acre at present rates is sometimes not sufficient for the payment of even Government dues. More often it falls short of the total of Government dues and cost of production minus labour. It can in no case recompense the self-cultivating owner completely if his labour is also allowed for.

Now, I should like to refer you to the Farm Accounts of the Punjab Economic Board of Inquiry, 1934-35. On page 18 of this report there appear the estimates of the incomes of some villages over a period between 1930 to 1935. Now let us examine the facts and figures given therein:—

In village Ramunwal (District Jullundur) minus net assets per acre were shown in 1930-31. This means that the zamindar stood to lose. In the same village one acre holding had minus net assets in 1932 as well. Then village Sidhwan one acre holding has been reported to have minus net assets in 1930-31. The same has been reported with respect to one acre holdings in the two villages Punnan and Sheron in Amritsar district. The same report of having minus net assets has been made about similar holdings in village Larsauli in Rohtak district and villages Pinnanwal and Chak Danyal in Jhelum district. It can be seen, therefore, that in all these villages the zamindars have suffered a loss and have had no gain. Now these things have been recorded by the Board of Economic Inquiry and nobody can question their authenticity. In these circumstances, the question arises: how can the zamindar make good his loss? My honourable friends the Ministers of this Government claim to be friends of the zamindars. May I put this question to them: how is the zamindar to make good his loss? He works throughout the year, patiently enough, and at the end of the year, when you take stock of his assets you find that he has minus assets. How do you propose to help him out of his difficulty. I gave notice of a Bill to amend sections 68 to 72 of the Land Revenue Act: because I felt that something must be done to relieve the distress of the poverty-stricken zamindar. I wanted that the zamindar should be freed from the humiliations and hardships of imprisonment, attachment of property, etc., if he is unable to pay land revenue. What happened to that Bill, is a sad story. It went up for the previous sanction of the Governor who did not accord the sanction. But the question is this: Is Sir Chhotu Ram prepared to resign the Ministership on this issue? Here is an opportunity to render real help to the zamindar. As the law now stands even the standing crops of the zamindar may be attached regardless of the fact that there is anything left with the zamindar and his family to keep body and soul together. The Deputy

[Pandit Bhagat Ram Sharma.]

Commissioner need consider nothing except the realization of the land revenue. So long as the Land Revenue Act exists on the Statute Book in its present form nothing beneficial can be hoped to be accomplished for the zamindar. My honourable friends the Ministers know it full well that it was very difficult to reject my Bill on the floor of the House. So they did not let it come here. I say if these people have a real intention to benefit the zamindar, they should amend the Land Revenue Act when they have the power to do it. After all what is the use of lip-sympathy and empty words? (*Applause.*) My honourable friend Chaudhri Sir Chhotu Ram is an adept in platform propaganda. He went to Palampur and Baij Nath in my district and said in his lectures that he had the greatest sympathy for the poor zamindars. But now the zamindars have come to know the real position. If my honourable friend ventures again to go there he will be received with black flags waving him "welcome."

Mr. Deputy Speaker : Please do not be personal.

Pandit Bhagat Ram Sharma : I am not referring to anybody personally. I am talking of the ministry. The zamindars, I was saying, have come to distinguish between their friends and foes. They have lost all faith in the Unionist party. They have come to know that their only friend is the Congress. (*Ironical cheers from the Treasury Benches.*) (*Hear, hear, from the Opposition benches.*)

I was submitting, Sir, that a land under a single plough does not yield enough for the maintenance of the family of a cultivator. If such is the condition how can he be expected to pay land revenue to the Government out of his already meagre income. It has been admitted on all hands that a kisan who cultivates a plough-holding does not at all possess taxable ability. It is absolutely impossible for him to maintain his family as well as pay the Government dues out of the paltry income at his disposal. Here I would like to quote Professor Brij Narain who is admittedly a great authority on these agrarian as well as economic problems of the province. While discussing the minimum limit of assessment he says that—

The Punjab Farm Accounts establish beyond any shadow of doubt that at the present time one plough-holdings do not yield "net assets" of over Rs. 100. It is undeniable that one plough-holdings do not possess any taxable ability. We demand exemption from the payment of land revenue of all holdings equal to one-plough land, or less. When land owned is less than one plough land, the cultivator is compelled to take more land on batai or cash rent. He is decidedly worse off than the owner of one-plough land : in some cases the whole and in many cases a considerable portion of the income from his own land goes to pay rent.

And lastly he has clearly said—

Briefly the case for exemption of one plough-holdings and those smaller in area is this : if the land revenue is of the nature of a rent or a surplus above cost, then, in the case of these holdings, this surplus either does not exist, or is so small as to be negligible. If land revenue is regarded as a tax on income, then the taxable capacity of owners of such holdings is nil.

What I mean to drive at by quoting this authority is that owner of a plough holding does not possess taxable ability. He is neither able to pay land revenue nor cash rent. And therefore he should be exempted from the imposition of land revenue. I know that the main objection which the Honourable Ministers are going to raise against this exemption would be that the acceptance of my resolution would mean a heavy loss amounting

to 150 lakhs of rupees to the State Exchequer. The Government would say that since no practical solution of the problem has been suggested by the mover of the resolution, it is, therefore, not prepared to court this deficiency in its budget. But let me suggest one thing, Sir. This difficulty can very conveniently be surmounted provided the ministers are disposed to accept smaller salaries. Besides this you can discontinue the practice of conferring double salaries on the parliamentary secretaries. They not only get regular salaries but also daily allowances during the session of the Assembly. If you are prepared to effect such reductions in your unnecessary expenditure you can very safely exempt an owner of a plough-holding from the payment of all rents and taxes. It is rank injustice to levy taxes on working classes. Those who find it impossible to make both ends meet are certainly not in a position to pay the Government dues. If the Government is so anxious to make up any deficiency that may appear in the budget due to this exemption it should better levy taxes on the unearned incomes of people like the Honourable Sir Sikander Hyat-Khan and Sir Sundar Singh Majithia who are definitely non-working big land-owners. The policy of the Government should be such as to impose taxes only on those people who do not work with their own hands. The zamindar who is already hard pressed should not be asked to pay the Government dues. According to Mr. Calvert's figures, 11·8 per cent of the total number of owners, each owning 15 to 50 acres, own altogether 35·6 per cent of the cultivated area; and as few as 3·7 of the total number of owners, each owning 50 acres or more, own as much as 25·7 per cent. of the cultivated area. It means that 25·7 per cent of cultivated area is owned by those non-working land-owners who are getting fat on the hard-earned income of the poor cultivators. It is therefore, great injustice to accord similar treatment to the working land-owners and non-working land-owners alike. You are free to enhance the rate of land revenue in the case of the non-working land-owners, but the rack-renting of the working land-owners cannot be justified by any stretch of imagination.

The other point that may be raised will be that we should wait for the report of the Darling Committee. But, Sir, why wait for the Darling Committee's report? What good is going to come out of that report? In fact I am of the opinion that it was a dirty trick to entrust this matter to the Darling Committee.

Minister for Revenue : Is this parliamentary language?

Mr. Deputy Speaker : The honourable member should not use such offensive language.

Khan Bahadur Nawab Muzaffar Khan : He must withdraw it.

Pandit Bhagat Ram Sharma : Then give me another suitable word to describe this action of the Government.

Mr. Deputy Speaker : It is for the honourable member to use some other language.

Khan Bahadur Nawab Muzaffar Khan : He must withdraw that. We strongly object to that.

Pandit Bhagat Ram Sharma : Very well, Sir, I withdraw that expression and substitute for it the expression "political move." Yes, it was a political move to entrust the matter to that committee. It was as good

[Pandit Bhagat Ram Sharma.]

as shelving the question for a long time. Again, even if the matter is contained in the report of the Darling Committee there is no reason why the Government should oppose this resolution. The poor kisans who pitched their faith in the promises of the Unionist party are now looking wistfully to my honourable friend Sir Chhotu Ram and his colleagues. Let them come forward and assure these people that the Government is doing something substantial for them. Do not try to put them off with your lectures and sermons. If you have any real sympathy for them come forward and give it a practical shape. (Cheers.)

Mr. Deputy Speaker : Resolution moved—

This Assembly recommends to the Government that the minimum economic holdings or less of land owned by those who cultivate it personally be declared inalienable and free of all rents and taxes.

Rao Pohop Singh (East Punjab, Landholders) (*Urdu*): Sir, I beg to move—

That in lines 3-4 for the words "those..... to taxes" the following be substituted :—

Notified agriculturists should be given such relief as the Assembly may by Resolution indicate provided that the loss in provincial revenues caused by such relief is made good by fresh taxation on well-to-do sections of the community.

The resolution that has just now been moved by my honourable friend Pandit Bhagat Ram Sharma says that the minimum economic holdings or less of land owned by those who cultivate it personally be declared inalienable and free of all rents and taxes. But before I proceed with my speech I would like to recite an English verse as my honourable friend commenced his speech by quoting certain verses. Shakespeare says :—

If to do good were as easy as to know what were good to do,

Chapels would have been churches and poor men's cottages princes' palace.

I may submit that the resolution now before the House seeks to declare all the uneconomic holdings as free of rent and taxes. If by the passing of such a resolution the condition of the poor people can be improved—

Diwan Chaman Lall : On a point of order. May I draw your attention to the wording of the amendment moved by my honourable friend? I want you, Mr. Deputy Speaker, to consider this amendment in reference to the resolution and see whether it is in order or not.

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

I am very sorry to interrupt my honourable friend but the point that I am raising for consideration is whether this amendment, of which notice has been given by Rao Pohop Singh, is or is not within the scope of the resolution that has been moved by my honourable friend Pandit Bhagat Ram Sharma. I do not desire to worry you regarding the constitutional points which are well known to you. I ask for your ruling with regard to this matter.

Mr. Speaker : What is the honourable member's objection?

Diwan Chaman Lall : The resolution talks about declaring certain holdings as inalienable and free of all rents and taxes for which the honourable member has substituted quite a different thing, something which is not.

within the scope of the resolution. First of all it is confined to notified agriculturists whereas the resolution talks about minimum economic holdings. By virtue of the amendment minimum economic holdings are confined only to one particular class, namely, notified agriculturists. "Loss in Provincial Revenues caused by such relief is made good by fresh taxation on well-to-do sections of the community" is not part and parcel of the resolution and has nothing to do with it. It is clearly outside the scope of the resolution itself. I do not want it to be understood that I am not in favour of taxing well-to-do people. By all means tax them to the hilt if you want to but I say that this amendment is outside the scope of the resolution.

Raja Ghazanfar Ali Khan : I must confess that I have not been able to follow the force of the argument which my honourable friend opposite has advanced. If you will kindly read the resolution and amendment you will observe that the intention of the amendment is merely to restrict in certain respects the scope of the remission. I would submit that any amendment which is intended merely to restrict the resolution cannot be declared as out of order. As a matter of fact the resolution itself deals with two entirely separate matters. I am personally doubtful whether the resolution is in order or not but that is a question for you to decide. The first part deals with the land being inalienable and the second part is that they should be free from rent. As a matter of fact the resolution ought to deal with one matter only and I am sure the House will find great difficulty in voting upon this resolution because some of the members may be holding one opinion regarding one point of the resolution and quite a contrary opinion regarding other part of the resolution. But if you are pleased to consider the resolution as in order, then I submit that the amendment simply seeks to restrict the scope of the resolution without saying anything against the fundamental principle of the resolution. The principle of the resolution is merely to provide relief to a certain class of people. The amendment also provides relief for the same class of people by suggesting certain means and restricting the scope of the resolution. Therefore, if the resolution is in order, which I very much doubt, the amendment is certainly in order.

Diwan Chaman Lall : May I say a word in reference to the remarks of the previous speaker. He will easily discover that this is outside the scope of the amendment if he will read the wording of the resolution. The resolution talks about the economic holdings of persons personally cultivating those holdings whereas the amendment goes beyond that. It talks about economic holdings belonging to notified agriculturists who may or may not be personally cultivating those holdings and in so far as it refers to those two classes it is clearly outside the scope of the amendment itself.

Premier : If my honourable friend had concentrated and given thought to the matter he would have found that it is in fact a restrictive amendment. The original resolution refers to all people who cultivate with their own hands, but the amendment postulates that not only those people who cultivate with their own hands should be affected but only those among them who are also notified agriculturists.

Diwan Chaman Lall : The words about personal cultivation go straightaway and, therefore, it widens the scope.

Premier : My honourable friend has not understood me. All persons who cultivate with their own hands constitute a much larger proportion than those who will be affected by this amendment. It is, therefore, a restrictive amendment.

Diwan Chaman Lall : There may be those who cultivate in person.

Premier : Those who cultivate personally include notified agriculturists.

Diwan Chaman Lall : Notified agriculturists are also of two classes—those who cultivate personally and those who do not. This resolution confines itself only to those who cultivate personally. It has no reference to those who do not cultivate personally. If the amendment is accepted, it would widen the scope and it would include both categories : those who cultivate personally and those who do not, which would be widening the scope of the amendment.

Premier : It would certainly be widening the scope if the number of notified agriculturists were greater than both the agriculturists and non-agriculturists. It is a question of fact. (*Laughter*). My honourable friends who are laughing will bear me out.

Sardar Sampuran Singh : I am glad you appreciate it.

Mr. Speaker : The original resolution relates only to the minimum economic holdings or land owned by those who cultivate it personally, while the amendment deals with notified agriculturists. The question is whether the term 'notified agriculturists' is wider than the expression, 'those who cultivate land personally.' That is a simple question.

Diwan Chaman Lall : Namely those who cultivate and those who do not cultivate by their own hand. I submit that when we talk about the scope, we worry about the subject matter. Is this subject matter wider than—(*Interruptions*).

Mr. Speaker : What subject matter ?

Diwan Chaman Lall : Subject matter is holdings of those who cultivate personally. If the amendment is moved—

Mr. Speaker : Both holdings and numbers are there.

Diwan Chaman Lall : The subject matter is confined only to those persons who cultivate personally with their own hands.

If the amendment is moved then the subject matter is widened out. It will include those who cultivate with their own hands and those who do not. You confine it to a class of those who are notified agriculturists only : that is not within the scope of the resolution. That is outside the scope of the resolution, which deals with the agriculturists of a particular kind. You give a direct negative to that which again is against the rules. Secondly you go beyond the scope by saying not only those who are cultivating with their own hands but those who do not cultivate with their own hands.

Raja Ghazanfar Ali Khan : I think the point that is troubling the honourable member is that in this amendment we have left out the words 'all notified agriculturists' who cultivate land with their own hands. What I am submitting is that if the amendment includes these words

I am sure my honourable friend would agree that the amendment will be perfectly in order. If that is the position and if the object of my honourable friend is not merely to fight on technicalities but to provide real relief to the people who deserve it then I would submit that he should have no objection to the amendment being modified to this small extent, that is, that all notified agriculturists who cultivate personally and then the rest of the amendment stands. Then the amendment will be really restricting the resolution and not widening it. If my honourable friend is really anxious that this amendment which is very useful for the agriculturists should be accepted by the House then I think he should have no objection to a slight modification of the amendment. I would rather suggest to him to move an amendment to the amendment which Government will be too pleased to accept.

Diwan Chaman Lall : My objection is this. I submit that this is not the time to amend the mistake committed by my honourable friend and no opportunity should be given to him.

Mr. Speaker : Such an amendment can be made with the permission of the Chair.

Diwan Chaman Lall : The rule is that when there is a controversy about a matter like this you should not allow the amendment to be moved merely to accommodate my honourable friends. The second objection is this that I do not want to give my honourable friend the power of restriction to a particular class which is not covered by this resolution. The resolution stipulates every person whether he belongs to the notified agricultural tribe or does not belong to the notified agricultural tribe.

Mr. Speaker : So, an amendment, which restricts the resolution, does not go beyond its scope and is not out of order.

Diwan Chaman Lall : No, it will nullify the actual spirit of the resolution.

Mr. Speaker : How ?

Diwan Chaman Lall : It will give a negative to it because my honourable friend's object is to give relief to a particular class which is wide enough as far as his description goes. Every person in the province who cultivates with his own hands, not only those persons who cultivate with their own hands, who happen to be agriculturists under the Land Alienation Act but every person whether agriculturists or non-agriculturists : why limit the relief ?

Mr. Speaker : That is permissible under the rules.

Diwan Chaman Lall : It is a negative to the resolution.

Mr. Speaker : It is not.

Diwan Chaman Lall : You should not permit an amendment at this stage.

Mr. Speaker : I have not decided yet whether I will permit the amendment or not. The resolution says—

This Assembly recommends to the Government that the minimum economic holdings or less of land owned by those who cultivate it personally be declared inalienable and free of all rents and taxes.

What objection can there be against the amendment that those who cultivate personally are agriculturists ?

Diwan Chaman Lall : Supposing you admit it. First of all it will negative the intention of the mover of the resolution.

Mr. Speaker : It will modify it no doubt ; but the honourable members of the House have a right to propose amendments.

Diwan Chaman Lall : May I explain what I mean by a negative ? Supposing an honourable member moves that a certain relief be given to every Punjabi who cultivates with his own hands a certain portion of land. An amendment is moved so as to give relief only to Sikhs who so cultivate. Would it not be a negative to the intention of the mover ? If the amendment is passed it would restrict the resolution.

Mr. Speaker : But this is permissible under our Rules.

Diwan Chaman Lall : It would mean a negative to the resolution.

Mr. Speaker : I do not think so.

Diwan Chaman Lall : It would make the resolution absurd. The second point is that it widens the scope of the resolution and it goes on to talk about things which are not mentioned in the resolution, namely, that the loss in provincial revenues caused by such relief is made good by fresh taxation of well-to-do sections of the community. It is a complete negative of the intention of the mover to give relief to every person who cultivates with his own hands not only those who are covered by the Land Alienation Act. If my honourable friend is in favour of giving relief to the small peasantry why do they want to restrict it ? I am amazed at my honourable friend who wants to restrict it only to those who are covered by the Land Alienation Act. They say they are in favour of giving relief to the peasantry but when it comes to the question of giving relief they want to give it to one particular tribe.

Premier : We are discussing the technical side of the resolution.

Diwan Chaman Lall : That is why I would suggest that this means negative to the intentions of the mover of the resolution ; and if that is so, I ask what are they gaining. If their intention is to give relief to the cultivator himself, why should they restrict it to a particular class to whom relief should be given ? I submit that there is neither reason nor rhyme : there is mere cussedness behind this amendment.

Mr. Speaker : Let us stop further discussion of the proviso. In my opinion the amendment should be that after the word, ' personally ' the words ' and are notified agriculturists ' be inserted. The insertion of these 4 words will restrict, no doubt, the scope of the resolution, but shall not destroy or negative it ; nor will it go beyond the scope of the resolution. Who moved this amendment ?

Raja Ghazanfar Ali Khan : I have already moved this amendment formally.

Mr. Speaker : The amendment, as worded, does not contain these words.

Raja Ghazanfar Ali Khan : I will just now hand it over to you bringing in the words which you have suggested.

Diwan Chaman Lall : May I say a word in regard to this matter? If due notice of the intention to move this particular amendment to the amendment, which my honourable friend now wishes to move, had been given, we would have tabled other amendments to this resolution. But now we are being robbed of the right of moving necessary amendments which we would have the right to move. Therefore, I submit that in view of this you should not accept this amendment. If my honourable friends opposite do not agree with this proposition, they can easily vote it down. I submit that there should be no stretching of the rules to this extent as to enable them to move amendments to their own amendments.

Premier : Why should my honourable friend advise us to vote it down? Why does he not withdraw it himself?

Diwan Chaman Lall : We want relief.

Premier : We also want relief.

Diwan Chaman Lall : Only to the restricted number.

Premier : Only to the deserving classes.

Lala Dashbandhu Gupta : Lakhs of members belonging to the depressed classes who are real tillers of land will not benefit if the amendment is accepted. Is this how Government wish to help the depressed classes?

Premier : When the question of service is raised then my honourable friend's sympathy for these lakhs of depressed classes evaporates.

Rao Pokop Singh : Sir, after the word, 'personally,' I want to add the words, 'and are notified agriculturists.' The resolution would then read thus :—

This Assembly recommends to the Government that the minimum economic holdings or lots of land owned by those who cultivate it personally and are notified agriculturists be declared inalienable and free of all rents and taxes.

Then the proviso would come.

Mr. Speaker : The proviso will be taken up later.

Diwan Chaman Lall : This again goes beyond the scope of the resolution. It means simply those who cultivate personally and who are notified agriculturists.

Mr. Speaker : There is a very large number of those who cultivate personally and are also notified agriculturists.

Sardar Sampuran Singh : It goes beyond the scope of the resolution.

Mr. Speaker : How?

Sardar Sampuran Singh : It only relates to those notified agriculturists who cultivate the land personally. It does not include those who do not work with their hands but own some land or those who work with their own hands, but are not notified agriculturists. The word is 'and' and not 'or'.

Rao Pokop Singh : I want to add the words, 'those who cultivate and are notified agriculturists.'

Dr. Gopi Chand Bhargava : On a point of order. Rule 121 says that two clear days' notice is necessary for any amendment to be moved. I know that you have got a right to suspend that rule. But my submission is that suspension of such rule should be effected in special cases. Here,

(Dr. Gopi Chand Bhargava.)

sufficient time was given for the amendment to be moved. So, the permission should not be given in such cases and the rule should be observed. No exception should be made in such cases where there was sufficient time for notice of an amendment to be given and the notice of an amendment was actually given.

Therefore, the amendment, two clear days' notice of which was not given, should not be admitted. The amendment makes the resolution a discriminatory one which the mover does not intend to make.

Mr. Speaker : If carried, the amendment shall not do away with the resolution, though it will modify a little.

Dr. Gopi Chand Bhargava : I do not say that the amendment is not in order because of the language. No. My point is that because two clear days' notice is not given, the amendment should not be admitted.

Mr. Speaker : The honourable members, I presume, are well aware that even in the case of bills amendments have been allowed, not only at the second reading stage, but also on their third reading.

Dr. Gopi Chand Bhargava : Sufficient time was not given to consider the report of the select committee and that was the occasion when you gave time and allowed the amendments. It was an exception.

Mr. Speaker : An amendment can be moved up to the last moment.

Premier : It can be moved certainly, but it does not seem desirable

Mr. Speaker : I thought that the amendment suggested by me will effect a compromise between the parties; but, what a misfortune, it is not accepted! The honourable member may move it, if he likes.

Rao Pohop Singh : Sir, I was submitting that if to do good were as easy as to know what is good to do then small chapels would have become big churches and the poor men's cottages the princes' palaces. If mere moving of resolutions were to do any good to the poor this object would have been gained very long ago. The Honourable Premier and the Honourable Sir Chhotu Ram gave notices of similar resolutions several times before. They went so far as to propose that land revenue should be assessed on principles governing the income-tax. But every time the question of revenue to run the administration of the country stood in their way. Even the honourable mover has admitted that if we were to give effect to his resolution it would mean a fall of one and a half crores of rupees in the provincial revenue. You know our budget is a deficit one.

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : On a point of order, Sir. At an earlier stage I made a passing reference that I intended to raise an objection against the resolution being in order.

Mr. Speaker : An objection that a motion or resolution is not in order can be taken at any stage before it is disposed of by the vote of the House.

Parliamentary Secretary : Now I draw your attention to rule 144 wherein it is laid down :—

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.

That is a very important condition of a resolution. I would submit that this resolution raises not one but three issues.—Issues which are entirely separate and different. The first is that holdings should be inalienable. That is one and entirely separate issue. To make that holding inalienable it will be necessary to bring forward certain legislation which will have nothing to do with giving monetary relief to the owner. The object will be that he should not be able to sell it or mortgage it. That is one thing.

The second point is that no tax should be charged from that holding. I would request you kindly to tell me whether there is anything common between these two ; his not being able to sell his land and his being able to be relieved of taxes, they are two different things.

The third issue is rent. The rent is the amount which a landlord realizes from land. I would really request you kindly to see whether these three things are one and the same thing. If I am in favour of this small holding being made inalienable, is it necessary that I should be in favour of giving relief to the agriculturists in the form of taxes and rent ? I may have one opinion on one of these things and a different opinion on the other two matters. Therefore, if you put this resolution to the vote of the House, then you will be forcing the members to vote for two things with which they may not agree but they may agree with one of the issues. On the other hand, there have been many precedents where in such cases a resolution has been divided into several parts and put separately to the vote. This resolution is of such a nature that it would be impossible to put it separately. This is a matter of principle. We will be allowing a very bad precedent if we can admit resolutions which cover more than one subject and which are in direct contravention of the rules passed by this honourable House. Therefore I suggest to you kindly to consider this matter seriously and rule this resolution out of order. The mere fact that Government has given notice of an amendment is enough to show that so far as the giving of relief to the small land-owner is concerned, they are very anxious, but we have to observe certain rules which we have passed. I am very reluctant in raising this point of order, because I am very anxious to give some relief, but rules are rules and they must be obeyed.

Mr. Speaker : I do not think that the resolution, as originally worded or as amended, raises different issues.

Rao Pohop Singh : I submit, Sir, that if you want to give relief to the poor you must find out money for the purpose so that the work of the administration may not suffer. Moreover, let my honourable friends adopt the proper and reasonable way of helping the poor. Supposing a man is going from door to door crying out that he is dying of hunger and asking for food. Now somebody who wants cheap notoriety takes him inside his house so that people may think that he was being kind to the poor fellow. But inside the house he places a good many empty plates before the hungry man. Now, would you call it kindness and sympathy for the poor fellow ? Not at all. It amounts to a cruel pastime of making fun of the famished person's starvation. Instead of placing before him so many plates it would have been much better to offer him even some dry crumbs to appease his hunger with. Thus when my honourable friends know that the Government has no money at its disposal for this purpose their resolution is

(Rao Pohop Singh.)

nothing but making a fun of the troubles and difficulties of poor zamindars. So long as there is no money with the Government and so long as you cannot suggest any new source of income you are not justified in moving such resolutions. I appeal to all my friends to kindly give up this cruel pastime. It is not proper for anybody to use the name of the poverty-stricken zamindars to satisfy his craving for cheap notoriety.

My honourable friends talk of helping the poor but their only intention is to gain some popularity. The result is that they make no practicable suggestions. I will tell you how we can make good our loss in the budget if we spend something to benefit the poor people. We can either cut down our expenditure or increase our sources of revenue. How can we cut down our expenditure? So far as the services are concerned, the Imperial services have been protected by a covenant and even the provincial services have a contract which cannot be safely broken. So we can only reduce the salaries of lower staff. Then we have to take another fact into consideration. So far as the retrenchment in expenditure is concerned, not a single member from the Opposition has made a suggestion to effect saving anywhere.

Diwan Chaman Lall : I move that the question be now put. The other day when I was speaking on another motion closure was moved while I was still on my legs and you accepted that motion.

Premier : May I point out that not a single member on the Government benches has yet spoken on the resolution? This is a very important resolution and we must be allowed to make at least one speech. Six members have already spoken on the other side.

Mr. Speaker : If the honourable member will please wait for a few minutes, I will put the closure motion.

Rao Pohop Singh : I have yet to say a few words.

Mr. Speaker : The honourable member can speak for fifteen minutes or for a longer time with the permission of the Chair. In the present case, however, I do not propose to give him permission to speak for a longer time.

Rao Pohop Singh : But, Sir, my honourable friends are after cheap popularity. I want to emphasise that.

Sardar Sohan Singh Josh : How long is the honourable member going to repeat his arguments?

Mr. Speaker : The honourable member should not repeat his arguments.

Rao Pohop Singh : Sir, I want to emphasise once again—

Lala Deshbandhu Gupta : If the honourable member is sincere in moving his amendment he must allow that to be put to vote.

Rao Pohop Singh : I shall speak only for five minutes more.

Mr. Speaker : But I cannot allow, as only five minutes are left and I have to put the resolution to the vote of the House.

The question is—

That the question be now put.

Premier : I desire that it should be brought on record that not a single member from the Government benches has so far spoken on this resolution.

Diwan Chaman Lall : You cannot allow any more speeches when you have accepted the closure motion and put it to the House. That would be a breach of rules. (*Interruptions.*) The only motion before the House is the closure motion which should be put to vote.

The Honourable Chaudhri Sir Chhotu Ram : That would be stifling the debate.

Diwan Chaman Lall : All sort of lies are being uttered on the floor of the House.

An honourable member : Shut up. (*Uproar and cries of 'shut up' from both Congress and ministerial sides.*)

An honourable member (of the Unionist Party): You "Soor" (pig) shut up.

Diwan Chaman Lall : These are paid henchmen of the Unionist Government.

An honourable member (of the Unionist Party): Shut up and come out.

Premier : We are all gentlemen here and we must behave like gentlemen.

Diwan Chaman Lall : You must address this remark to your own men. (*There was again great uproar and disorder.*)

Mr. Speaker : There is so great uproar and grave disorder that it is impossible to conduct the business of the House. So, under the circumstances I have no alternative but to adjourn the Assembly till 2-30 p.m. to-morrow.

The Assembly accordingly adjourned till 2-30 p.m., on Friday, 21st April, 1939.

PUNJAB LEGISLATIVE ASSEMBLY.

FIFTH SESSION OF THE 1ST PUNJAB LEGISLATIVE ASSEMBLY.

Friday, 21st April, 1939.

*The Assembly met in the Assembly Chamber at 2-30 p.m. of the clock.
Mr. Speaker in the Chair.*

STARRED QUESTIONS AND ANSWERS.

NEW HOSPITALS AND SUBSIDISED DISPENSARIES.

***4794. Pandit Bhagat Ram Sharma :** Will the Honourable Minister of Education be pleased to state—

(a) the total number of new hospitals and subsidised dispensaries opened by the Government in the Punjab from 1st April, 1937, up to 15th March, 1939 ;

(b) the total number of new hospitals and subsidised dispensaries opened in the Kangra district within the period mentioned in (a) above ?

The Honourable Mian Abdul Haye : (a) Seven hospitals, including six canal dispensaries in connection with Haveli Project, were opened. No subsidised dispensaries were opened.

(b) None.

Pandit Bhagat Ram Sharma : May I know if the case of Kangra district also is taken into consideration ?

Minister : We have now before us a programme of opening several subsidised dispensaries and the claims of Kangra district will also be borne in mind.

Pandit Bhagat Ram Sharma : May I know how many subsidised dispensaries are now under consideration ?

Minister : About half a dozen.

Pandit Bhagat Ram Sharma : May I know when these are going to be actually started ?

Minister : The rules are being framed and as soon as those rules are ready, action will be taken.

Pandit Bhagat Ram Sharma : May I know the approximate time by which Government will take action ?

Minister : It is very difficult to say. I have already stated that as soon as those rules are ready action will be taken. A reference has already been made to the district officers for doing spade work and early steps will be taken to establish the subsidised dispensaries.

HEALTH CLINICS IN KANGRA DISTRICT.

***4796. Pandit Bhagat Ram Sharma :** Will the Honourable Minister of Education be pleased to state the names of the places where the Health Clinics are opened for the treatment of lepers in the Kangra district including Kulu sub-division and whether any precautions are taken to provide isolated places for such lepers with necessary precautions to avoid the spread of the disease ?

The Honourable Mian Abdul Haye : The following 24 leprosy clinics for the treatment of leprosy cases exist in the Kangra district including Kulu sub-division :—

1.	Leper Home, Palampur ..	..	..	In and Out 'oor.
2.	Civil Hospital, Dharamsala ..	..	..	Outdoor.
3.	Civil Dispensary, Kangra ..	..	..	Do.
4.	Ditto Hamirpur ..	..	..	Do.
5.	Ditto Barsar ..	..	..	Do.
6.	Ditto Sujampur Tira ..	..	..	Do.
7.	Ditto. Dehra Gopipur ..	..	..	Do.
8.	Ditto Garli ..	..	..	Do.
9.	Ditto Jawalmukhi ..	..	..	Do.
10.	Rural Dispensary, Nagrota ..	..	..	Do.
11.	Ditto Shahpur ..	..	..	Do.
12.	Ditto Haripur ..	..	..	Do.
13.	Ditto Dada Seba ..	..	..	Do.
14.	Ditto Paprola ..	..	..	Do.
15.	Ditto Thurl ..	..	..	Do.
16.	Ditto Kotla ..	..	..	Do.
17.	Hydro-Electric Dispensary, Jogindarnagar ..	..	..	Do.
18.	Civil Dispensary, Kulu ..	..	..	Do.
19.	Ditto Banjar ..	..	..	Do.
20.	Rural Dispensary, Naggar ..	..	..	Do.
21.	Ditto Jari ..	..	..	Do.
22.	Mission Dispensary, Manali ..	..	..	Do.
23.	B. E. L. R. A., Pub. Branch, Garsa ..	..	..	Do.
24.	Ditto Bhuntar ..	..	..	Do.

} Kulu Sub-Division.

The Leper Home, Palampur, provides for the isolation of infectious cases, while 6 isolation huts are also available for the purpose in the neighbourhood of Nagrota and Paprola.

Pandit Bhagat Ram Sharma : I think the Honourable Minister has not properly understood my question. My question was with respect to leper clinics. But the Honourable Minister has enumerated all the hospitals which at present exist in the district. I only ask information with respect to the leper clinics as a result of the recent research held by the department.

Minister : At all these places there are leper clinics.

Pandit Bhagat Ram Sharma : May I know whether precautions are taken to provide isolated places in all the places now enumerated ?

Minister : I have enumerated in the second paragraph of my answer only those places where such arrangements exist.

Pandit Bhagat Ram Sharma : The Honourable Minister has enumerated about 25 hospitals. How many of them have isolated places for lepers ?

Minister : I have stated that " the Leper Home, Palampur, provides for the isolation of infectious cases, while 6 isolation huts are also available for the purpose in the neighbourhood of Nagotra and Paprola." I did not refer to other places.

WATER SUPPLY TO DIFFERENT VILLAGES OF KANGRA DISTRICT.

***4797. Pandit Bhagat Ram Sharma :** Will the Honourable Minister of Education be pleased to state the total amount spent by the Punjab Government to afford drinking water supply to different villages of Kangra district during the financial year 1988-89, with the names of the villages along with the amount granted to each of them ?

The Honourable Mian Abdul Haye : A sum of Rs. 2,600 was disbursed from the special development fund to the district board, Kangra, during the year 1988-89 for constructing, sanitating, enclosing and improving wells, tanks, ponds and springs in the following 18 villages of Kangra tahsil :—

- | | |
|-----------------|-------------------|
| 1. Nerti, | 10. Bohar Kawaich |
| 2. Manjgarani | 11. Tangroti. |
| 3. Kachhiari | 12. Chhen. |
| 4. Sewan. | 13. Jhikla Dhoi. |
| 5. Serah. | 14. Sudhed. |
| 6. Tunda. | 15. Tipfi. |
| 7. Tiara Khas. | 16. Garh. |
| 8. Tika Bhalun. | 17. Upparla Dhoi. |
| 9. Jeloh. | 18. Nand. |

Each village, on an average, received Rs. 144 for improvement of its water supply.

In addition to this a sum of Rs. 20,330 was paid to district board, Kangra, in 1988-89 as second instalment towards the estimated cost, viz., Rs. 50,390 of the Kulu water supply scheme by the Sanitary Board, Punjab. The first instalment of Rs. 30,000 was paid in 1987-88.

Pandit Bhagat Ram Sharma : May I enquire whether the Honourable Minister is aware of the fact that Kangra tahsil already abounds in natural water supplies and ask him what steps has the Government taken to provide water in the other places ?

Minister : If the honourable member wants to bring any specific case to the notice of the Government, the Government will be very glad to look into it.

Pandit Bhagat Ram Sharma : Is the Honourable Minister aware whether any representations were received by him with respect to the scarcity of water from certain villages in Dehra and Nurpur tahsils, namely, Bhatoli Phakorian, Bengoli and Rahan ?

Minister : I am not aware of any such representations having been received.

Pandit Bhagat Ram Sharma : May I know whether he personally received representations last year from those villages with respect to the scarcity of water in those villages ?

Pandit Bhagat Ram Sharma : May I know whether the Honourable Minister is prepared to consider the cases of those villages where there is scarcity of water ?

Minister : Certainly.

RURAL DISPENSARIES IN KANGRA DISTRICT.

***4827. Rai Bahadur Lala Gopal Das :** Will the Honourable Minister of Education be pleased to state—

- (a) the number of rural dispensaries in the Kangra district ;
- (b) whether he is aware of the fact that medical facilities in this district are quite inadequate to meet the needs of the inhabitants ; if so, the action the Government intends to take in the matter?

The Honourable Mian Abdul Haye : (a) Fourteen.

(b) Attention of the honourable member is invited to the answer given to starred question No. 4390.¹

Chaudhri Muhammad Hassan : May I know how many rural dispensaries were opened during the time of this ministry ?

Minister : None.

Lala Duni Chand : May I know if the Kangra district is regarded as a backward district for purposes of medical aid and if so what scheme of medical aid is under consideration ?

Minister : I have already stated more than once that we have now before us a programme of establishing subsidised dispensaries and the Kangra district will have its due share.

Lala Duni Chand : Will it be regarded as a backward district with a view to extend medical aid to that district ?

Minister : Yes, along with other backward areas.

Chaudhri Muhammad Hassan : Does the Honourable Minister intend to open any rural dispensaries in the Kangra district ?

Minister : No.

Chaudhri Muhammad Hassan : What are the reasons ? Are the present dispensaries sufficient in number ?

Minister : The initial cost and the annual cost is very high and we have now substituted another scheme which is called the scheme of subsidised practitioners.

Chaudhri Muhammad Hassan : When will the new scheme come into operation ?

Minister : The honourable member was not here when I replied to that question.

Chaudhri Muhammad Hassan : Will he please state it once more ?

Minister : I may state it for the benefit of the honourable member that the rules regarding these subsidised practitioners are now being framed and as soon as these rules are ready, proper action will be taken to establish subsidised practitioners throughout the Punjab.

Chaudhri Muhammad Hassan : What time will it take ?

Minister : It will not take very long.

Chaudhri Muhammad Hassan : Will it take a year, two or three ?

Mr. Speaker : Disallowed.

FALL IN PERCENTAGE OF SUCCESSFUL STUDENTS IN THE LL.B.
EXAMINATION.

***4844. Pandit Muni Lal Kalia :** Will the Honourable Minister of Education be pleased to state whether it is a fact that the percentage of successful students in the LL.B. examination during the last five years has fallen considerably and if so, the reasons for this fall in the percentage of the successful candidates ?

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

F. E. L. AND LL.B. STUDENTS UNDER THE OLD REGULATION.

***4845. Pandit Muni Lal Kalia :** Will the Honourable Minister of Education be pleased to state—

(a) whether it is a fact that no examination for the LL.B. students will be held under the old syllabus after 1939 so far as LL.B. students under the old regulation are concerned ; if so, why and whether before arriving at this decision, it was taken into consideration that this will cause irreparable loss to students, otherwise eligible for appearing in F. E. L. and LL.B. examinations under the old regulation, who may fail or who may not be able to appear for sufficient cause in the examination this year ;

(b) the number of such students who are to appear in the F. E. L. and LL.B. examinations in 1939 under the old regulation ?

The Honourable Mian Abdul Haye : (a) No.

(b) F.E.L.	..	..	..	..	7
LL.B.	..	..	..	..	183

GRANT OF RECOGNITION TO DEV SAMAJ GIRLS SCHOOL, LAHORE.

***4846. Pandit Muni Lal Kalia :** Will the Honourable Minister of Education be pleased to state—

(a) whether it is a fact that the question of granting recognition to the Dev Samaj Girls School, Lahore, which is at present located in a decent building situated in a healthy locality and where about 400 girls receive education under a competent staff headed by a B.A., B.T. headmistress is pending for the last several years ;

(b) whether he is aware that representations have repeatedly been made by the school management, the residents of the locality and the parents of the students residing in the several new

[Pandit Muni Lal Kalia.]

Abadis on the west of Lower Mall right from Veterinary College to Sanatan Dharam College, requesting that the said school may be brought on the list of recognised schools ;

(c) whether he is also aware that great inconvenience is caused to the school management and also to the parents of girls for obtaining permission for the latter for appearing in the Middle Standard Examination ;

(d) if the answer to the above be in the affirmative, what particular objection the department has in withholding recognition to an institution run by a registered body for the benefit of young girls of the neighbouring locality ?

The Honourable Mian Abdul Haye : (a) Yes. The question of recognition has been considered on several occasions since 1935 and refused.

(b) Yes.

(c) Government has no information.

(d) It is considered that the existing accommodation is sufficient for a primary school only and not for a middle school.

Pandit Muni Lal Kalia : May I know the reasons for refusal to grant recognition ?

Minister : I have already stated in reply to part (d) of the question that it is considered that the existing accommodation is sufficient only for a primary school and not for a middle school.

Pandit Muni Lal Kalia : When was the building inspected last from that point of view that the accommodation was only sufficient for a primary school ?

Minister : I have not followed the question.

Pandit Muni Lal Kalia : When was the building inspected last to come to the conclusion that the building was not sufficient for a middle school ?

Minister : If the honourable member wants the date, I am unable to give him the exact date.

Pandit Muni Lal Kalia : May I know whether the school was ever inspected by the department for that purpose ?

Minister : I would require notice. It must have been inspected, otherwise there is no occasion for saying that the accommodation was not sufficient for a middle school.

Pandit Muni Lal Kalia : Do the papers show that the school was ever inspected ? Have you those papers with you ?

Minister : I have not got them here to-day.

NEW ABADIS NEAR RAJGARH, LAHORE.

*4853. **Makhdumzada Haji Sayad Muhammad Wilayat Husain Jeelani :** Will the Honourable Minister of Public Works be pleased to state whether the residents in the new abadis near Rajgarh, Lahore, submitted a number of memorials, recently to Government and other local

authorities, including the Administrator, Lahore Municipality, regarding the bad condition of the roads in the locality and unhealthy condition of the locality itself; if so, what action Government proposes to take in order to redress the grievances of the inhabitants?

Parliamentary Secretary (Shaikh Faiz Muhammad): The honourable member is referred to the reply given to starred question No. 3649.¹ As regards roads, the Administrator is doing his best to improve their condition.

FORMATION OF BOARD TEACHERS' UNION IN HOSHIARPUR DISTRICT.

***4859. Sardar Hari Singh:** Will the Honourable Minister for Education be pleased to state—

- (a) the date of the withdrawal of the circular issued sometime ago by the District Inspector of Schools, Hoshiarpur district, banning formation of Board Teachers' Union in the district or banning teachers from becoming members of such a Union;
- (b) whether a Board Teachers' Union has now been formed in that district and also recognised by the District Inspector of Schools?

The Honourable Mian Abdul Haye: (a) The honourable member is referred to the reply to Assembly question No. *4544.²

(b) A Board Teachers' Union exists in the Hoshiarpur district. The question of its recognition by the District Inspector of Schools does not arise as the formation of the Union was approved by the district board.

GOVERNMENT INTERMEDIATE COLLEGE, GUJRAT.

***4964. Sardar Hari Singh:** Will the Honourable Minister for Education be pleased to state whether the Department has had under consideration the question of closing the Government Intermediate College, Gujrat; if so, reasons for the same?

The Honourable Mian Abdul Haye: The attention of the honourable member is invited to the answer to starred question No. *4588³ asked at the current session of the Assembly.

Chaudhri Muhammad Hassan: Is it a fact that the Honourable Minister received a representation including in its signatories Hindus, Sikhs and Muslims that the college should not be closed?

Minister: I have.

Chaudhri Muhammad Hassan: What orders did the Honourable Minister pass on that representation?

Minister: No orders were necessary. The matter was under consideration whether the college should be closed or not and this representation was duly considered and the Government came to the conclusion that the college should be closed.

¹Volume VI, page 853.

²Page 130 ante.

³Page 126 ante.

Chaudhri Muhammad Hassan : What were the reasons for arriving at this conclusion ?

Minister : I stated them yesterday.

Lala Bhim Sen Sachar : May I know what economy has been effected by the closing down of the Gujrat College ?

Minister : We would save ultimately about Rs. 30,000 a year.

Lala Bhim Sen Sachar : In what manner ?

Minister : The money that was being spent on the maintenance of this college including the salary of the staff.

Lala Bhim Sen Sachar : Will the professors of that college be turned out ?

Minister : They will be absorbed elsewhere.

Lala Bhim Sen Sachar : I take it that they are permanent.

Minister : Yes.

Lala Bhim Sen Sachar : Then in what manner will the economy be made ?

Minister : By absorbing them elsewhere and not recruiting fresh men.

Lala Bhim Sen Sachar : Do I take it that there will be some reduction of the staff consequent upon this closure ?

Minister : No.

Lala Bhim Sen Sachar : Is it or is it not a fact that these persons are also members of the teaching staff of the school ?

Minister : Which school ?

Lala Bhim Sen Sachar : At Gujrat there is an intermediate college and attached to it there is also a school. Will these teachers continue to teach the ninth and the tenth classes or will all of them be shifted to other places ?

Minister : I have already stated that the staff would be absorbed elsewhere and not in Gujrat.

Lala Bhim Sen Sachar : What would be the number of that staff ?

Minister : About 18.

Lala Bhim Sen Sachar : Do I take it that 18 professors are now absorbed in teaching solely two classes.

Minister : They will be absorbed elsewhere.

Lala Bhim Sen Sachar : May I explain myself. Eighteen professors will be shifted from Gujrat to some other place. Are they now teaching the ninth and the tenth classes only ?

Minister : These classes will also be closed, because there is no Government middle school.

Lala Bhim Sen Sachar : Is the Honourable Minister perfectly satisfied that there are arrangements for teaching of science in the zamindara college ?

Minister : I am. There are.

Lala Bhim Sen Sachar : Is the Honourable Minister perfectly satisfied that proper arrangements do exist ?

Minister : Proper arrangements are being made.

Lala Bhim Sen Sachar : May I enquire whether I am correct or not in assuming that proper arrangements have not so far been made and no arrangements will be made ?

Minister : Proper arrangements do not exist at present for the mere fact that there is no college at present. As soon as they open a college and before they open the college, proper arrangements will be made.

Lala Bhim Sen Sachar : Am I not correct in saying that the arrangements shall not be in existence on the day the Government College closes ?

Minister : There are no reasons to assume it.

Lala Bhim Sen Sachar : Is the Honourable Minister satisfied that the arrangements are there ? Can he state it with confidence on the floor of this House ?

Minister : I can state with confidence that steps are being taken by the authorities of that institution for the proper arrangements for the teaching of science and that the University is also satisfied.

Lala Bhim Sen Sachar : Is the Honourable Minister in a position to say up to what time these authorities will be able to make their arrangements ?

Minister : I am afraid I cannot give any specific date.

S. Lal Singh : Will the Honourable Minister let me know what is the guarantee that this private college will carry out their promises which they have made to bring the college to the same standard ? What is the guarantee that the Government have that this communal college or the management of the communal college will carry out this policy ?

Minister : It is not a communal college. It is a zamindara college and the guarantee is the same as we get when we permit other colleges.

Lala Bhim Sen Sachar : Is this college not a denominational college within the meaning of the language employed by the Honourable Minister in the budget session at Simla in 1937 ?

Minister : It is a zamindara college and not a communal college. Was it not made clear to the honourable member yesterday that on the management of this institution there are Muslims, non-Muslims, Hindus, Sikhs and zamindars of all communities ?

Chaudhri Muhammad Hassan : Is it a fact that the representation was signed by zamindars and tenants and landlords ?

Minister : May have been.

Minister : The representatives on the other side included people of all communities such as agriculturists and non-agriculturists and the balance was in favour of the college being allowed to be re-opened.

Chaudhri Muhammad Hassan : How many out of the representatives were agriculturists ?

Mr. Speaker : Disallowed.

DACOITIES COMMITTED IN JHARSA AND REWARI TAHSILS.

***4141. Lala Duni Chand :** Will the Honourable Premier be pleased to state—

- (a) the number of dacoities committed in Gurgaon district during the year 1938 ;
- (b) the number of dacoities committed in Jharsa near Gurgaon and Sardhana near Farrukhnagar and in Rewari tahsil, Gurgaon district, during the months of November and December, 1938 ;
- (c) whether any persons have been arrested so far in connexion with the dacoities committed at Jharsa and Sardhana ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :
(a) Four.

(b) During the period mentioned there was one dacoity only in the district—at Kanhora in the Rewari tahsil. Dacoities were, however, committed at Jharsa and Sardhana towards the end of October.

(c) Three persons have been arrested in the Jharsa case ; none so far in the Sardhana case. The investigation of the two cases is still proceeding.

CONFISCATION OF GUNS AND REVOLVERS IN THE PUNJAB.

***4313. Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to state the number and names of persons in the various districts of the Punjab whose revolvers and guns were confiscated during the year 1938 and the reasons for those confiscations ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : An attempt has been made to collect the desired information and a statement is laid on the table summarising the reports obtained from the districts. (It is not the practice to give names in such cases). If, however, the honourable member wishes to have accurate information I shall have to ask him to define what he means by the term "confiscate". It is apparent that the various Deputy Commissioners have interpreted it in different ways, and the figures in the statement must be accepted with some reserve.

Sardar Sohan Singh Josh : May I know whether the name of Sardar Rajindhar Singh Sansi is also included in the list of persons whose revolvers and guns have been confiscated during the year 1938 ?

Parliamentary Secretary : The honourable member can find out for himself from the statement placed on the table.

Sardar Sohan Singh Josh : Will he kindly read the list and let me know this fact ?

Parliamentary Secretary : The honourable member can himself see it.

Sardar Sohan Singh Josh : May I know why the revolver of Sardar Rajindhar Singh has been confiscated ?

Parliamentary Secretary : If the honourable member reads the statement he will find the reasons stated against every name whose revolver was confiscated.

STATEMENT.

Sl. No.	District.	GUNS.		Reasons, including the provision of law under which confiscation was ordered.	REVOLVERS AND PISTOLS.		Reasons, including the provision of law under which confiscation was ordered.
		Number confiscated.			Number confiscated.		
1	2	3	4	5	6		
1	Hisar ..	Nil.	..	Nil.	..		
2	Rohtak ..	Nil.	..	Nil.	..		
3	Gurgaon ..	Nil.	..	Nil.	..		
4	Karnal ..	6	Confiscated by the court under section 517, Criminal Procedure Code.	2	Confiscated by the court under section 517, Criminal Procedure Code.		
5	Ambala ..	1	..	3	Confiscated by the Court under section 24 of the Indian Arms Act, 1878.		
6	Simala ..	Nil.	..	Nil.	..		
7	Kangra ..	22	Three confiscated by the court under section 517, Criminal Procedure Code. Nineteen confiscated by the court under section 24 of the Indian Arms Act, 1878.	Nil.	..		
8	Hoshiarpur ..	Nil.	..	Nil.	..		
9	Jullundur ..	Nil.	..	Nil.	..		
10	Ludhiana ..	10	Four confiscated by the court under section 517, Criminal Procedure Code. Six confiscated by the court under section 24 of the Indian Arms Act, 1878.	11	One confiscated under section 517, Criminal Procedure Code. Ten confiscated by the court under section 24 of the Indian Arms Act, 1878.		

Serial No.	District.	GUNS.		Reasons, including the provision of law under which confiscation was ordered.	REVOLVERS AND PISTOLS.		Reasons, including the provision of law under which confiscation was ordered.
		Number confiscated.			Number confiscated.		
1	2	3	4	5	6		
11	Ferozepore	11	Confiscated by the court under section 24 of the Indian Arms Act.	Twenty-five inclusive of 23 country made pistols.	Confiscated under section 24 of the Indian Arms Act, 1878.		
12	Lahore	4	Confiscated by the court under section 24 of the Indian Arms Act.	3	Confiscated by the court under section 24 of the Indian Arms Act, 1878.		
13	Amritsar	4	Confiscated by the court under section 517, Criminal Procedure Code.	8	Confiscated by the court under section 517, Criminal Procedure Code.		
14	Gurdaspur	Nil.		4	Three confiscated by the court under section 24 of the Indian Arms Act and 1 confiscated by court under section 517, Criminal Procedure Code.		
15	Shikot	Nil.		Nil.			
16	Gujranwala	5	Three confiscated under section 24 of the Indian Arms Act, 1878 and 2 by the Court under section 517 of the Criminal Procedure Code.	Nil.			
17	Sheikhupura	Nil.		Nil.			

18	Gujrat ..	..	1	Confiscated by the court under section 517, Criminal Procedure Code.	1	Confiscated under section 517, Criminal Procedure Code.
19	Shahpur ..	..	Nil.	..	Nil.	..
20	Jhelum ..	..	1	Confiscated by the court under section 24 of the Indian Arms Act, 1878.	3	Confiscated by the court under section 24 of the Indian Arms Act, 1878.
21	Rawalpindi ..	..	2	Confiscated by the court under section 517, Criminal Procedure Code.	Nil.	..
22	Attock ..	..	6	Five confiscated by the court under section 24 of the Indian Arms Act, 1878, and 1 under section 517, Criminal Procedure Code.	3	Confiscated by the court under section 24 of the Indian Arms Act, 1878.
23	Mianwali ..	..	13	Confiscated by order of the court under section 517 of the Criminal Procedure Code.	1	Confiscated under section 517 of the Criminal Procedure Code.
24	Montgomery ..	..	Nil.	..	Nil.	..
25	Jhang ..	..	Nil.	..	Nil.	..
26	Multan ..	..	1	Confiscated by the court under section 24 of the Indian Arms Act, 1878.	Nil.	..
27	Muzaffargarh ..	..	1	Confiscated by the court under section 517, Criminal Procedure Code.	1	Confiscated by the Court under section 517, Criminal Procedure Code.
28	Lyalpur ..	..	4	One confiscated by the court under section 517, Criminal Procedure Code. Three under section 24 of the Indian Arms Act, 1878.	Nil.	..
29	Dera Ghazi Khan ..	..	Nil.	..	Nil.	..
Total ..			92	..	65	..

GUNS AND REVOLVER LICENCES.

***4314. Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to give a consolidated list of persons who were given licences in the Punjab for keeping revolvers and guns for self-protection in 1938 ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh)
A statement is laid on the table.

STATEMENT.

New revolver and gun licences granted during 1938.

Division.	District.	Revolvers or pistols.	GUN FOR	
			Protection.	Protection combined with either sport or display or both.
1	2	3	4	5
AMRALA	Hissar	4	66	44
	Rohtak	2	7	8
	Gurgaon	1	28	17
	Karnal .. ..	..	4	19
	Ambala	5	6	83
	Simla	2	3	20
	Total	14	114	191
JULLUNDUR	Kangra	2	18	332
	Hoshiarpur	14	21	63
	Jullundur	2	13	47
	Ludhiana	1	16	16
	Ferozepore	9	41	96
	Total	28	109	554
LAHORE	Lahore	32	25	236
	Amritsar	22	44	26
	Gurdaspur	2	11	51
	Sialkot	4	13	71
	Gujranwala	5	6	29
	Sheikhpura	12	7	83
	Total	77	106	483

DIVISION.	District.	Revolvers or pistols.	GUNS FOR	
			Protection.	Protection combined with either sport or display or both.
1	2	3	4	5
RAWALPINDI	Gujrat	1	..	24
	Shahpur	2	24	62
	Jhelum	5	3	37
	Rawalpindi	7	1	150
	Attock	6	2	50
	Mianwali	4	1	57
	Total	25	31	380
MULTAN	Montgomery	8	16	51
	Lyallpur	2	4	11
	Jhang	2	2	39
	Multan	3	6	64
	Muzaffargarh	2	..	14
	Dera Ghazi Khan	5	20	..
	Total	22	48	169
GRAND TOTAL		166	408	1,782

BAN ON JANUARY ISSUE OF *CHINGARI*.

***4378. Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to state the reasons for banning the January issue of the monthly *Chingari* Saharanpur (U. P.) in the Punjab and place before the House the articles objected to by the Government ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : *First part.*—The January 1939 issue of the *Chingari* was proscribed as it contained matter of the nature described in clause (a) of sub-section (1) of section 4 of the Indian Press (Emergency Powers) Act, 1931.

Second part.—Government do not wish to give further publicity to the objectionable articles by placing them before the House.

Sardar Sohan Singh Josh : Will the Parliamentary Secretary kindly state the page and the article which in the opinion of the Government was objectionable ?

Parliamentary Secretary : I have nothing to add to the answer given by me.

Master Kabul Singh : Did the Government think that by the entering of the *Chingari* in the Punjab the Ministry of Sir Sikander Hyat would go to pieces ?

Parliamentary Secretary : No, the Government is not going to pieces inspite of the wishes of my honourable friend.

Master Kabul Singh : Then, why is the entry of that paper banned in the Punjab ?

Parliamentary Secretary : Because of the reasons given in my reply to the original question.

3 P.M.

FINANCIAL COMMISSIONERS.

***4453. Lala Duni Chand :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the number of Financial Commissioners serving at present ;
- (b) the number of Financial Commissioners on leave drawing the salary of their post ;
- (c) the reasons for increase in the number ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) Two permanent posts of Financial Commissioners. .

(b) None.

(c) Increase of work in connection with famine and agrarian legislation necessitated the appointment of Mr. Mitchell as Additional Financial Commissioner from 15th March, 1939, to assist Mr. Dobson for the disposal of work other than famine and agrarian legislation and settlement.

Lala Duni Chand : May I know if some time ago only one Financial Commissioner was regarded as sufficient for the Punjab ?

Parliamentary Secretary : It is quite possible.

Lala Duni Chand : May I know the cost of each Financial Commissioner including the cost of his establishment ?

Parliamentary Secretary : I have not followed my honourable friend.

Lala Duni Chand : May I know the cost of one Financial Commissioner including the cost of his establishment ?

Parliamentary Secretary : I would like to have notice of this question.

Lala Duni Chand : Is not the Parliamentary Secretary aware of the fact that each Financial Commissioner draws Rs. 3,500 a month ? Is he ignorant of this much ?

Parliamentary Secretary : What is the inference ?

Lala Duni Chand : The obvious inference that you are adding to the burden of the province.

Parliamentary Secretary : The honourable member has asked a question and has given the answer himself. So, what have I to do ?

Chaudhri Muhammad Hassan : How many I.C.S. officers draw the pay of a Financial Commissioner ?

Parliamentary Secretary : The question itself is not clear to me.

Chaudhri Muhammad Hassan : I will speak in Urdu. (The honourable member then put the question in Urdu).

Parliamentary Secretary : May I reply to this question in Punjabi ?

Mr. Speaker : This question does not arise.

Rai Bahadur Mr. Mukand Lal Puri : How many persons are there in the Punjab cadre who are drawing pay as Financial Commissioners whether they are on duty or on leave ?

Parliamentary Secretary : If my honourable friend had tried to follow the reply which I have given, everything would have been clear. I have said that there are two permanent Financial Commissioners and nobody is on leave. One is additional Financial Commissioner ; two *plus* one is equal to three.

Rai Bahadur Mr. Mukand Lal Puri : What is the reason for this increase ?

HEAD OF ANTI-CORRUPTION SECTION IN CIVIL SECRETARIAT.

***4455. Lala Duni Chand :** Will the Honourable Premier be pleased to state—

- (a) the name of the head of the anti-corruption section in the Civil Secretariat, the number of men under him and other equipment of this section of the Secretariat ;
- (b) the qualifications of the staff of trained men to investigate suspected cases of corruption in all departments as proposed ;
- (c) the cost of the newly established section, if any ;
- (d) the main lines on which the investigation will proceed ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : (a)—(c). The strength and cost of the proposed special staff is shown in the Schedule of New Expenditure for 1939-40—item (5) under the head “25—General Administration.” Khan Qurban Ali Khan, who has been chosen to be in charge of the staff, is an officer with over seventeen years in the Indian Police. His last appointment was as Superintendent of Police at Rawalpindi—an appointment which he held from April, 1935, till he went on leave a few months ago. It is not perhaps necessary to give the names of the inspector and the two sub-inspectors who have been chosen to assist the officer in charge of the agency, but they are all three men chosen for their detective ability and with established reputations for honesty.

(d) The Honourable Premier hopes shortly to make a statement covering this subject.

Lala Duni Chand : Before making this appointment, did the Government consider the question, namely, whether a police officer will be a suitable person for the purpose of detecting or removing corruption ?

Parliamentary Secretary : The Government considered the question from all its phases.

Lala Duni Chand : May I know what particular qualifications are possessed by this gentleman for this office ?

Parliamentary Secretary : In the opinion of the Government he is eminently suited for the work that is entrusted to him.

Lala Duni Chand : Has he brought to the notice of the Government any scheme or plan to weed out corruption from the various departments ?

Parliamentary Secretary : I have already stated that the Honourable Premier is shortly going to make a statement on this point.

Lala Duni Chand : My question was whether this newly appointed gentleman has prepared any scheme with a view to weed out corruption. May I ask whether he has done so or not ?

Parliamentary Secretary : The honourable member is referred to part (d) of this question. I think the honourable member will be satisfied on the point when the Honourable Premier makes a statement.

Lala Duni Chand : Is the Government aware of the fact that since the establishment of the present regime corruption has increased manifold ?

Parliamentary Secretary : This is entirely wrong.

Khawaja Ghulam Samad : May I ask the Parliamentary Secretary to state whether the Government is prepared to issue orders to the various departments that the anti-corruption staff superintendent may find out and when satisfied, investigate cases of corruption in all the departments of the Government in the province ?

Parliamentary Secretary : The Government will certainly consider all the suggestions but the Government cannot give any definite undertaking to the honourable member whether his suggestion will be accepted.

Chaudhri Muhammad Hassan : Has the gentleman who is deputed as Corruption Officer any experience for eradicating corruption from the district where he served as Superintendent of Police ?

Parliamentary Secretary : The gentleman is a capable and experienced officer.

Lala Duni Chand : Is Government aware of the fact that during the last two years corruption in many ways has increased very much ?

Parliamentary Secretary : It is not at all a fact.

Pandit Shri Ram Sharma : May I know whether the officer appointed for anti-corruption work is connected with a department already notorious for corruption ?

Mr. Speaker : That is not a question.

Chaudhri Muhammad Hassan : Is it a fact that during the tenure of office of this particular officer as Superintendent of Police of a district corruption was rampant in that district ?

Parliamentary Secretary : It is not a fact.

Chaudhri Muhammad Hassan : Has this fact been considered that during his tenure of office as Superintendent of Police in the district corruption was rampant in that district ?

Parliamentary Secretary : I have already stated that it is absolutely incorrect.

Khawaja Ghulam Samad : Is Government confident that the anti-corruption staff with such limited powers can do useful work ?

Mr. Speaker : That is a matter of opinion ; disallowed.

Sardar Lal Singh : Will the Parliamentary Secretary let us know in the case of corruption of a Minister, to which officer report is to be made ?

Mr. Speaker : Disallowed.

Chaudhri Muhammad Hassan : Have the sub-inspectors and inspectors subordinate to the Superintendent of Police been tested for efficiency and honesty ?

Parliamentary Secretary : They have a reputation for honesty and efficiency.

Chaudhri Muhammad Hassan : By whom was that done, by the Parliamentary Secretary ?

Parliamentary Secretary : Government was satisfied that those persons were suitable for the job.

Chaudhri Muhammad Hassan : What was the material before the Government to satisfy itself ?

Parliamentary Secretary : It is not necessary to lay the whole material before the House.

Pandit Shri Ram Sharma : Why have the Government not appointed a civil instead of a police officer for the purpose ?

Parliamentary Secretary : In the opinion of Government an experienced police officer would prove more successful.

Pandit Shri Ram Sharma : Can a police officer prove more successful for eradicating corruption than any body else ?

Parliamentary Secretary : Yes, an honest and experienced police officer is likely to prove more suitable.

Khawaja Ghulam Samad : Had not the Government taken into consideration the established renown for honesty and efficiency of the police officer appointed as anti-corruption staff superintendent ?

Parliamentary Secretary : Certainly.

EXAMINATION FOR HONORARY MAGISTRATES.

*4472. **Khawaja Ghulam Samad :** Will the Honourable Premier be pleased to state—

(a) whether any test or examination is prescribed for honorary magistrates before their appointment ;

(b) the minimum academic qualifications required for honorary magistrates ;

[Kh. Ghulam Samad.]

- (c) whether there are any honorary magistrates possessing qualifications below the standard fixed; if so, whether Government proposes to take any action in their case?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh):

(a) No, but it is a rule that gentlemen proposed for appointment shall first undergo a course of training arranged by the District Magistrate and study the essential portions of the Codes.

(b) No definite standard has been laid down, but the attention of the honourable member is invited to rule 12 of the Rules for the Appointment of Honorary Magistrates and Honorary Subordinate Judges.

(c) Does not arise.

Khawaja Ghulam Samad: May I know whether he is aware that there are illiterate honorary magistrates working on the bench of honorary magistrates?

Parliamentary Secretary: May be, it has not come to my notice.

Lala Duni Chand: May I know if Government has not become sick of these honorary magistrates and subordinate judges?

Mr. Speaker: Disallowed.

Lala Duni Chand: May I know if the honorary magistrates and subordinate judges have proved a success?

Parliamentary Secretary: Yes.

Lala Duni Chand: May I know if it is not a fact that there is a widespread feeling against the appointment of honorary magistrates?

Parliamentary Secretary: Government is not aware of any such widespread feeling.

Lala Duni Chand: May I know if the reason for appointing honorary magistrates is the bestowing of favour on selected people?

Mr. Speaker: Disallowed.

Lala Deshbandhu Gupta: Are there any honorary magistrates who are practically illiterate?

Parliamentary Secretary: I have no information on that point.

Lala Deshbandhu Gupta: Are there any honorary magistrates who are not even matriculates?

Parliamentary Secretary: There may be some who may not be matriculates but they have sufficient legal knowledge to carry on their work as honorary magistrates.

Rai Bahadur Mr. Mukand Lal Pari: Are there some honorary magistrates who can only write their names and append their signatures to judgments written by others.

Parliamentary Secretary: I have no information but I cannot believe it to be a fact.

Rai Bahadur Mr. Mukand Lal Pari: Will the Parliamentary Secretary enquire about the appointment of honorary magistrates in the Dara Ghazi Khan district?

Parliamentary Secretary : If a notice is given I will collect the information.

Rai Bahadur Mr. Mukand Lal Puri : Does Government propose to discontinue the practice of nominating fresh honorary magistrates ?

Parliamentary Secretary : No.

Rai Bahadur Mr. Mukand Lal Puri : Is Government aware that some of the honorary magistrates are terrorising those people who voted against them and their relations ?

Parliamentary Secretary : Government is not aware of it.

Lala Deshbandhu Gupta : Are Government aware that there are certain honorary magistrates who have not passed even primary or secondary school examinations ?

Parliamentary Secretary : Perhaps.

Lala Duni Chand : May I know if it is within the knowledge of the Government that not even a single honorary magistrate or subordinate judge has met with the approval of the public ?

Parliamentary Secretary : They are doing public service.

Pandit Muni Lal Kalia : Is Government prepared to revise the rules regarding the academic qualifications at the time of appointment of these honorary magistrates ?

Parliamentary Secretary : Government has no reason to revise the qualifications laid down for the appointment of honorary magistrates.

Mian Abdul Rab : May I know how much time an honorary magistrate requires before he is invested with powers ?

Parliamentary Secretary : I am placing the rules before the House¹ and the honourable member can study them.

Mian Abdul Rab : Will he please read the relevant portion ?

Parliamentary Secretary : The honourable member can satisfy himself by reading the rules.

CONFISCATION OF LICENCES.

***4477. Khawaja Ghulam Samad :** Will the Honourable Premier be pleased to state—

- (a) the number of licence-holders of arms in the Hissar city ;
- (b) the number of licence-holders, with their names who hold licences for more than one fire-arm, giving the detail of fire-arms in each case ;
- (c) the number of licence-holders before the last year ;
- (d) the number of licence-holders with their names and detail of arms whose licences were confiscated during the above-named period ;
- (e) the reasons for that confiscation ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :
(a) 192 (on the 31st December, 1938).

(b) 29 persons hold licences for more than one firearm, the details being as follows :—

Holding licences for 2 firearms	..	..	19
Holding licences for 3 firearms	..	..	7
Holding licences for 4 firearms	..	..	1
Holding licences for 5 firearms	..	..	2

It is not the practice to give names in such cases.

(c) 156 (on the 31st December, 1937).

(d) and (e) The renewal of four licences was refused during 1937 and 1938, since the status of the holders did not justify continuance. In addition, the licences of 64 persons were suspended last year under section 18 of the Indian Arms Act, 1878, at the time of the communal riots. These orders of suspension have since been revoked.

Khawaja Ghulam Samad : May I know the number of licences for more than one firearm, issued to various communities in the town of Hissar.

Parliamentary Secretary : I am afraid I cannot give this information to the honourable member as it has a communal tinge.

Khawaja Ghulam Samad : In my question I asked for the names, but the Parliamentary Secretary says that it is not the policy of the Government to give the names. I want to know the number of persons of each community who possess licences for more than one firearm ?

Parliamentary Secretary : If the honourable member would put an unstarred question I shall be able to supply the necessary information.

Khawaja Ghulam Samad : The Parliamentary Secretary must have received the names of these licence-holders, so he can give a reply to my question and tell me the number, community-wise, of those persons who possess licences for more than one firearm.

Parliamentary Secretary : I have already stated that I am not prepared to answer this question on the floor of the House. But if the honourable member puts an unstarred question, I will supply him the necessary information.

Pandit Shri Ram Sharma : Are these licences issued on communal representation ?

Parliamentary Secretary : There is no question of communal representation in this matter.

Lala Deshbandhu Gupta : May I know if Congressmen are debarred as a rule from getting licences ?

Mr. Speaker : Disallowed.

Chaudhri Muhammad Hassan : Is it a fact that at the time of granting licences the opinion of the local sub-inspector is considered sufficient ?

Parliamentary Secretary : No, but the opinion of the sub-inspector carries weight.

Lala Deshbandhu Gupta : Sir, may I know as to why you have disallowed my question ?

Mr. Speaker : Because the original question and its answer relate to the Hissar city ; while the honourable member's question relates to the whole province.

Lala Deshbandhu Gupta : I shall confine my question to the Hissar district. May I know if Congressmen in Hissar city are debarred from taking licences ?

Mr. Speaker : This does not arise from the answer given.

Chaudhri Muhammad Hassan : Through what other source does the District Magistrate make enquiries while granting a licence in the Hissar city ?

Parliamentary Secretary : Through local officers and the general reputation of the applicant.

Chaudhri Muhammad Hassan : How does he become aware of the general reputation ?

Mr. Speaker : Disallowed.

Khawaja Ghulam Samad : May I know whether any Muslim in the Hissar town possesses licences for more than one firearm ?

Mr. Speaker : The Parliamentary Secretary has declined to answer such a question.

Khawaja Ghulam Samad : In the first instance I wanted to know the names of licensees. The honourable Parliamentary Secretary declined to give the names of licence holders although the information asked for must be with him. He can now reply my question very easily and tell me the number of licensees for more than one firearms community-wise.

EXPENSES OF ADDITIONAL POLICE POST AT HISSAR.

***4478. Khawaja Ghulam Samad :** Will the Honourable Premier be pleased to state—

- (a) whether there is still apprehension of a breach of peace at Hissar ;
- (b) the period for which the additional police has been posted there ;
- (c) the section of the population of that city who will have to pay the expenses of the additional police ;
- (d) the reasons why a particular section of the population will have to bear the aforesaid expenses ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :
 (a) There is no apprehension of an immediate outbreak, but the state of communal feeling is not yet entirely satisfactory and I cannot promise off-hand that it will not be necessary to extend the period for which the additional police were originally sanctioned.

(b) For one year from the 29th March, 1938.

(c) Government and municipal servants have been exempted, and the poorer menials. Otherwise all sections of the population will be required to pay their share.

[S. B. S. Ujjal Singh.]

(d) Does not arise.

I may also add that the additional police has now been withdrawn.

Khawaja Ghulam Samad : May I know whether the Government pensioners of various departments residing at Hissar have also been exempted from the payment of the expenses of the punitive police, because they were also in the past Government servants ?

Parliamentary Secretary : I am afraid I cannot give a reply to my honourable friend off-hand, but if he gives notice I shall collect that information.

Khawaja Ghulam Samad : Will he please propose to make an enquiry in this respect ?

Parliamentary Secretary : If the honourable member gives notice, necessary information will be collected.

Chaudhri Muhammad Hassan : Have the Government considered the case of poor people living in the Hissar town ?

Parliamentary Secretary : Certainly. It is within the discretion of the District Magistrate to exempt poor people and those whom he considers deserving of exemption.

Chaudhri Muhammad Hassan : Have the instructions been issued to the District Magistrate to that effect ?

Parliamentary Secretary : It rests with the District Magistrate already under the rules that he may exempt those who are unable to pay.

Chaudhri Muhammad Hassan : Has the Government given any inkling to him to that effect ?

Parliamentary Secretary : That is a standing instruction.

MURDER OF JUG LAL HARIJAN KHATIK.

***4507. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state the result of investigation by the police in the case of one Jug Lal Harijan Khatik of village Sanghi, district Rohtak, who was recently murdered at night while sleeping in his house ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : The perpetrators of the crime have not so far been traced, but investigation is still proceeding.

Pandit Shri Ram Sharma : Is the Government aware of the fact that a punitive police post was posted in the village and in spite of that police post this murder had taken place in the same village ?

Parliamentary Secretary : It is unfortunate, but the police is doing its best to investigate the case.

Pandit Shri Ram Sharma : Will the Parliamentary Secretary be pleased to state the results that have been so far achieved by the police ?

Parliamentary Secretary : I have no further information on that point. The only information is that the investigation is still proceeding.

Pandit Shri Ram Sharma : Does the Parliamentary Secretary know that this case has not yet been brought in a court for action ?

Parliamentary Secretary : As I have already stated, the case is still at the investigation stage and it has not been brought before a court of law.

KHATIK FAMILIES AND MURDER OF JUG LAL HARIJAN.

***4508. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state, whether it is a fact that a number of Khatik families have left the village Sanghi in Rohtak district, out of fear and sense of insecurity since the time Jug Lal Harijan of the same village has been murdered ; if so, the number of such families and the steps Government proposes to take to restore confidence among these poor people ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : Four Khatik families have recently migrated from Sanghi to Rohtak, but it is understood that their decision to change their residence was due purely to economic reasons and was not connected with the Jug Lal murder case.

Pandit Shri Ram Sharma : Will the Honourable Parliamentary Secretary please state whether the information, which he has read out, is given through the Police Department ?

Parliamentary Secretary : The information has been supplied by the District Magistrate.

Pandit Shri Ram Sharma : Will he be pleased to state those difficulties which existed immediately after this murder on account of which those persons left that village ?

Parliamentary Secretary : I cannot state all these difficulties. But the information, which has been communicated by the District Magistrate, is that it is not due to the murder of Jug Lal that these families have left the village.

Pandit Shri Ram Sharma : Has the Police Department enquired whether those persons had left the village on account of murder or some other reason ?

Parliamentary Secretary : The District Magistrate must have satisfied himself before supplying the information to the Government.

Pandit Shri Ram Sharma : How is it that the reasons that satisfied the officer concerned have not been mentioned ?

Parliamentary Secretary : I cannot give a detailed report.

Pandit Shri Ram Sharma : Is Government prepared to reconsider the matter ?

Mr. Speaker : That is a request for action.

EXTORTION OF BRIBE BY THE TANDA POLICE FROM SANT RAM.

***4554. Sardar Hari Singh :** Will the Honourable Premier be pleased to state—

(a) whether the Deputy Commissioner, Hoshiarpur, has recently received a petition, dated 27th January, 1939, from one Sant.

[Sardar Hari Singh.]

Ram, son of Harnam Singh, of village Harsipind, thana Tanda, district Hoshiarpur, alleging that the police at Tanda attempted to extort bribe from him on 26th January, 1939 ;

(b) if the answer to (a) above be in the affirmative, the action taken in the matter ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a) Yes.

(b) An inquiry is being made by the *Ilaga* Magistrate.

Chaudhri Muhammad Hassan : Am I to understand that the allegations of corruption are first enquired into by the *ilaga* magistrate and then by the Anti-Corruption Officer ?

Parliamentary Secretary : No. The *ilaga* magistrate is carrying on the enquiry.

Chaudhri Muhammad Hassan : Will Government consider the desirability of entrusting the investigation of bribery cases to the Anti-Corruption Department at the very outset ?

Premier : My honourable friend must realize that it is not possible for one anti-corruption officer to deal with all the cases, and particularly when 99 per cent of the applications are not genuine.

WARNING ISSUED TO "HARIANA TILAK."

***4559. Pandit Shri Ram Sharma** : With reference to the answers to my questions Nos. *3486¹ and *3802², will the Honourable Premier be pleased to state—

(a) the specific articles, notes and news and also the exaggerated and misleading statements in the '*Hariana Tilak*' on the basis of which two warnings were issued to the paper ;

(b) the reasons why the editor of the said paper would have been in jail, had not the paper been owned by Pandit Shri Ram Sharma, M.L.A., as stated in reply to a supplementary question ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : (a) and (b) " I have nothing to add to the replies given to questions *3486 and *3802. Part (b) of the question is not understood. The connection of honourable member with the paper is not likely to affect, one way or the other, the interpretation or application of law."

Pandit Shri Ram Sharma : May I ask when the *Hariana Tilak* was administered warning a second time, the Chief Secretary of the Punjab Government in his letter to the Deputy Commissioner pointed out the articles published in the newspaper which were held to be objectionable by Government ?

Parliamentary Secretary : But Government does not wish to give further publicity to those articles by placing them on the floor of the House.

¹Volume VII, page 6.

²Volume VII, page 541.

Pandit Shri Ram Sharma : I want to enquire if the translation of the articles held to be objectionable by Government was sent to the Deputy Commissioner.

Parliamentary Secretary : Yes, that is probably correct.

Pandit Shri Ram Sharma : Is Government sure that the articles in question contravened any rule or law for the time being in force ?

Parliamentary Secretary : Yes, that is why the Government took action against the paper.

Pandit Shri Ram Sharma : How have Government held those articles to be objectionable ?

Mr. Speaker : That is a matter of opinion.

Lala Deshbandhu Gupta : Is that a valid reason for Government to refuse to answer questions ? The reason given by the Parliamentary Secretary is that the Government does not want to give publicity. Do you consider that to be a valid reason ?

Mr. Speaker : It is not for me to express any opinion.

Lala Deshbandhu Gupta : The Parliamentary Secretary has taken his stand on a novel ground for not answering a question. I request you to protect the rights of this side of the House by asking him not to introduce such innovations.

Mr. Speaker : The next question.

Pandit Shri Ram Sharma : I want to ask another supplementary question. This is a very important question.

Mr. Speaker : I appreciate the importance of the honourable member's question ; but it is not fair that so large a number of supplementary questions should be allowed that no time may be left for the starred questions on the agenda of the day.

Pandit Shri Ram Sharma : You have been very lenient many times. Please allow me one more question. The Honourable Premier in answer to a supplementary question put some time back stated that if the *Haryana Tilak* had not been owned by me the Editor would have been sent to jail. In view of this I want to enquire what was the offence committed for which this threat was held out to the Editor of the said newspaper.

Parliamentary Secretary : I have not been able to find out that reply to any of the supplementary questions to which my honourable friend refers.

Pandit Shri Ram Sharma : I have framed the question after seeing it in the Assembly Report.

SHORT NOTICE QUESTIONS AND ANSWERS.

CIRCULAR PROHIBITING GOVERNMENT SERVANTS FROM BECOMING MEMBERS OF KHAKSAR MOVEMENT.

Raja Muhammad Sarfraz Khan : Will the Honourable Premier be pleased to state if recently or during the regime of previous Government a circular was issued to Heads of Departments and Deputy Commissioners

[Raja Muhammad Sarfraz Khan.]

of various districts in the Punjab asking them to prohibit Government servants from becoming members of the Khaksar organizations ; if so, why ?

The Honourable Major Sir Sikander Hyat-Khan : Before the present constitution came into force Commissioners were informed that as the Khaksar organization was not a purely religious one, rule 20 of the Government Servants' Conduct Rules prohibited Government servants from joining it.

Dr. Sir Gokul Chand Narang : Did the Honourable Premier receive any request from the Leader of this movement that Government servants should be allowed to join the movement ?

Premier : Yes.

Dr. Sir Gokul Chand Narang : What action was taken on that request ?

Premier : It is given in the answer.

Dr. Sir Gokul Chand Narang : What were the other requests of the Leader of the movement ?

Premier : One was with regard to broadcasting which is a central subject and the other was with regard to *zakat*.

Dr. Sir Gokul Chand Narang : What action has been taken in regard to the last ?

Premier : My policy in this respect was made clear in a public meeting several months ago where I said that if the Muslim community wanted to have legislation with regard to the collection of *zakat* voluntarily I would be only too glad to help them. But it is for the Muslim community to decide the question and a special committee has been formed and it is considering the question.

Dr. Sir Gokul Chand Narang : Does the Government intend to frame any law on the subject ?

Premier : Yes, if requested by the community as a whole.

Dr. Sir Gokul Chand Narang : Was any ultimatum given to the Punjab Government by the Leader of the movement that unless these three demands were conceded four thousand Jan Nisars out of the Khaksars will march upon Lahore and will be prepared to lay down their lives and that the Premier should be prepared for his death if he refused to accede to his wishes ?

Premier : I received no such ultimatum from the leader of the movement though I receive several ultimatums daily. Only the other day I received an ultimatum that if I failed to do a certain thing the whole province would be wiped off. I am still waiting for that catastrophe, and if that happens my honourable friend will go with me.

Diwan Chaman Lall : Not to the same place ? (*Laughter.*)

Premier : Certainly not.

Dr. Sir Gokul Chand Narang : He will go to the Paradise of M. Abdul Haye !

Rai Bahadur Mr. Mukand Lal Puri : Is the Honourable Premier aware that such threats were publicly given in the papers which were circulated broadcast ? If so, was action taken thereon ?

Premier : As I have already said threats are given in the papers every day and it so happens that the poor Premier is the target of all these threats. But I ignore them with the contempt which they deserve.

Dr. Sir Gokul Chand Narang : Is it a fact that one of the Parliamentary Secretaries (Mir Maqbool Mahmood) was deputed to discuss the demands with the leader of this movement ?

Premier : He was not asked to discuss the demands with the leader of the movement ; he was only asked to see the leader, because I could not see him owing to pressure of work.

Dr. Sir Gokul Chand Narang : Was any agreement drawn up between the Parliamentary Secretary and the leader of the movement ?

Premier : I am not aware of any such thing.

Dr. Sir Gokul Chand Narang : Is the Honourable Premier aware that a reference was made to this agreement in a paper called *El-Islah* ?

Premier : Reference to several things are made in papers which are not correct. Further, I may inform the honourable member that I do not get time to see all the papers and this particular thing has not been brought to my notice.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : Will the Honourable Premier please acquaint the House as to when Dr. Sir Gokul Chand Narang joined the Khaksar movement ?

Mr. Speaker : Disallowed.

RESTRICTIONS ON GOVERNMENT SERVANTS AGAINST BEING SUB-
SCRIBERS TO WEEKLY *El-Islah*.

Raja Muhammad Sarfraz Khan : Will the Honourable Premier be pleased to state—

- (a) whether there are any restriction on Government servants against being subscribers to the weekly *El-Islah*, which is an organ of the Khaksar Movement ; if so, whether the Punjab Government has issued any circular or circulars to that effect ;
- (b) if the answer to the above question be in the negative, will Government be pleased to state whether any local orders to the above effect were issued recently by the head of the co-operative department and the Commissioner of a division ; if so, why and the action the Government intends to take in the matter ?

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

(b) No orders were issued by the Registrar, Co-operative Societies, Punjab. The Commissioner, Multan division, however, advised two clerks of his office who interested themselves in the Khaksar Movement and were

[Premier.]

subscribing to the Khaksar organ, *El-Islah*, to sever their connection with the organization in view of rule 20 of the Government Servants' Conduct Rules. Government do not contemplate taking any action in the matter.

CORRUPTION IN PUBLIC SERVICES.

Khan Sahib Chaudhri Pir Muhammad : Will the Honourable Premier be pleased to state whether he is now in a position to furnish information as to the steps which Government propose to take to eradicate corruption in the public services ?

The Honourable Major Sir Sikander Hyat-Khan : As I mentioned in the House a month or two ago, the whole problem of corruption in the services was examined in a conference of officials in Simla last summer, and Government have since been considering the various suggestions which were then put forward. As a result, two circulars have now been issued to Commissioners and heads of departments. The first of these emphasizes the vital importance of the subject and invites the co-operation of the senior officers in every department in organising a vigorous and persistent campaign against corruption of every kind. The action taken in each department is to be reported every year, and Government will not hesitate to take any officer to task who shows negligence or apathy in this part of his duties. The second circular explains the new scheme under which a staff of trained investigators is being set up to assist heads of departments and the heads of local offices in investigating cases of suspected corruption. I am placing copies of the two circulars on the table and leave them to speak for themselves. Honourable members will, I hope, study them carefully.

A number of other suggestions made in the Simla conference are under the consideration of Government, among which the following may be mentioned :—

- (a) First and foremost, it is necessary to consider to what extent dismissal should be allowed on general evidence of bad reputation, without proof of specific instances of bribe-taking or the like ; and if a system of this kind is to be authorised, what safeguards are necessary. Many experienced officers consider that this is the crux of the whole problem.
- (b) Government are also considering a scheme for utilising the power mentioned in Note 1 to Article 465-A, C. S. R., to retire officers of doubtful reputation.
- (c) It is hoped also to issue instructions for a freer use of the power conferred by Article 470, C. S. R., to reduce the amount of the pension allowed to a retiring official whose service has not been thoroughly satisfactory :

Provided that the service chiefs receive a reasonable degree of assistance from the public, action on the lines indicated will, I believe, prove effective in eliminating the abuses which at present undoubtedly exist. I should like to take this occasion to appeal for the co-operation of honourable members in all parts of the House in creating a sounder public opinion on the subject and in supporting the heads of the services when attempts are made, as they are certain sometimes to be made, to impede action in particular cases.

Khawaja Ghulam Samad : Is the Honourable Premier aware that the public do not have the courage to come forward with complaints against any corrupt official ?

Premier : I know that and I am very sorry that that feeling still exists in spite of the fact that I have tried to explain to them that they need not be afraid of coming forward now.

Khawaja Ghulam Samad : May I know whether any action has so far been taken by the Government to remove the misapprehension from the minds of the public ?

Premier : I have done everything possible. I have issued circulars and *communiqués* and if they are still afraid, it is not my fault.

Khawaja Ghulam Samad : *Communiqués* and circulars are not read by the ignorant villagers but propaganda should be made in the villages. Though this is a request for action, it is the only proper thing to be done in order to eradicate corruption from the province.

Premier : I entirely agree with my honourable friend and I hope every member in this House will do his duty.

Sardar Lal Singh : In view of the fact that the Honourable Premier stated only a few minutes ago that 99 per cent of the complaints are fictitious, does he realize that statements like that frustrate the very purpose which we have in view ?

Premier : My honourable friend must also realize that false complaints stand in the way of genuine complaints coming to fruition.

DAMAGE TO CROPS BY HAILSTORM.

Sardar Muzaffar Ali Khan Qizilbash : Will the Honourable Minister of Revenue be pleased to state the amount of damage done to standing crops in the Lahore Tahsil by the hailstorm which swept the tahsil on the 6th April, 1939, and the action which the Government proposes to take to give relief to those affected by the hailstorm ?

The Honourable Dr. Sir Sundar Singh Majithia : The exact extent of the damage done by the hailstorm cannot be stated till the results of the special *girdawari*, which is in progress, are available. At present reports show that eight villages were hit hard and their crops were totally destroyed. While in the other 31 villages the damage is said to be less. The estimated remission in land revenue amounts to about Rs. 15,000.

The question of granting fodder relief is also under consideration, and adequate relief will be afforded, where necessary, on the lines that were adopted in 1937.

Sardar Lal Singh : On a point of order. May I know why a uniform practice is not followed in the matter of admitting short notice questions ? A question which is exactly the same as the question now put and answered had been sent in by me and the Honourable Minister did not accept it as short notice.

Mr. Speaker : I have no power, I think, to interfere in this matter.

PETROL.

Sayed Ajmad Ali Shah : Will the Honourable Minister for Finance be pleased to state—

- (a) whether the official price of petrol in Lahore before the 1st of April was Re. 1-9-0 per gallon ;
- (b) that in actual practice the price paid for petrol in Lahore by the consumers before the 1st of April was Re. 1-8-0 per gallon ;
- (c) that between the 1st and the 19th of Apr the price of petrol in Lahore was increased from Re. 1-8-0 to Re. 1-9-0 although the tax levied by Government had not come into force ;
- (d) that the price of petrol in Lahore since the 19th April is Re. 1-10-3 per gallon. That although Government had only levied a tax of Re. 0-1-3 per gallon the price in Lahore has gone up by Re. 0-2-3 per gallon ;
- (e) if so, whether Government is considering to take any action to stop this profiteering by the petrol companies and thereby remove the legitimate grievances of the public ?

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

(b) It is believed that petrol was sold at a number of petrol pumps at this price, i.e., Re. 1-8-0.

(c) Steps have been taken by the wholesale companies to insist on their agents selling at the official price of Re. 1-9-0.

(d) Yes, where petrol was being sold at Re. 1-8-0 previously.

(e) Government view with grave concern any form of profiteering in essential commodities where it may be proved to exist and would consider the desirability of taking such steps as are within their power to prevent such profiteering should this seem to be necessary.

UNSTARRED QUESTIONS AND ANSWERS.

SELECTION OF CANDIDATE PATWARIS BY THE DEPUTY COMMISSIONER, JULLUNDUR.

789. Master Kabul Singh : Will the Honourable Minister of Revenue be pleased to state—

- (a) whether the Deputy Commissioner, Jullundur, made a selection of candidate Patwaris on 5th December, 1938 ;
- (b) the number of candidates ;
- (c) the number of these selected candidates with their qualifications ;
- (d) why no Sikh was selected ;
- (e) the number of Sikhs among the applicants and their qualifications ;
- (f) how many of these selected had already been dismissed from service ?

The Honourable Dr. Sir Sundar Singh Majithia : I regret that reply to this question is not yet ready.

ADJOURNMENT MOTION.

LATHI CHARGE BY POLICE AT BEHRAMPUR.

Mr. Speaker : Lala Duni Chand has given notice 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 wanton and unprovoked attack in the form of a lathi charge by the police force assembled at Behrampur, police station Rupar, district Ambala, on 10th April, 1939, upon a number of men supposed to be Congress workers and Congress sympathisers who were present in the public meeting to be addressed by the Honourable Minister for Development with the result that several respectable men received injuries and the hair and beards of some of them were pulled.

Lala Duni Chand : My adjournment motion has been held up merely on the ground that the Honourable Premier has not been able to get the necessary information. I hope that he has now got the necessary information. So far as I see your attitude on the two previous occasions, there can possibly be no objection to this adjournment motion. I, therefore, request without saying anything further, that my adjournment motion might be allowed to be discussed.

Premier : The information which I have received does not in any way confirm what my honourable friend has said.

Mr. Speaker : That is a different matter. Any objection ?

Premier : Though the allegations are purely imaginary, yet I do not want to object on technical grounds.

Mr. Speaker : The honourable member, Lala Duni Chand, has the leave of the House to move the adjournment motion. It will be taken at 7 o'clock this evening or earlier if the business of the day is finished.

NO-CONFIDENCE MOTIONS.

Mr. Speaker : I have received 5 no-confidence motions (*hear, hear from the Opposition*) against the five honourable Ministers, but up till now I have received no such motion against the Honourable Premier (*Hear, hear from the Treasury Benches*).

Honourable members : It may come.

Mr. Speaker : I understand that only one notice was received in time. The other notices were received after the commencement of the business of the day.

Premier : May I submit that even though only one motion is in time and others are not, it is immaterial whether one or all were moved and I might make it clear to my honourable friends that a motion against one would be taken as a motion of no-confidence against all : *i.e.*, the whole ministry (*Opposition members : No.*) I greatly appreciate the courtesy shown by my honourable friends in not giving notice of any no-confidence motion against me, but let me assure them that I will take each one of these motions to be a motion of no-confidence against me. (*Hear, hear from*

[Premier.]

the Treasury Benches), because we have joint responsibility and my honourable friends may rest assured that my shoulders are broad enough to bear the responsibility (*hear, hear*).

Chaudhri Krishna Gopal Dutt : It is to brow beat the Unionist Party that the Premier declares that a vote against any minister is a vote against the Premier.

Dr. Gopi Chand Bhargava : I beg to submit that what the Honourable Premier has been pleased to say now would have been quite relevant if the leave had been granted for the motion to be moved. Unless the motion is moved and it is accepted, we cannot reply to what he has said.

Chaudhri Muhammad Hassan (Ludhiana, Muhammadan, Rural) : My motion reads—

“ This House expresses its want of confidence in Mian Abdul Haye, the Minister of Education.

(*Opposition cheers.*)

Mr. Speaker : The honourable member has moved that leave be granted to express want of confidence in the Minister for Education, Mian Abdul Haye. Those in favour of leave being granted will please rise in their seats.

(*As more than fifty members rose in support of the motion the Speaker announced amidst Opposition cheers that leave was granted to the motion being moved.*)

Mr. Speaker : The motion will be taken up to-day after the adjournment motion or to-morrow.

Diwan Chaman Lall : May I say one word ?

Mr. Speaker : There is some misunderstanding.

Diwan Chaman Lall : Will you please permit me to say one word with regard to this matter ? You were kind enough to say that this motion may be taken up to-morrow. May I suggest that in view of the heavy agenda to-day, we have already been sitting for an hour and a half now and we have a Bill to go through and we do not know how long it will take, it would not be fair either to the House or to the members of the House to take up a particular motion like a motion of no-confidence at the tail end of a busy day and that therefore you must consult the convenience of the Honourable the Leader of the House as well as the Leader of the Opposition and, if there is no objection, fix to-morrow or any other day near about that suits my honourable friends.

Premier : I suggest that if we finish the business early then we might take up this motion immediately after the adjournment motion, and then go on with it to-morrow. After all this motion will take time and you cannot dispose it of in a few hours. I think we would require at least four or five hours. We might begin to-day and sit to-morrow. As a matter of fact I have got a formal motion ready. I propose to move that we should sit to-morrow beginning at 12 noon and go on till 8 in the evening, so that we can give ample time to all sections of the House.

Dr. Gopi Chand Bhargava : On a point of order. I invite your attention to rule 45 which reads—

That the motion shall be taken up on the same day. Provided that if the business on the list of the day is concluded earlier, the motion shall be taken up at the conclusion of such business.

An adjournment motion is the last thing to be discussed on a day, therefore you cannot take up the no-confidence motion to-day.

Mr. Speaker : The day's business will be taken up first and when it is disposed of, say at 5 or 6 P. M., the adjournment motion will be taken up. If that motion also is disposed of, say 1 or $\frac{1}{2}$ P. M. an hour before 7 P. M., then and then alone will the motion of no-confidence be taken up. If the adjournment motion is taken up at 7 P. M. and finished at 9 P. M. in that case this motion will not be taken up to-day.

Mian Abdul Aziz : Why to-morrow at 12 noon? Has it become a rule of this House that we must break our rules? Though the actual time of sitting is 2 o'clock, yet we find that for about twenty days during this session the meetings have been held earlier than the usual time.

HOURS OF SITTING.

Premier : Preference should be given to the business of this House and not to our private business. I move—

That the Assembly do meet to-morrow, Saturday, at 12 noon of the clock, that there be no questions and that the sitting on that day be adjourned on completion of the business set down in the list of business for that day.

Mr. Speaker : Motion moved—

That the Assembly do meet to-morrow, Saturday, at 12 noon of the clock. That there be no questions and that the sitting on that day be adjourned on completion of the business set down in the list of business for that day.

Dr. Gopi Chand Bhargava : Sir, we have established a convention that whenever we have to take a day or take time of interruption I must, at least, be consulted about it. I am sorry to say that I have not been consulted about it at all. It is the first time I have heard that such a motion is being moved. There is no reason why we should depart from the practice already established. The reason why on previous occasions we did not meet at 2 o'clock and changed the time of meeting to 12 o'clock was that there was some engagement in the afternoon and, therefore, we changed the time because it was convenient to members of the House on both sides. Therefore, so far as this sitting at 12 o'clock is concerned, I beg to submit that there is no reason why we should change it. There is another part of this motion and that is that we go on sitting till we finish the business of the day. That would mean that if a motion which is before the House is not finished, then we should sit till 12 o'clock of the night. I find no reason whatsoever why we should be called upon to sit longer and why we should break our rules. When we broke the rules in the past, we broke them because the matter was very urgent. In this very session we sat longer on the 31st because we wanted the financial Bill to be passed on that very day, otherwise we would not have sat longer than half past six on that day. I, therefore, submit that this motion should not be accepted and the convention which we had adopted should not be broken.

Dr. Sir Gokul Chand Narang : May I say a word on this point with your permission ?

Premier : My honourable friend the Leader of the Opposition has complained that I did not consult him. There was no time for consultation because I did not expect that we will sit beyond to-day. The motion which necessitates our sitting to-morrow has been admitted only now by you, and my motion had to be moved at the spur of the moment.

Diwan Chaman Lall : There was a confidence motion to be moved by my honourable friend's party also.

Premier : We were hoping that we might finish the work to-day. It would not be possible to do so under the circumstances.

Dr. Sir Gokul Chand Narang : I have already protested against this frequent breach of the rules of this House and I entirely endorse the remarks of the honourable member on my left that it has really become a rule with the Government to break the rules framed by this House. Besides the reasons which the Honourable Leader of the Opposition has given, I would draw your attention to another matter which seems to be entirely ignored by the Government and that is this, that whereas the Government is master of its own time, all the members of the Cabinet and the Parliamentary Secretaries are masters of their own time, the ordinary members of this House are not entirely masters of their own time. There are many legal practitioners among the members and they have their own duties to perform. The Honourable Premier gets up at any moment with a slip of paper in his hand and moves that the House do meet from such and such a day at 12 and sit till such and such hour. That is really unfair to private members of this House particularly the lawyer members. I know that they are feeling this because their business is really disorganised. They cannot at the spur of the moment engage other people or approach their friends to do their cases for them because cases in the High Court do require time. It is not like his motion that he can make it at the spur of the moment. Cases in courts cannot be done at the spur of the moment. Therefore, out of regard for legal practitioners this time should not be fixed for to-morrow's meeting.

There is another thing. I also protest against the non-stop sitting of the House. There seems to be no urgent reason. (*An honourable member :* Is that motion before the House?) (*Voices :* It is.) This is what I understood so far as I could hear him. That is before the House. The Honourable Premier has not given any reason why the House should continue to sit until every blessed thing in this world is finished. So far as this House is concerned, it is not a question of saving money, there may be other questions, but, whatever the case may be, I think it is very unfair to the House to tie it down, to sit here until the whole business of the day is finished and particularly on a day which is not one of the usual days on which the House sits. The House sits only for four days as a rule and, unless there is any emergency or urgency or business of some extraordinary importance, this rule should not be departed from. You propose that the House should sit from 12 noon until the business is finished. I submit, to say the least, that it is not fair.

Then, again, I would say something about the questions. You are aware that with respect to the questions a departure has recently been made so far as the answering of the questions is concerned. As it is, the questions are being pushed from day to day. Formerly, if I am not mistaken, the practice was that if a question was not put on a particular day, the answer was communicated to the Secretary and it was included in the printed debates. Now what will happen is this, that those questions which are not brought in this session will probably not be answered at all and they will have to go to the next session and if the Assembly is prorogued then fresh notices of those questions will have to be given. Sometimes the questions are of very great importance and they cannot be shelved like this. I tell you one instance. You will remember perhaps that I put a question and I wanted to ask supplementary questions and you were pleased to ask me to give notice of a short notice question which I did. The notice was given on 4th April and up to this time that question has not been reached. You were kind enough to refer the matter to the Honourable Minister concerned, but for reasons best known to himself he said that he could not answer this question as a short notice question although I know from the question that there was nothing in it which could not be answered at once. (*Interruptions.*) So, the question hour should not be deducted from the programme of the day. We should have one hour for questions and during the rest of the time—the usual hours—we should go on with the rest of the business.

Mian Abdul Aziz (Outer Lahore, Muhammadan, Urban) (*Urdu*): Sir, I crave your indulgence to permit me to make a few observations in regard to this matter. I assure you that I would not take long to finish my speech. Now, my submission is that this matter which has been sufficiently expatiated upon is of great importance. You will remember that we framed our rules of procedure with the utmost care and it took us about four months to get through them. We definitely provided in rule 12 (2) of the rules of procedure that the Assembly shall meet at 2 p. m. except on Fridays when it shall meet at 2-30 p. m. At the same time it was decided by the House that the Assembly shall, while in session, meet on four days in a week. But what do I see? I find that not only in the present session but also during the last session of the Assembly, this rule has been honoured more in its breach than in its observance. I want to emphasise that these rules were not framed for the purpose of being violated off and on. Again when notices were issued by Government in connection with the commencement of this session, at first the dates fixed were 27th and 28th February and then the 6th and 13th March. We met for a day and then dispersed for some days. I do not mean to imply that Government should hold sessions of the Assembly very sparingly. But what I want to drive at is that Government should be very careful in chalking out their programme and they should think twice before they declare it. Take, for instance, if the Government had not first spurned the request of the Opposition, and had fixed 13th March at the very outset as the date of meeting of the Assembly, so that Congress delegates of the Opposition could conveniently attend the annual session of the Indian National Congress, I am sure, there would have arisen no acrimony in this connection. Although at first the Government was adamant to stick to their original programme,

[Mian Abdul Aziz.]

yet saner counsels prevailed later on and the Government realized its folly and acceded to the wishes of the Opposition. Again, we find that whenever it suits their convenience, the Government bring forward motions to adjourn the House at 4-30 p. m. If some function is to be held at Amritsar, or some tea party is to be arranged in honour of some celebrated and eminent person, by some Government member, the Government at once come forward with a motion that the hour of interruption on such and such days should be 4-30 p. m. May I know why so much importance is attached to these functions? Cannot they be postponed to some other dates so that the House might meet at the stipulated hour which has been provided in the rules of procedure? I find that during the present session we have transgressed this rule more than 15 times. Motions, one after the other, were moved by the Leader of the House to the effect that the House shall meet at 12 noon instead of 2 p. m. and the hour of interruption would be 4-30 p. m. The Government fix time as it suits their convenience. They are callous about the convenience of the members opposite. I may point out to the Honourable Premier that the Lawyer members of this House have to adjust their cases in the courts according to the time stipulated in the rule and therefore they feel great inconvenience when time of meeting of the Assembly is changed from 2 p. m. to 11 a. m. or 12 noon. I wish the Government should realize their responsibility and not waste the time of others.

Premier : I might inform my honourable friends over there that I postponed the budget session to the 13th March, simply to accommodate the honourable members of the Opposition. I had nothing to gain personally by this change in the dates.

Mian Abdul Aziz : Why not do so from the very beginning and consult before fixing the dates?

Diwan Chaman Lall : May I draw your attention to the fact that you have every right to disallow any motion or part of a motion which seeks to impose a burden on the Assembly and makes it impossible to conduct the business of the Assembly in a suitable manner. When my honourable friend is seeking to have a continuous session I submit that you should not be agreeable to the acceptance of that motion.

Mr. Speaker : The question is whether the motion moved by the Honourable Premier is in order. I think it is in order. Therefore, I have no power to reject it. The motion moved is—

That the Assembly do meet to-morrow, Saturday, at 12 noon of the clock, that there be no questions and that the sitting on that day be adjourned on completion of the business set down in the list of business for that day.

The Assembly divided : Ayes 102, Noes 54.

AYES

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

Allah Bakhsh Khan, Khan Bahadur Nawab Malik.
 Amjad Ali Shah, Sayed.
 Anant Ram, Chaudhri.
 Ashiq Hussain, Captain.
 Badar Mohy-ud-Din Qadri, Mian.
 Balwant Singh, Sardar.
 Barkat Ali, Malik.
 Bhagwant Singh, Rai.
 Chhotu Ram, The Honourable Chaudhri Sir.
 Dasaundha Singh, Sardar.
 Dina Nath, Captain.
 Faiz Muhammad Khan, Rai.
 Faiz Muhammad, Shaikh.
 Faqir Hussain Khan, Chaudhri.
 Farman Ali Khan, Subedar-Major Raja.
 Fateh Jang Singh, 2nd-Lieut. Bhai.
 Fateh Khan, Khan Sahib Raja.
 Fateh Muhammad, Mian.
 Fateh Sher Khan, Malik.
 Fazal Din, Khan Sahib Chaudhri.
 Fazal Karim Bakhsh, Mian.
 Few, Mr. E.
 Ghazanfar Ali Khan, Raja.
 Ghulam Mohy-ud-Din, Khan Bahadur Maulvi.
 Ghulam Qadir Khan, Khan Bahadur.
 Ghulam Rasul, Chaudhri.
 Ghulam Samad, Khawaja.
 Gopal Singh (American), Sardar.
 Gurbachan Singh, Sardar Sahib Sardar.
 Habib Ullah Khan, Malik.
 Haibat Khan Daba, Khan.
 Hans Raj, Bhagat.
 Hari Chand, Rai Sahib Rai.
 Harnam Singh, Captain Sodhi.
 Het Ram, Rai Sahib Chaudhri.
 Indar Singh, Sardar.
 Jafar Ali Khan, M.
 Jagjit Singh Bedi, Tikka.
 Karamat Ali, Shaikh.
 Khizar Hayat Khan Tiwana, The Honourable Nawabzada Major.
 Kishan Das, Seth.
 Manohar Lal, The Honourable Mr.
 Mubarik Ali Shah, Sayed.

Muhammad Akram Khan, Khan Bahadur Raja.
 Muhammad Amin, Khan Sahib Shaikh.
 Muhammad Ashraf, Chaudhri.
 Muhammad Faiyaz Ali Khan, Nawabzada.
 Muhammad Hayat Khan Noon, Nawab Malik Sir.
 Muhammad Hussain, Chaudhri.
 Muhammad Jamal Khan Leghari, Nawab Sir.
 Muhammad Nawaz Khan, Major Sardar.
 Muhammad Qasim, Chaudhri.
 Muhammad Raza Shah Jeelani, Makhdumzada Haji Sayed.
 Muhammad Saadat Ali Khan, Khan Bahadur Khan.
 Muhammad Sadiq, Shaikh.
 Muhammad Sarfraz Khan, Chaudhri.
 Muhammad Sarfraz Khan, Raja.
 Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.
 Muhammad Yasin Khan, Chaudhri.
 Muhammad Yusuf Khan, Khan.
 Mushtaq Ahmad Gurmiani, Khan Bahadur Mian.
 Muzaffar Ali Khan Qizilbash, Sardar.
 Muzaffar Khan, Khan Bahadur Captain Malik.
 Muzaffar Khan, Khan Bahadur Nawab.
 Nasir-ud-Din, Chaudhri.
 Nasrullah Khan, Raja.
 Naunihal Singh Mann, Lieutenant-Sardar.
 Nawazish Ali Shah, Sayed.
 Nur Ahmad Khan, Khan Sahib Mian.
 Pir Muhammad, Khan Sahib Chaudhri.
 Pohop Singh, Rao.
 Pritam Singh Siddhu, Sardar.
 Ram Sarup, Chaudhri.
 Ranpat Singh, Chaudhri.
 Rissat Ali, Khan Bahadur Chaudhri.

Ripudaman Singh, Thakur.
 Roberts, Sir William.
 Sahib Dad Khan, Khan Sahib
 Chaudhri.
 Shahadat Khan, Khan Sahib Rai.
 Shah Nawaz, Mrs. J. A.
 Shah Nawaz Khan, Nawab Sir.
 Sham Lal, Rai Bahadur Chaudhri.
 Sikander Hyat-Khan, The Honour-
 able Major Sir.
 Singha, Diwan Bahadur S. P.

Sohan Lal, Rai Sahib Lala.
 Sultan Mahmood 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 Bahadur Sardar.

NOES.

Abdul Aziz, Mian.
 Abdul Rab, Mian.
 Ajit Singh, Sardar.
 Baldev Singh, Sardar.
 Bhagat Ram Choda, Lala.
 Bhagat Ram Sharma, Pandit.
 Bhim Sen Sachar, Lala.
 Chaman Lall, Diwan.
 Chanan Singh, Sardar.
 Deshbandhu Gupta, Lala.
 Dev Raj Sethi, Mr.
 Duni Chand, Lala.
 Duni Chand, Mrs.
 Faqir Chand, Chaudhri.
 Gauba, Mr. K. L.
 Gokul Chand Narang, Dr. Sir.
 Gopi Chand Bhargava, Dr.
 Hari Lal, Munshi.
 Hari Singh, Sardar.
 Harjab Singh, Sardar.
 Harnam Das, Lala.
 Jugal Kishore, Chaudhri.
 Kabul Singh, Master.
 Kapoor Singh, Sardar.
 Kartar Singh, Chaudhri.
 Kartar Singh, Sardar.
 Kishan Singh, Sardar.
 Krishna Gopal Dutt, Chaudhri.

Lal Singh, Sardar.
 Mazhar Ali Azhar, Maulvi.
 Mohy-ud-Din Lal Badshah, Pir.
 Muhammad Abdul Rahman Khan,
 Chaudhri.
 Muhammad Alam, Dr. Shaikh.
 Muhammad Hassan, Chaudhri.
 Muhammad Hussain, Sardar.
 Muhammad Iftikhar-ud-Din, Mian.
 Muhammad Nurullah, Mian.
 Mukand Lal Puri, Rai Bahadur Mr.
 Mula Singh, Sardar.
 Muni Lal Kalia, Pandit.
 Partab Singh, Sardar.
 Prem Singh, Mahant.
 Raghbir Kaur, Shrimati.
 Rur Singh, Sardar.
 Sahib Ram, Chaudhri.
 Sampuran Singh, Sardar.
 Santokh Singh, Sardar Sahib Sar-
 dar.
 Sant Ram Seth, Dr.
 Satya Pal, Dr.
 Shri Ram Sharma, Pandit.
 Sita Ram, Lala.
 Sohan Singh Josh, Sardar.
 Sudarshan, Seth.
 Uttam Singh Dugal, Sardar.

THE BADSHAHI MOSQUE FUND CESS BILL.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : Sir,
 I beg to introduce the Badshahi Mosque Fund Cess Bill.

Premier : Sir, I beg to move—

That the Badshahi Mosque Fund Cess Bill be taken into consideration at once.

Mr. Speaker : Motion moved is—

That the Badshahi Mosque Fund Cess Bill be taken into consideration at once.

Mr. K. L. Gauba (Inner Lahore, Muhammadan, Urban) : Sir, I beg to move—

That the Badshahi Mosque Fund Cess Bill be referred to a select committee with directions to report by 26th April, 1939, and that the quorum of the committee shall be five.

This Bill comes upon the resolution adopted in this House last year and moved by my honourable friend, the Premier. Last year this question was considered in this House and certain decisions were arrived at. In the first place, it was agreed that the total amount required for repairs of the Badshahi Mosque would be roughly 11 lakhs of rupees including the amount required to set up an endowment fund.

Out of this 11 lakhs, 3 lakhs, I understand, was to be paid by the Government of India, 1 lakh was a donation to be paid by His Exalted Highness the Nizam of Hyderabad, and the balance had to be raised by private subscriptions. In the course of the debate it was expressed that all communities would be glad to contribute so far as the fund is concerned. The balance, if any, was to be raised by means of a cess to be levied on land revenue. I had hoped that the Honourable Premier would have, in introducing this Bill, informed us what was the position so far as the fund was concerned. Have the Government of India paid their three lakhs of rupees? Has the contribution of His Exalted Highness the Nizam of Hyderabad been received and how much by way of public subscriptions has been collected? Then and then only would this House be in a position to say as to whether and to what extent this taxation—because it amounts to taxation—is really justified. It will be noted that in the debate which took place in this House a year ago, the Premier gave an undertaking that the cess would not be levied for more than two harvests. What one hears is—I do not know whether it is correct or not, and I hope my honourable friend the Premier will enlighten the House about it—that the original estimates of the repairs were about 6 or 7 lakhs of rupees. Now the estimates have increased and I understand that about 13 lakhs of rupees have to be spent for the purpose. As I have already stated, so far as the repairs are concerned, every Musalman welcomes this opportunity to repair the premier place of Muslim worship in the province, but I do not think any member of this House would be prepared to allow a large amount of money to be squandered or to go into other pockets. I say that with a certain sense of responsibility and of personal knowledge, and I think it is fair that I ought to take the House into my confidence. Not so very long ago, a certain contractor came to me and asked me whether a certain wealthy person in Lahore would be prepared to advance him a sum of Rs. 50,000. I asked him why he required this Rs. 50,000. He said : “ I have settled with a certain person ”—he named that person—“ if I give him Rs. 50,000, I am to get the contract for the repairs of the Badshahi Mosque.”

Premier : Who is this man?

K. L. Gauba : I am prepared to give the name of the person to the Honourable Premier in confidence. In these circumstances I think it is very necessary that the accounts and estimates ought to be very carefully scrutinised and in this connection I would draw the attention of the Honourable Premier to the very vague term that exists in the Bill that is drafted, namely, that the funds to be raised by the cess are to be handed over to the treasurer of the Badshahi Mosque. It is not stated as to whom this treasurer is going to be responsible. Who is this functionary that is going to disburse these 11 lakhs or 12 lakhs, these large funds that are to be raised from the zamindars, this gift of His Exalted Highness the Nizam, these moneys that have been collected all over the province; who is going to disburse these moneys and who is going to keep control over them? I have a proposal for the appointment of a Board of Trustees, elected by the House to have custody and control of the fund but I will make it when the time arises, either before the select committee or later in the debate.

Therefore, my first submission in connection with this Bill is this, that it ought to go to a select committee because there are certain matters which the select committee can consider, namely, the question of the treasurer and as to who is to retain the custody of these funds. The motion as regards the select committee, if you will observe, is not a dilatory motion. I have considered the urgency indicated by the Honourable Premier the other day that he is anxious to see this Bill passed as early as possible, and I have proposed that the committee ought to report by the 26th of April, and I do not think that is far off for the consideration of an important measure of this kind.

There are one or two other matters which I think the Honourable Premier might bear in mind in this connection. Is this cess or the amount of the cess really necessary? After all we have got four lakhs of rupees collected from certain sources. We have also got a donation, I understand, of about a lakh of rupees from the public, that is about five lakhs of rupees. That is more than ample to start the repairs of the mosque. The whole of the 11 or 13 lakhs is not required at the very start. The main purpose of this cess is to establish an endowment fund. I am asking the Premier whether it is not possible to accumulate the endowment fund during the course of two or three years by means of grants-in-aid from the provincial exchequer rather than adopt the course of levying a cess. He has recently levied a tax on petrol. He has in certain districts raised land revenue. It is clear that this particular cess, whether it is large or small, would certainly not be a popular imposition. It will be said, and with some justification, that the present Government has raised the price of living, it has raised the price of transport and has now placed a premium on worship. I want to ask the Finance Member whether the cess is really necessary, whether his budget is not sufficiently flexible to enable him to get out a paltry sum of Rs. 50,000 annually for a course of two or three years and make an annual contribution to this fund, so that it will not be necessary to make this imposition. We have seen in the course of the last three or four years that certain calls have been made on the provincial exchequer which has been found sufficiently elastic to meet these requirements. After all the requirements of two or three lakhs for the Badshahi Mosque endowment fund are not in the proportions.

that calls on litigation have made in the course of the last three or four years. For instance, there has been the Fatehwal Case, which cost the provincial exchequer two lakhs. Similarly two lakhs have been spent on a futile prosecution of the Pir of Makhad. That money came out of the provincial exchequer most comfortably. I submit that Rs. 50,000 annually can easily come out of the provincial exchequer, and that it is not really necessary to levy this tax.

Last year certain members of this House stated that a pice in the rupee was not a very large sum of money and that Government could easily impose it on every Muslim zamindar and that he would be willing to pay it. That is not the attitude to-day considering the amendments on the agenda paper. My suggestions are that it is not really necessary to impose this cess: the provincial budget is sufficiently elastic to allow for the repairs to be carried on without the necessity of this imposition. But if this imposition is at all necessary then the Honourable Premier may take the members of this House into his confidence and the various clauses of this Bill may be considered in a select committee and the committee may make its report as speedily as possible before the 26th of this month. The members of the select committee will be willing to give as much time as may be necessary for the Bill and they may sit even on Sunday and Monday, if necessary for the purpose. With these words I earnestly commend my motion for the acceptance of the House.

Mr. Speaker: Motion under consideration, amendment moved—

That the Badshahi Mosque Fund Cess Bill be referred to a select committee with directions to report by 26th April, 1939.

Premier (The Honourable Major Sir Sikander Hyat-Khan): I am sorry that I did not make a brief speech when I moved that the Bill be taken into consideration, because I am certain that if I had spoken then, my honourable friend would not have moved his motion. I am afraid my honourable friend is labouring under several misapprehensions. Let me give him the exact position with regard to this fund. On a previous occasion when a resolution on this subject was moved in this House, I explained that a proposal had been mooted to raise funds for the purpose of carrying out urgent repairs and creating an endowment fund for the maintenance and upkeep of the mosque in future. His Exalted Highness the Nizam of Hyderabad was approached and he with his usual generosity and munificence contributed handsomely. The Government of India who are partly responsible for the maintenance and repair of the mosque, because it is not merely an important place of Muslim worship, but is also a monument of great historic and architectural value, also agreed to contribute to this fund. Estimates were originally prepared some years ago and have been finally revised now. As a result we came to the conclusion that we must have at least 11 lakhs of rupees, out of which approximately 8 lakhs would be required for immediate and urgent repairs, and 3 lakhs for an endowment which would give us annually an income sufficient to enable us to keep the mosque in proper repair in future. Of these 11 lakhs, the Government of India agreed to contribute 8 lakhs and His Exalted Highness the Nizam agreed to contribute one lakh towards the repairs of the mosque and another Rs. 3,000 a year towards the endowment fund for its maintenance. Now we require another 6 lakhs to make up the 11 lakhs. As my honourable friend is aware, an

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appeal for subscriptions was made and I was hoping that the response to the appeal would be generous, but unfortunately it has not met with the response that we expected. (*An honourable member*: How much has been collected?) I will give the figures presently. At the same time the Government of India asked us to give an undertaking that in case the amount to be collected by subscription fell short of 6 lakhs, the balance would be contributed either by the provincial government or by a special cess imposed for the purpose. The contributions so far received amount to half a lakh of rupees approximately. We might receive a few thousands more. Even so, we will still be below a lakh; and even if we get a lakh, we would still require another 5 lakhs to make up the requisite amount of 11 lakhs. In order to give the undertaking asked for by Government I had to get the House to pass a resolution last year. Since some repairs were urgently needed we asked the Government of India to pay a portion of their contribution so that we might be able to start work at once. I gave them an undertaking that I would ask the House to agree to a small cess being imposed on Muslim zamindars so that the remaining 5 lakhs would be assured. They agreed to our proposal. It is in pursuance of the resolution passed by the House and to redeem the undertaking that I gave to the Government of India that this Bill has been brought before the House.

With regard to the actual work of repairs it has to be split up into several parts. As you know some of it is of a nature which only expert artisans can do, for instance, stone work and decorations inside the mosque and so on. For that kind of work masons who specialise in it will have to be got from Delhi and Agra. The work will be done under the supervision of the Central Public Works Department, because it is a central subject. Honourable members would be glad to learn that the Government of India have at our request agreed to forego 15½ per cent departmental charges which means that the Government of India's contribution would not be 3 lakhs but it would be 3 lakhs plus the departmental charges. I think we should here record our sense of gratitude and thanks to the Government of India for agreeing to this proposal of ours.

As regards tenders for the work, I may inform the House that work has been given to a firm which gave the lowest tender. The next higher tender was Rs. 14,000 more than the lowest tender and other tenders were still higher. I can assure my honourable friend that so far as these tenders are concerned I am perfectly satisfied with the selection made by the Central Public Works Department. As for the information which my honourable friend said he would give me outside this House, I shall be glad to receive it, and if there is anything in it he may be sure that I will make a careful and sifting enquiry about the matter.

My honourable friend referred to a provision in the Bill wherein it is stipulated that the amount when realised will be handed over to the treasurer of the Badshahi Mosque Fund and he asked me who that treasurer was. It is only proper that he should ask for that information. Let me inform him that the person designated for this office is one of the secretaries of the Punjab Government. But the main consideration is as to who will operate on this fund? My honourable friend will remember that when I moved the

resolution in a previous session I made it clear that a special body will be set up which will be designated "the authority" and "the authority" would consist of a representative of the Government of India, a representative of His Exalted Highness the Nizam of Hyderabad, a representative of the Punjab Government who will be one of the Muslim Ministers. The latter will also be the President of "the authority". The money will not remain in the hands of the treasurer, but will be deposited in the Imperial Bank and the treasurer will only carry out the orders of "the authority" and will do all the routine work. It does not mean that he will disburse money of his own accord. He cannot do so until and unless "the authority" sanctions the estimates and passes the bills for payment.

The estimates have been scrutinised by several experts, including a Muslim Engineer of the Archaeological Department, and further scrutiny will be made from time to time as we take up the various parts of that work. But so far as the constitution of "the authority" is concerned, it has been settled by arrangement between the three parties, viz., the Government of India, His Exalted Highness' Government, and the Punjab Government on behalf of the Punjab Muslims. I tried to explain on the last occasion that so far as control of worship in the mosque is concerned, it will be vested in a committee. "The authority" will have nothing to do with arrangements about worship. It will be in the hands of the Muslims. It will be in the hands of a committee composed of the nominees of the Anjuman-i-Islamia and the nominees of "the authority" who will all be Muslims and my honourable friend need have no apprehension on that account. It will be quite an independent body and it will not be under the control of anybody, not even "the authority". All that "the authority" will do is to take upon itself the responsibility for the maintenance of the mosque and for keeping it in good condition and repair. The work of repairs will be carried out under its supervision or the supervision of the people nominated by it.

My honourable friend went on to refer to another clause of the Bill and suggested that the Government itself was not quite sure that the rate proposed in the Bill was appropriate, since an amendment had been tabled by one of the members on these benches to that clause. As a matter of fact it was due to an oversight that "one rupee" was entered in the original clause. My honourable friend will remember that this House authorised me to impose a cess of one pice on every rupee of land revenue and if he reads the clause carefully he will find that it states that the cess shall be levied at the rate of three pies on each rupee or part of a rupee of the annual value of the land. It is not land revenue. Now the annual value of the land for purposes of the District Board Act is twice the land revenue for that year and therefore three pies on each rupee of the annual value of the land would actually mean six pies per rupee on the land revenue and therefore to make the position clear, it is now proposed that the cess should be three pies on every Rs. 2 of the annual value of land. I am sorry that through an oversight Re. 1 was printed instead of Rs. 2. I hope my honourable friend is now satisfied with regard to this particular discrepancy between the Bill and the amendment.

Then as regards the suggestion that instead of levying a cess the provincial exchequer should contribute Rs. 50,000 or so annually so that in 5 or 6

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or 7 years, the whole amount could be paid from provincial revenues. The undertaking was that unless we were prepared to pay that amount, the Government of India contribution will not be available nor the contribution of His Exalted Highness the Nizam. That was the definite undertaking given by us. As I have said we have only received Rs. 50,000 so far. I hope we will get a little more but at the most we can count on a lakh all told. That still leaves 5 lakhs to make good a total of 11 lakhs. It will be noticed that I have also taken power to stop realisations of the cess if I find that the amount received from the other source is larger than what we anticipated. I have included that provision for the reason that there should be no unnecessary burden imposed on the zamindars. As regards the suggestion for contribution from the provincial revenues I might remind the House that the matter was fully discussed on the last occasion. As a matter of fact, some honourable members even suggested that this cess should not be restricted to Muslims alone. My brief reply to that suggestion is this that so far as the provincial exchequer is concerned, I am sure my honourable friend would not like me to create a precedent that where only one community is concerned—

Mr. K. L. Gauba : Other communities would not object.

Premier : I am sure they would not object. But for a popular Government, a Government like ours, to set apart a sum from provincial revenues for any one community, would create a most embarrassing precedent. I am sure my honourable friend will realise that when once we bring religion into the sphere of Government, it might lead us to several difficulties. As it is, there are numerous difficulties arising out of communal problems. We do not want to add to the complexities of administration, if we can help it. If as a Muslim Premier to-day I allow the provincial exchequer to contribute for the repairs of Badshahi Mosque, I do not see how I can reasonably or justifiably refuse to contribute to a Sikh gurdwara or a Hindu temple if to-morrow they ask for a similar contribution from the exchequer. I think it would be most inequitable and unfair to other communities to pay out of the provincial funds a contribution for the purpose of any one community. In this particular case, as I have said, we issued an appeal to all communities so that all can subscribe if they so desire, but this cess will be confined to the Muslim community alone. To-morrow if the Sikhs want to impose a cess in aid of the Durbar Sahib, we will be glad to help them to pass a similar Bill. I know that a similar cess was imposed for the Khalsa College. I hope my honourable friend is satisfied that his suggestion is neither expedient nor practicable and he will not press it. I am sure that Muslim zamindars would welcome this cess and gladly contribute this small sum. My honourable friend will remember that on a previous occasion I said it was not a question of contributing towards a mosque but it was a question of saving an ancient and a most valuable monument which is so dear to Muslims. It is a question of *ham khurma wa ham sawab*. My honourable friend must have noticed that people who pay less than one rupee eight annas in land revenue are exempt. I am sure even petty zamindars will gladly contribute and earn *sawab* and my honourable friend the Sardar of Kot who will have to pay more will earn a bigger *sawab*. (Laughter.)

As it is on a rupee basis, I hope my honourable friend will not press his motion but will allow us to pass this Bill without further delay because the work is being held up and unless we pass this Bill the work will be further delayed. If my honourable friend has recently visited the mosque he must have noticed that the mosque, at least its western side, requires immediate attention. Two more stones have come off and if we do not attend to it immediately we may have to spend several more lakhs. If the structure is permanently damaged, even crores spent on it would not restore the building in its original form. I do hope my honourable friend will not press his motion.

Mian Abdul Aziz (Outer Lahore, Muhammadan, Urban) (*Urdu*): Sir, we are all of us very glad that such a measure has been brought forward by the Government. Let me make it absolutely clear at the very outset that we have no intention of either opposing the Bill or getting it postponed. We want to bring it on the statute book as soon as possible. But there are certain points to which I must draw the attention of the Premier because the provisions of the Bill are likely to have far-reaching effects.

Now, Sir, this Bill consists of seven clauses including the short title, definitions, etc. I am free to admit that we have no quarrel with any of these clauses except one. We have no objection even to the cess or the method of assessment. But I must submit that unless strict watch is kept over the money there is the danger of this fund proving another Khilafat Fund. I know that the Honourable Premier is not likely to touch a single pie out of it. Far from it. He will most probably contribute a handsome amount to the fund. The same will be the case with other ministers. But there is one point about section 6 which has necessitated the amendment moved by my honourable friend, Mr. K. L. Gauba. Although the Honourable the Premier has now told us something about the appointment of the treasurer of the fund, my submission is that the definition of treasurer ought to have been included in the Bill itself.

Premier: I have already stated that an authority will be constituted which will include the representatives of the Government of His Exalted Highness the Nizam and the Government of India as well. A regular deed is prepared and the authority will be duly registered. One of our secretaries will work under this authority. Again, the accounts will be regularly audited and the Government of India has made a stipulation that the Auditor shall be appointed by the Auditor-General of India. Thus there is no danger of the money being misappropriated. We have offered the services of a secretary so that the money may be kept here and the work may be started without delay.

Mian Abdul Aziz: I am glad the Premier has thrown some more light on the matter. But I may tell him that it is not that we do not trust him or his colleagues in this matter. He has told us that the matter will be further clarified by defining the term treasurer in the rules, but why not include it in the statute itself? We have no complaint to make so long as the money is safe. Let the Premier or the three Muslim ministers take the money in their custody. Hand it over to the Honourable Mr. Manohar Lal even, your Minister of Finance. We trust all of them. But we must demand

[Mian Abdul Aziz.]

that it should be in safe custody and spent properly. May I ask what objection there is to meeting this demand of ours ?

Premier : What does my honourable friend want ?

Mian Abdul Aziz : What is a treasurer ?

Premier : A treasurer is a treasurer.

Mian Abdul Aziz : What is the statutory definition of " treasurer " in the Bill ?

Premier : I have already stated that the question of the functions of the treasurer cannot be decided by you or me. It is to be decided by the authority which will consist of the representatives of His Exalted Highness the Nizam of Hyderabad and the Government of India and I am to represent you. The draft of the Bill had been sent to the Anjuman-i-Islamia with which rests the management of mosques and it approved of the appointment of the treasurer. The treasurer is to be appointed because after all you have to entrust the money to somebody. Anyway, if you have any apprehensions in this connection you may drop the term treasurer and let us proceed with the Bill.

Mian Abdul Aziz : I am sorry that even this further clarification from the Premier does not meet my point. I want to include the definition of the term treasurer in the Bill. Anyway, I leave this question to the Premier but I must request him to make arrangements that not a single pie may be misspent or misappropriated.

The second thing which I wish to bring to your notice is that so far as my knowledge goes the resolution about the repairs and maintenance of the Badshahi Mosque was moved in the Punjab Legislative Assembly on the 18th January, 1938. At that time, the Honourable Premier stated on the floor of the House that a Bill concerning the repairs and maintenance of the Badshahi Mosque would be brought as soon as possible. But to-day after full one year and three months this Bill has been introduced in this honourable House. I know that the Honourable Premier has many other things to do but we see that this Bill consists of 7 clauses only and therefore I may submit that this should have been moved much earlier. It is a pity that it is being moved after over one year. During this session not a single reference has been made that a Bill of this nature is being brought forward. Only four days ago a reference was made by the Honourable Premier that a Bill of this nature is going to be introduced in this Assembly very shortly. Further, it is provided in this Bill that the cess shall be levied in the first instance in respect of land revenue due for the year commencing on the first day of April, 1940. To my mind there is no reason why the amendment of my honourable friend Mr. Gauba should not be accepted by the Government and the Bill be referred to the select committee with directions to report by the 26th April, 1939. I do not know why the Government should oppose this motion.

Besides I may submit that as I expressed my opinion in January last year, in the same manner I may submit just now that although I do not say that I have no confidence in the three or four persons that have been appointed on the committee by the Government, yet I would like to point out

that the repairs and maintenance of the Badshahi Mosque is an affair which primarily concerns the Muslims and Muslims alone. I for one cannot agree to Government having its hand in the matter. I do not object to their having any control, but a statutory provision should be made to this effect that the Government should not have any hand in the management of the mosque. In addition to religious matters, sometimes religious-political matters are also discussed in the Badshahi Mosque. If the Government have any hand in the management of the mosque, there is every likelihood that they would impose a ban on the holding of such meetings and the delivering of religious-political speeches would never be allowed in the said mosque. I may submit that I would be the first person to oppose such a thing and I would never tolerate such interference even for a single minute. If to-day the Government interferes and meddles with the affairs of the Badshahi Mosque, to-morrow they would follow the same practice in the case of gurdwaras and the next day they would do the same with temples. There is not a single law which permits them to have their finger in every thing. I may submit that this interference in the religious affairs of the Muslims is contrary to the very spirit and letter of that famous *communiqué* of Queen Victoria which was issued by the British Government after the Great Mutiny. That *communiqué* provided that the Government would not interfere in religious matters of any community howsoever small they may be. Besides, I wish to draw the attention of the Honourable Premier to my speech which I delivered in January last year in connection with the resolution about the Badshahi Mosque. At that time I moved an amendment that the Government should not directly or indirectly interfere in the religious affairs of the Muslims. I for one cannot agree to let the Government interfere in the religious affairs of the Muslims on the ground that they have contributed something for the repairs and maintenance of the Badshahi Mosque. I do not object to levying even a cess of one anna per rupee on the Muslims instead of three pies, but I do not like that the Government should have anything to do with its management.

Now I may submit that in 1925 an agreement was signed between the Government of India and the Anjuman-i-Islamia. At that time the Government agreed to pay about Rs. 18,000 or so annually for the repairs and maintenance of the mosque. Last time when we discussed this question I read out the terms of the said agreement. I have just now asked the Deputy Secretary of the House to send for me the proceedings of that day so that I should be in a position to give you the exact facts and figures. I may submit that if the Government of India had acted on the terms of agreement and had been paying that sum regularly, then the question of imposing this cess would never have arisen.

Premier : To which agreement is my honourable friend referring? This thing is provided nowhere. If it had been provided in any agreement then this question of imposing a new cess would never have arisen at all.

Mian Abdul Aziz : I have given the number as well as the text of that agreement in my speech of January last year. A copy of that agreement was supplied to me by the Anjuman-i-Islamia.

Premier : It appears my honourable friend had been supplied with a wrong letter.

Mian Abdul Aziz : I have obtained all these things and documents from the Anjuman-i-Islamia and was assured of their correctness.

Premier : My honourable friend must have obtained a copy of that agreement from the ex-secretary of the Anjuman-i-Islamia. But I may submit that the documents and the copy of agreement which have been sent to me by the Anjuman-i-Islamia have no mention about this sum of Rs. 18,000.

Mian Abdul Aziz : May I know what was the agreement ? Was the Government of India not responsible for repairing and maintaining the mosque under the Preservation of Ancient Monuments Act ?

Premier : The agreement was simply this that the Government of India promised to give some help, but the Anjuman-i-Islamia would be held responsible for its repairs and maintenance. That was only a vaguely worded agreement.

Mian Abdul Aziz : I do not feel it necessary to go into this matter at great length. As far as my memory goes, if the sum that was decided upon, had been given year after year then the necessity for introducing this Bill would never have arisen at all. I may also submit that I am not opposing this Bill merely for the sake of opposition. On the other hand, I desire that this Bill should be enacted into a law. But I submit that we should not give any power to the Government by which it can interfere in the religious affairs of the Muslims. It behoves my honourable friends to think over the matter and to refer the Bill to the select committee. I may further point out that when this Bill is being brought forward full one year and three months after the passing of the resolution and according to its provisions it will not be enforced before the year 1940, there is no reason why it should not be referred to the select committee for four or five days more. We can take up this Bill in the summer session and if there is going to be no summer session, we can very safely take it up in the autumn session.

Khawaja Ghulam Samad : On a point of order, Sir. No doubt it is very good that steps should be taken for the repairs and maintenance of the Badshahi Mosque. But I wish to point out that a mosque is a place of worship of the Muslims and the work of its repairs can be carried on by that fund which under the tenets of Islam is regarded as legal money.

Mr. Speaker : Is this a point of order ?

Khawaja Ghulam Samad : I will explain. I want to know through you from the Honourable Premier whether at the time of drafting this Bill the opinion of the Muslim *ulemas* was obtained regarding its provisions and whether the money provided by the Government can be legally spent on the repairs of the mosque which is an income from interest.

Mr. Speaker : This is not a point of order.

Mian Abdul Aziz : Sir, I want to draw the attention of the Government to the fact that my apprehensions are that if the repair work is entrusted to some private agency, there will be every likelihood of the hard-earned money of the Muslims being embezzled. I am of the opinion that utmost care and vigilance should be exercised by the Government in the matter of disbursement of the amount for the collection of which this measure has been brought forward. As I have already stated, my anxiety is lest

this Fund should meet the same fate as befell the Bombay Khilafat Fund, which went to dogs in spite of the best intentions of the organisers. Again, my honourable friend, the Premier has remarked that the fund to be utilised on the repair of the Badshahi Mosque will be safe in the hands of the Public Works Department and it will be operated upon with the strictest economy. But I beg to differ with him in this matter. My submission is that the charges of the Public Works Department are almost prohibitive. Sometimes their rates exceed the market rates by 25 to 30 per cent.

Mr. Speaker : The honourable member is going into details.

Mian Abdul Aziz : Well, Sir, I shall be very brief and will take only a minute or so. What I want to emphasise is that the Honourable Premier should see and satisfy himself that every pie of the Fund is utilised on the purpose for which it has been collected. The Fund should not go by defalcation. As some of my friends have cited instances, viz., that in order to get a contract, a contractor has very often to grease the palm of the authorities by offering huge sums of money, it is obvious how far such contractors would carry out the work with honesty and integrity. Hence I hold the view that this Bill should be committed to a select committee which should thoroughly examine the provisions of the Bill and make it a point to attempt as much as possible to eliminate the hand of Government in the management of the fund as well as the affairs of the Badshahi Mosque. With these words I close my remarks and strongly support the circulation motion moved by my honourable friend Mr. Gauba. I hope he will not succumb to the pressure of Government, but will refrain from withdrawing his motion.

Mr. K. L. Gauba : May I say a word ?

Mr. Speaker : The honourable member had moved an amendment and the mover of an amendment has no right of reply.

(Voices : Withdraw, withdraw.)

Mr. Speaker : The question is—

That the Badshahi Mosque Fund Cess Bill be referred to a select committee.

The motion was lost.

Mr. Speaker : The question is—

That the Badshahi Mosque Fund Cess Bill be taken into consideration at once.

The motion was carried.

Clause 1.

Mr. Speaker : The Assembly will now consider the Bill clause by clause. The question is—

That clause 1 stand part of the Bill.

The motion was carried.

Clause 2.

Raja Ghazanfar Ali Khan : I beg to move—

That in sub-clause (a), line 2, between the words "as" and "assigned" the word "are" be inserted.

The motion was carried.

Mr. Speaker : The question is—

That clause 2 as amended stand part of the Bill.

The motion was carried.

Clause 3.

Raja Ghazanfar Ali Khan : I beg to move—

That in the proviso to sub-clause (i), line 4, between the words "payable" and "by" the words "or if it were not assigned, would be payable" be inserted.

The motion was carried.

Raja Ghazanfar Ali Khan : I beg to move—

That at the end of sub-clause (2), the following be added :—

"or, if it were not assigned, would be payable."

The motion was carried.

Raja Ghazanfar Ali Khan : I beg to move—

That in the proviso to sub-clause (3), line 6, for the words "three pies" the words "one pie" be substituted.

The motion was carried.

Mr. Speaker : The question is—

That clause 3 as amended stand part of the Bill.

The motion was carried.

New clause.

Khawaja Ghulam Samad : I beg to move—

That after clause 3, the following new clause be added :—

3-A. (1) The cess shall be payable by each Muslim Government servant whose salary exceeds Rs. 30 per mensem and each Muslim income-tax payer.

(2) This cess shall be levied at the rate of 3 pies on each rupee or part of a rupee of monthly income of a Muslim Government servant and of annual income of all Muslim income-tax payers.

(3) This cess shall be deducted from every pay bill of every Muslim Government servant, whose pay exceeds Rs. 30 per month and realized from income-tax payers along with income-tax and deposited in the Trust Fund.

Mr. Speaker : The first question which I propose to put to the vote of the House is whether the honourable member should be allowed to move his new clause ?

(Khawaja Ghulam Samad claimed a division and the division bell was rung.)

Mr. K. L. Gauba (Standing) : May I ask whether under the Government of India Act this House is competent to levy income-tax as proposed by my honourable friend.

Mr. Speaker : May I draw the honourable members' attention to the practice that when a division bell is ringing, honourable members should raise their points of order or ask questions sitting and not standing.

(Mr. K. L. Gauba resumed his seat.)

Now the honourable member may raise his point or ask his question.

Mr. K. L. Gauba : The point I have raised is whether under the Government of India Act this House is competent to levy income-tax as proposed by my honourable friend, Khawaja Ghulam Samad. I want your ruling on the point.

Premier : I am sorry that I had to leave the house for a moment. I appreciate my honourable friend's anxiety to move his new clause which would help us to increase our income considerably, but unfortunately it is *ultra vires*.

Mr. Speaker : Yes, it is and therefore I declare it to be out of order.

Clause 4.

Mr. Speaker : The question is—

That clause 4 stand part of the Bill.

The motion was carried.

Khawaja Ghulam Samad : You have declared one amendment of mine out of order. There is another new clause which has not been brought before the House.

Mr. Speaker : That clause comes after clause 7.

Mian Sultan Mahmood Hotiana : On a point of order. Why was that clause ruled out of order ?

Mr. Speaker : According to item 54 of List I (Federal Legislative List) taxing of income other than agricultural income is a central and not a provincial subject.

Clause 5.

Mr. K. L. Gauba (Inner Lahore, Muhammadan, Urban) : Sir, I beg to move—

That in line 7, for the word "treasurer" the word "trustees" be substituted.

I just wish to say a word or two. We have heard from the Honourable Premier about a certain committee to be appointed and also certain correspondence which has gone on between the Government of India and various other parties. But personally I have not been clear as to how this treasurer is to be appointed and why he is to be a Government official and who has really suggested this idea that the funds belonging to the mosque are to be under the control of a Secretary of the Government. I say that so far as these funds are concerned, they ought to be under the control of the representatives of the Muslims of the province. In the case of large funds of this kind, the best and the proper course is to appoint trustees of the fund elected by this House and the details of my proposal are in the proposed new clause which is lower down on the agenda paper. I submit that no one individual is really competent or should be entrusted with these large funds, the proper course is to appoint trustees and I move the amendment to this effect.

Mr. Speaker : Clause under consideration, amendment moved is—

That in line 7, for the word "treasurer" the word "trustees" be substituted.

Raja Ghazanfar Ali Khan (Parliamentary Secretary): Sir, I oppose this amendment. I would not like to detain the House by making a very long speech. As a matter of fact it is for the Honourable Premier to explain fully the significance of the word 'treasurer' and he would further make it clear that the treasurer will have no power to operate on the funds. His duty will be merely to keep the accounts of that fund. Therefore, I think this amendment is absolutely unnecessary and I would request my honourable friend not to press it.

Mr. Speaker : Question is—

That in line 7, for the word "treasurer" the word "trustees" be substituted.

The motion was lost.

Mr. Speaker : The question is—

That clause 5 stand part of the Bill.

The motion was carried.

Clause 6.

Mr. Speaker : Mr. K. L. Gauba's amendment,¹ as well as the new clause,² which he proposes to move, is out of order.

The question is—

That clause 6 stand part of the Bill.

The motion was carried.

Clause 7.

Mr. Speaker : The question is—

That clause 7 stand part of the Bill.

The motion was carried.

New Clause.

Khawaja Ghulam Samad (Southern Towns, Muhammadan, Urban)
Sir, I beg to move—

That after clause 7, the following new clause be added—

"That the Government shall have no hand in the management, upkeep and administration of the Mosque but it will be purely in the hands of the Muslims."

The reason why I want to move this new clause—

Mr. Speaker : I propose to put to the vote of the House whether the honourable member has its leave to move his new clause ?

¹By MR. K. L. GAUBA : That in line 2, for the word "treasurer" the word "trustees" be substituted.

(New clause.)

²By MR. K. L. GAUBA : That after clause 6, the following new clause be added—

"S.A. The control and application of the Badshahi Mosque Fund shall vest in the trustees of the Fund to be hereinafter appointed by Government by notification in the behalf. The trustees shall consist of the four Muslim members of the Punjab Legislative Assembly for Lahore city and civil station and five members elected by the Muslim members of the Assembly."

Khawaja Ghulam Samad : Sir, is there any prohibition under any law to make a speech ?

Mr. Speaker : There is no question of prohibition. The honourable member has to obtain the leave of the House for moving his new clause.

Khawaja Ghulam Samad : I was waiting for this, but I was asked to make a speech, so I began.

Mr. Speaker : The question is—

That leave be granted to introduce the following new clause :—

‘ That the Government shall have no hand in the management, upkeep and administration of the Mosque but it will be purely in the hands of the Muslims. ’

The motion was lost.

Khawaja Ghulam Samad : On a point of order, Sir. With regard to my first amendment you have been pleased to rule that under the Government of India Act it is not permissible.

Mr. Speaker : Yes.

Khawaja Ghulam Samad : Sir, I did claim a division on this point but I am sorry you did not hear it and comply with my wishes.

Mr. Speaker : There was no occasion for calling a division.

The question is—

That the preamble be the preamble of the Bill.

The motion was carried.

Mr. Speaker : The question is —

That the title be the title of the Bill.

The motion was carried.

Raja Ghazanfar Ali Khan (Parliamentary Secretary) : I move—

That the Badshahi Mosque Fund Cess Bill be passed.

(Urdu) : Sir, at this stage no speech is called for. However I would like to say two things very briefly. First, that we should feel grateful to the Honourable Premier for bringing forward this Bill to enable us to collect funds for the repairs of the Badshahi Mosque.

Mr. Speaker : Please speak to the Bill.

Raja Ghazanfar Ali Khan : Secondly, the amendment given notice of by my friend Khawaja Sahib was undoubtedly an important one and I am sorry that the House has not granted him leave to move it. Let me assure the House that so far as rituals or religious ceremonies and general worship to be performed within the mosque are concerned, the Government will have no hand in the management of the mosque. It will not interfere in the internal affairs of the mosque.

Mr. Speaker : The question is—

That the Badshahi Mosque Fund Cess Bill be passed.

The motion was carried.

ELECTRICITY BILL.

Minister for Public Works (The Honourable Nawabzada Major Khizar Hayat Khan Tiwana) : I move—

That the Punjab Electricity Bill be passed.

Rai Sahib Lala Sohan Lal : Has Governor's sanction been received ?

Mr. Speaker : No sanction is needed. The question is—

That the Punjab Electricity Bill be passed.

The motion was carried.

Mr. Speaker : I do not propose to take up to-day the motion expressing confidence in the Ministry, as this motion is closely connected with the no-confidence motions in the Honourable Ministers. All these connected motions will be taken up to-morrow.

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

ADJOURNMENT MOTION.

LATHI CHARGE BY POLICE AT BEHRAMPUR.

Lala Duni Chand (Ambala and Simla, General, Rural) : I beg to move—

That the Assembly do now adjourn.

Though I may lack many other virtues—I do confess that I am deficient in several virtues—I do claim one virtue for me and that is, honesty of purpose. I move this motion with a full sense of responsibility and with a sense of fairness towards the members of Government. If I was not convinced that the subject matter of this motion was not fit to be agitated in this House I would have been the last person to move it.

Briefly stated the facts that have led to this motion are these. The Minister for Development, the Honourable Sir Chhotu Ram, was to go to the village Behrampur about four miles from Rupar on the 10th April, in order to address a public meeting. He was also to address another meeting the same day at Bela. A notice was published broadcast inviting all sorts of people to attend that meeting and hear the Honourable Minister. I have here got a copy of that notice which I shall read to the House. It runs as follows :—

تحصیل روپڑ زمیندارانہ کانفرنس

زمینداروں کو اپنی تکلیف پیش کرنے کا نادر موقع روپڑ تحصیل میں

آنریبل راؤ بہادر چودھری سر چھوٹو رام صاحب کی تشریف آوری مصیبت زدہ مظلوم زمینداروں—آج کوئی بھی ایسا فرد بشر نہیں کہ زمینداروں کی تکلیفات سے بے خبر ہے۔ ہر روز نئی نئی مصیبت نازل ہو رہی ہے اور نئے نئے ظلم دہائے جا رہے ہیں۔ قدرت نے بھی غریبوں کا ساتھ نہیں

DIVISION.	District.	Revolvers or pistols.	GUNS FOR	
			Protection.	Protection combined with either sport or display or both.
1	2	3	4	5
RAWALPINDI	Gujrat	1	..	24
	Shahpur	2	24	62
	Jhelum	5	3	37
	Rawalpindi ..	7	1	150
	Attock	6	2	50
	Mianwali	4	1	57
	Total	25	31	390
MULTAN	Montgomery ..	8	16	51
	Lyalpur	2	4	11
	Jhang	2	2	29
	Multan	3	6	64
	Muzaffargarh ..	2	..	14
	Dera Ghazi Khan ..	5	20	..
	Total	22	48	169
GRAND TOTAL ..		160	408	1,782

BAN ON JANUARY ISSUE OF *CHINGARI*.

***4378. Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to state the reasons for banning the January issue of the monthly *Chingari* Saharanpur (U. P.) in the Punjab and place before the House the articles objected to by the Government?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :
First part.—The January 1939 issue of the *Chingari* was proscribed as it contained matter of the nature described in clause (a) of sub-section (1) of section 4 of the Indian Press (Emergency Powers) Act, 1931.

Second part.—Government do not wish to give further publicity to the objectionable articles by placing them before the House.

Sardar Sohan Singh Josh : Will the Parliamentary Secretary kindly state the page and the article which in the opinion of the Government was objectionable?

Parliamentary Secretary : I have nothing to add to the answer given by me.

Master Kabul Singh : Did the Government think that by the entering of the *Chingari* in the Punjab the Ministry of Sir Sikander Hyat would go to pieces ?

Parliamentary Secretary : No, the Government is not going to pieces inspite of the wishes of my honourable friend.

Master Kabul Singh : Then, why is the entry of that paper banned in the Punjab ?

Parliamentary Secretary : Because of the reasons given in my reply to the original question.

3 P.M.

FINANCIAL COMMISSIONERS.

***4453. Lala Duni Chand :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the number of Financial Commissioners serving at present ;
- (b) the number of Financial Commissioners on leave drawing the salary of their post ;
- (c) the reasons for increase in the number ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) Two permanent posts of Financial Commissioners. . .

(b) None.

(c) Increase of work in connection with famine and agrarian legislation necessitated the appointment of Mr. Mitchell as Additional Financial Commissioner from 15th March, 1939, to assist Mr. Dobson for the disposal of work other than famine and agrarian legislation and settlement.

Lala Duni Chand : May I know if some time ago only one Financial Commissioner was regarded as sufficient for the Punjab ?

Parliamentary Secretary : It is quite possible.

Lala Duni Chand : May I know the cost of each Financial Commissioner including the cost of his establishment ?

Parliamentary Secretary : I have not followed my honourable friend.

Lala Duni Chand : May I know the cost of one Financial Commissioner including the cost of his establishment ?

Parliamentary Secretary : I would like to have notice of this question.

Lala Duni Chand : Is not the Parliamentary Secretary aware of the fact that each Financial Commissioner draws Rs. 3,500 a month ? Is he ignorant of this much ?

Parliamentary Secretary : What is the inference ?

Lala Duni Chand : The obvious inference that you are adding to the burden of the province.

Parliamentary Secretary : The honourable member has asked a question and has given the answer himself. So, what have I to do ?

Chaudhri Muhammad Hassan : How many I.C.S. officers draw the pay of a Financial Commissioner ?

Parliamentary Secretary : The question itself is not clear to me.

Chaudhri Muhammad Hassan : I will speak in Urdu. (The honourable member then put the question in Urdu).

Parliamentary Secretary : May I reply to this question in Punjabi ?

Mr. Speaker : This question does not arise.

Rai Bahadur Mr. Mukand Lal Puri : How many persons are there in the Punjab cadre who are drawing pay as Financial Commissioners whether they are on duty or on leave ?

Parliamentary Secretary : If my honourable friend had tried to follow the reply which I have given, everything would have been clear. I have said that there are two permanent Financial Commissioners and nobody is on leave. One is additional Financial Commissioner ; two *plus* one is equal to three.

Rai Bahadur Mr. Mukand Lal Puri : What is the reason for this increase ?

HEAD OF ANTI-CORRUPTION SECTION IN CIVIL SECRETARIAT.

***4455. Lala Duni Chand :** Will the Honourable Premier be pleased to state—

- (a) the name of the head of the anti-corruption section in the Civil Secretariat, the number of men under him and other equipment of this section of the Secretariat ;
- (b) the qualifications of the staff of trained men to investigate suspected cases of corruption in all departments as proposed ;
- (c) the cost of the newly established section, if any ;
- (d) the main lines on which the investigation will proceed ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : (a)—(c). The strength and cost of the proposed special staff is shown in the Schedule of New Expenditure for 1939-40—item (5) under the head “25—General Administration.” Khan Qurban Ali Khan, who has been chosen to be in charge of the staff, is an officer with over seventeen years in the Indian Police. His last appointment was as Superintendent of Police at Rawalpindi—an appointment which he held from April, 1935, till he went on leave a few months ago. It is not perhaps necessary to give the names of the inspector and the two sub-inspectors who have been chosen to assist the officer in charge of the agency, but they are all three men chosen for their detective ability and with established reputations for honesty.

(d) The Honourable Premier hopes shortly to make a statement covering this subject.

Lala Duni Chand : Before making this appointment, did the Government consider the question, namely, whether a police officer will be a suitable person for the purpose of detecting or removing corruption ?

Parliamentary Secretary : The Government considered the question from all its phases.

Lala Duni Chand : May I know what particular qualifications are possessed by this gentleman for this office ?

Parliamentary Secretary : In the opinion of the Government he is eminently suited for the work that is entrusted to him.

Lala Duni Chand : Has he brought to the notice of the Government any scheme or plan to weed out corruption from the various departments ?

Parliamentary Secretary : I have already stated that the Honourable Premier is shortly going to make a statement on this point.

Lala Duni Chand : My question was whether this newly appointed gentleman has prepared any scheme with a view to weed out corruption. May I ask whether he has done so or not ?

Parliamentary Secretary : The honourable member is referred to part (d) of this question. I think the honourable member will be satisfied on the point when the Honourable Premier makes a statement.

Lala Duni Chand : Is the Government aware of the fact that since the establishment of the present regime corruption has increased manifold ?

Parliamentary Secretary : This is entirely wrong.

Khawaja Ghulam Samad : May I ask the Parliamentary Secretary to state whether the Government is prepared to issue orders to the various departments that the anti-corruption staff superintendent may find out and when satisfied, investigate cases of corruption in all the departments of the Government in the province ?

Parliamentary Secretary : The Government will certainly consider all the suggestions but the Government cannot give any definite undertaking to the honourable member whether his suggestion will be accepted.

Chaudhri Muhammad Hassan : Has the gentleman who is deputed as Corruption Officer any experience for eradicating corruption from the district where he served as Superintendent of Police ?

Parliamentary Secretary : The gentleman is a capable and experienced officer.

Lala Duni Chand : Is Government aware of the fact that during the last two years corruption in many ways has increased very much ?

Parliamentary Secretary : It is not at all a fact.

Pandit Shri Ram Sharma : May I know whether the officer appointed for anti-corruption work is connected with a department already notorious for corruption ?

Mr. Speaker : That is not a question.

Chaudhri Muhammad Hassan : Is it a fact that during the tenure of office of this particular officer as Superintendent of Police of a district corruption was rampant in that district ?

Parliamentary Secretary : It is not a fact.

Chaudhri Muhammad Hassan : Has this fact been considered that during his tenure of office as Superintendent of Police in the district corruption was rampant in that district ?

Parliamentary Secretary : I have already stated that it is absolutely incorrect.

Khawaja Ghulam Samad : Is Government confident that the anti-corruption staff with such limited powers can do useful work ?

Mr. Speaker : That is a matter of opinion ; disallowed.

Sardar Lal Singh : Will the Parliamentary Secretary let us know in the case of corruption of a Minister, to which officer report is to be made ?

Mr. Speaker : Disallowed.

Chaudhri Muhammad Hassan : Have the sub-inspectors and inspectors subordinate to the Superintendent of Police been tested for efficiency and honesty ?

Parliamentary Secretary : They have a reputation for honesty and efficiency.

Chaudhri Muhammad Hassan : By whom was that done, by the Parliamentary Secretary ?

Parliamentary Secretary : Government was satisfied that those persons were suitable for the job.

Chaudhri Muhammad Hassan : What was the material before the Government to satisfy itself ?

Parliamentary Secretary : It is not necessary to lay the whole material before the House.

Pandit Shri Ram Sharma : Why have the Government not appointed a civil instead of a police officer for the purpose ?

Parliamentary Secretary : In the opinion of Government an experienced police officer would prove more successful.

Pandit Shri Ram Sharma : Can a police officer prove more successful for eradicating corruption than any body else ?

Parliamentary Secretary : Yes, an honest and experienced police officer is likely to prove more suitable.

Khawaja Ghulam Samad : Had not the Government taken into consideration the established renown for honesty and efficiency of the police officer appointed as anti-corruption staff superintendent ?

Parliamentary Secretary : Certainly.

EXAMINATION FOR HONORARY MAGISTRATES.

***4472. Khawaja Ghulam Samad :** Will the Honourable Premier be pleased to state—

(a) whether any test or examination is prescribed for honorary magistrates before their appointment ;

(b) the minimum academic qualifications required for honorary magistrates ;

[Kh. Ghulam Samad.]

(c) whether there are any honorary magistrates possessing qualifications below the standard fixed; if so, whether Government proposes to take any action in their case?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh):

(a) No, but it is a rule that gentlemen proposed for appointment shall first undergo a course of training arranged by the District Magistrate and study the essential portions of the Codes.

(b) No definite standard has been laid down, but the attention of the honourable member is invited to rule 12 of the Rules for the Appointment of Honorary Magistrates and Honorary Subordinate Judges.

(c) Does not arise.

Khawaja Ghulam Samad: May I know whether he is aware that there are illiterate honorary magistrates working on the bench of honorary magistrates?

Parliamentary Secretary: May be, it has not come to my notice.

Lala Duni Chand: May I know if Government has not become sick of these honorary magistrates and subordinate judges?

Mr. Speaker: Disallowed.

Lala Duni Chand: May I know if the honorary magistrates and subordinate judges have proved a success?

Parliamentary Secretary: Yes.

Lala Duni Chand: May I know if it is not a fact that there is a widespread feeling against the appointment of honorary magistrates?

Parliamentary Secretary: Government is not aware of any such widespread feeling.

Lala Duni Chand: May I know if the reason for appointing honorary magistrates is the bestowing of favour on selected people?

Mr. Speaker: Disallowed.

Lala Deshbandhu Gupta: Are there any honorary magistrates who are practically illiterate?

Parliamentary Secretary: I have no information on that point.

Lala Deshbandhu Gupta: Are there any honorary magistrates who are not even matriculates?

Parliamentary Secretary: There may be some who may not be matriculates but they have sufficient legal knowledge to carry on their work as honorary magistrates.

Rai Bahadur Mr. Mukand Lal Puri: Are there some honorary magistrates who can only write their names and append their signatures to judgments written by others.

Parliamentary Secretary: I have no information but I cannot believe it to be a fact.

Rai Bahadur Mr. Mukand Lal Puri: Will the Parliamentary Secretary enquire about the appointment of honorary magistrates in the Dera Ghazi Khan district?

Parliamentary Secretary : If a notice is given I will collect the information.

Rai Bahadur Mr. Mukand Lal Puri : Does Government propose to discontinue the practice of nominating fresh honorary magistrates ?

Parliamentary Secretary : No.

Rai Bahadur Mr. Mukand Lal Puri : Is Government aware that some of the honorary magistrates are terrorising those people who voted against them and their relations ?

Parliamentary Secretary : Government is not aware of it.

Lala Deshbandhu Gupta : Are Government aware that there are certain honorary magistrates who have not passed even primary or secondary school examinations ?

Parliamentary Secretary : Perhaps.

Lala Duni Chand : May I know if it is within the knowledge of the Government that not even a single honorary magistrate or subordinate judge has met with the approval of the public ?

Parliamentary Secretary : They are doing public service.

Pandit Muni Lal Kalia : Is Government prepared to revise the rules regarding the academic qualifications at the time of appointment of these honorary magistrates ?

Parliamentary Secretary : Government has no reason to revise the qualifications laid down for the appointment of honorary magistrates.

Mian Abdul Rab : May I know how much time an honorary magistrate requires before he is invested with powers ?

Parliamentary Secretary : I am placing the rules before the House¹ and the honourable member can study them.

Mian Abdul Rab : Will he please read the relevant portion ?

Parliamentary Secretary : The honourable member can satisfy himself by reading the rules.

CONFISCATION OF LICENCES.

***4477. Khawaja Ghulam Samad :** Will the Honourable Premier be pleased to state—

- (a) the number of licence-holders of arms in the Hissar city ;
- (b) the number of licence-holders, with their names who hold licences for more than one fire-arm, giving the detail of fire-arms in each case ;
- (c) the number of licence-holders before the last year ;
- (d) the number of licence-holders with their names and detail of arms whose licences were confiscated during the above-named period ;
- (e) the reasons for that confiscation ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :
(a) 192 (on the 31st December, 1938).

(b) 29 persons hold licences for more than one firearm, the details being as follows :—

Holding licences for 2 firearms	..	..	19
Holding licences for 3 firearms	..	..	7
Holding licences for 4 firearms	..	..	1
Holding licences for 5 firearms	..	..	2

It is not the practice to give names in such cases.

(c) 156 (on the 31st December, 1937).

(d) and (e) The renewal of four licences was refused during 1937 and 1938, since the status of the holders did not justify continuance. In addition, the licences of 64 persons were suspended last year under section 18 of the Indian Arms Act, 1878, at the time of the communal riots. These orders of suspension have since been revoked.

Khawaja Ghulam Samad : May I know the number of licences for more than one firearm, issued to various communities in the town of Hissar.

Parliamentary Secretary : I am afraid I cannot give this information to the honourable member as it has a communal tinge.

Khawaja Ghulam Samad : In my question I asked for the names, but the Parliamentary Secretary says that it is not the policy of the Government to give the names. I want to know the number of persons of each community who possess licences for more than one firearm ?

Parliamentary Secretary : If the honourable member would put an unstarred question I shall be able to supply the necessary information.

Khawaja Ghulam Samad : The Parliamentary Secretary must have received the names of these licence-holders, so he can give a reply to my question and tell me the number, community-wise, of those persons who possess licences for more than one firearm.

Parliamentary Secretary : I have already stated that I am not prepared to answer this question on the floor of the House. But if the honourable member puts an unstarred question, I will supply him the necessary information.

Pandit Shri Ram Sharma : Are these licences issued on communal representation ?

Parliamentary Secretary : There is no question of communal representation in this matter.

Lala Deshbandhu Gupta : May I know if Congressmen are debarred as a rule from getting licences ?

Mr. Speaker : Disallowed.

Chaudhri Muhammad Hassan : Is it a fact that at the time of granting licences the opinion of the local sub-inspector is considered sufficient ?

Parliamentary Secretary : No, but the opinion of the sub-inspector carries weight.

Lala Deshbandhu Gupta : Sir, may I know as to why you have disallowed my question ?

Mr. Speaker : Because the original question and its answer relate to the Hissar city ; while the honourable member's question relates to the whole province.

Lala Deshbandhu Gupta : I shall confine my question to the Hissar district. May I know if Congressmen in Hissar city are debarred from taking licences ?

Mr. Speaker : This does not arise from the answer given.

Chaudhri Muhammad Hassan : Through what other source does the District Magistrate make enquiries while granting a licence in the Hissar city ?

Parliamentary Secretary : Through local officers and the general reputation of the applicant.

Chaudhri Muhammad Hassan : How does he become aware of the general reputation ?

Mr. Speaker : Disallowed.

Khawaja Ghulam Samad : May I know whether any Muslim in the Hissar town possesses licences for more than one firearm ?

Mr. Speaker : The Parliamentary Secretary has declined to answer such a question.

Khawaja Ghulam Samad : In the first instance I wanted to know the names of licensees. The honourable Parliamentary Secretary declined to give the names of licence holders although the information asked for must be with him. He can now reply my question very easily and tell me the number of licensees for more than one firearms community-wise.

EXPENSES OF ADDITIONAL POLICE POST AT HISSAR.

***4478. Khawaja Ghulam Samad :** Will the Honourable Premier be pleased to state—

- (a) whether there is still apprehension of a breach of peace at Hissar ;
- (b) the period for which the additional police has been posted there ;
- (c) the section of the population of that city who will have to pay the expenses of the additional police ;
- (d) the reasons why a particular section of the population will have to bear the aforesaid expenses ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a) There is no apprehension of an immediate outbreak, but the state of communal feeling is not yet entirely satisfactory and I cannot promise off-hand that it will not be necessary to extend the period for which the additional police were originally sanctioned.

(b) For one year from the 29th March, 1938.

(c) Government and municipal servants have been exempted, and the poorer menials. Otherwise all sections of the population will be required to pay their share.

[S. B. S. Ujjal Singh.]

(d) Does not arise.

I may also add that the additional police has now been withdrawn.

Khawaja Ghulam Samad : May I know whether the Government pensioners of various departments residing at Hissar have also been exempted from the payment of the expenses of the punitive police, because they were also in the past Government servants ?

Parliamentary Secretary : I am afraid I cannot give a reply to my honourable friend off-hand, but if he gives notice I shall collect that information.

Khawaja Ghulam Samad : Will he please propose to make an enquiry in this respect ?

Parliamentary Secretary : If the honourable member gives notice, necessary information will be collected.

Chaudhri Muhammad Hassan : Have the Government considered the case of poor people living in the Hissar town ?

Parliamentary Secretary : Certainly. It is within the discretion of the District Magistrate to exempt poor people and those whom he considers deserving of exemption.

Chaudhri Muhammad Hassan : Have the instructions been issued to the District Magistrate to that effect ?

Parliamentary Secretary : It rests with the District Magistrate already under the rules that he may exempt those who are unable to pay.

Chaudhri Muhammad Hassan : Has the Government given any inkling to him to that effect ?

Parliamentary Secretary : That is a standing instruction.

MURDER OF JUG LAL HARIJAN KHATIK.

***4507. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state the result of investigation by the police in the case of one Jug Lal Harijan Khatik of village Sanghi, district Rohtak, who was recently murdered at night while sleeping in his house ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : The perpetrators of the crime have not so far been traced, but investigation is still proceeding.

Pandit Shri Ram Sharma : Is the Government aware of the fact that a punitive police post was posted in the village and in spite of that police post this murder had taken place in the same village ?

Parliamentary Secretary : It is unfortunate, but the police is doing its best to investigate the case.

Pandit Shri Ram Sharma : Will the Parliamentary Secretary be pleased to state the results that have been so far achieved by the police ?

Parliamentary Secretary : I have no further information on that point. The only information is that the investigation is still proceeding.

Pandit Shri Ram Sharma : Does the Parliamentary Secretary know that this case has not yet been brought in a court for action ?

Parliamentary Secretary : As I have already stated, the case is still at the investigation stage and it has not been brought before a court of law.

KHATIK FAMILIES AND MURDER OF JUG LAL HARIJAN.

***4508. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state, whether it is a fact that a number of Khatik families have left the village Sanghi in Rohtak district, out of fear and sense of insecurity since the time Jug Lal Harijan of the same village has been murdered ; if so, the number of such families and the steps Government proposes to take to restore confidence among these poor people ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : Four Khatik families have recently migrated from Sanghi to Rohtak but it is understood that their decision to change their residence was due purely to economic reasons and was not connected with the Jug Lal murder case.

Pandit Shri Ram Sharma : Will the Honourable Parliamentary Secretary please state whether the information, which he has read out, is given through the Police Department ?

Parliamentary Secretary : The information has been supplied by the District Magistrate.

Pandit Shri Ram Sharma : Will he be pleased to state those difficulties which existed immediately after this murder on account of which those persons left that village ?

Parliamentary Secretary : I cannot state all these difficulties. But the information, which has been communicated by the District Magistrate, is that it is not due to the murder of Jug Lal that these families have left the village.

Pandit Shri Ram Sharma : Has the Police Department enquired whether those persons had left the village on account of murder or some other reason ?

Parliamentary Secretary : The District Magistrate must have satisfied himself before supplying the information to the Government.

Pandit Shri Ram Sharma : How is it that the reasons that satisfied the officer concerned have not been mentioned ?

Parliamentary Secretary : I cannot give a detailed report.

Pandit Shri Ram Sharma : Is Government prepared to reconsider the matter ?

Mr. Speaker : That is a request for action.

EXTORTION OF BRIBE BY THE TANDA POLICE FROM SANT RAM.

***4554. Sardar Hari Singh :** Will the Honourable Premier be pleased to state—

(a) whether the Deputy Commissioner, Hoshiarpur, has recently received a petition, dated 27th January, 1939, from one Sant

[Sardar Hari Singh.]

Ram, son of Harnam Singh, of village Harsipind, thana Tanda, district Hoshiarpur, alleging that the police at Tanda attempted to extort bribe from him on 26th January, 1939 ;

(b) if the answer to (a) above be in the affirmative, the action taken in the matter ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a) Yes.

(b) An inquiry is being made by the *Ilaga* Magistrate.

Chaudhri Muhammad Hassan : Am I to understand that the allegations of corruption are first enquired into by the *ilaga* magistrate and then by the Anti-Corruption Officer ?

Parliamentary Secretary : No. The *ilaga* magistrate is carrying on the enquiry.

Chaudhri Muhammad Hassan : Will Government consider the desirability of entrusting the investigation of bribery cases to the Anti-Corruption Department at the very outset ?

Premier : My honourable friend must realize that it is not possible for one anti-corruption officer to deal with all the cases, and particularly when 99 per cent of the applications are not genuine.

WARNING ISSUED TO "HARIANA TILAK."

***4559. Pandit Shri Ram Sharma** : With reference to the answers to my questions Nos. *3496¹ and *3802², will the Honourable Premier be pleased to state—

(a) the specific articles, notes and news and also the exaggerated and misleading statements in the '*Hariana Tilak*' on the basis of which two warnings were issued to the paper ;

(b) the reasons why the editor of the said paper would have been in jail, had not the paper been owned by Pandit Shri Ram Sharma, M.L.A., as stated in reply to a supplementary question ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : (a) and (b) " I have nothing to add to the replies given to questions *3496 and *3802. Part (b) of the question is not understood. The connection of honourable member with the paper is not likely to affect, one way or the other, the interpretation or application of law."

Pandit Shri Ram Sharma : May I ask when the *Hariana Tilak* was administered warning a second time, the Chief Secretary of the Punjab Government in his letter to the Deputy Commissioner pointed out the articles published in the newspaper which were held to be objectionable by Government ?

Parliamentary Secretary : But Government does not wish to give further publicity to those articles by placing them on the floor of the House.

¹Volume VII, page 6.

²Volume VII, page 541.

Pandit Shri Ram Sharma : I want to enquire if the translation of the articles held to be objectionable by Government was sent to the Deputy Commissioner.

Parliamentary Secretary : Yes, that is probably correct.

Pandit Shri Ram Sharma : Is Government sure that the articles in question contravened any rule or law for the time being in force ?

Parliamentary Secretary : Yes, that is why the Government took action against the paper.

Pandit Shri Ram Sharma : How have Government held those articles to be objectionable ?

Mr. Speaker : That is a matter of opinion.

Lala Deshbandhu Gupta : Is that a valid reason for Government to refuse to answer questions ? The reason given by the Parliamentary Secretary is that the Government does not want to give publicity. Do you consider that to be a valid reason ?

Mr. Speaker : It is not for me to express any opinion.

Lala Deshbandhu Gupta : The Parliamentary Secretary has taken his stand on a novel ground for not answering a question. I request you to protect the rights of this side of the House by asking him not to introduce such innovations.

Mr. Speaker : The next question.

Pandit Shri Ram Sharma : I want to ask another supplementary question. This is a very important question.

Mr. Speaker : I appreciate the importance of the honourable member's question ; but it is not fair that so large a number of supplementary questions should be allowed that no time may be left for the starred questions on the agenda of the day.

Pandit Shri Ram Sharma : You have been very lenient many times. Please allow me one more question. The Honourable Premier in answer to a supplementary question put some time back stated that if the *Haryana Tilak* had not been owned by me the Editor would have been sent to jail. In view of this I want to enquire what was the offence committed for which this threat was held out to the Editor of the said newspaper.

Parliamentary Secretary : I have not been able to find out that reply to any of the supplementary questions to which my honourable friend refers.

Pandit Shri Ram Sharma : I have framed the question after seeing it in the Assembly Report.

SHORT NOTICE QUESTIONS AND ANSWERS.

CIRCULAR PROHIBITING GOVERNMENT SERVANTS FROM BECOMING MEMBERS OF KHAKSAR MOVEMENT.

Raja Muhammad Sarfraz Khan : Will the Honourable Premier be pleased to state if recently or during the regime of previous Government a circular was issued to Heads of Departments and Deputy Commissioners

[Raja Muhammad Sarfraz Khan.]

of various districts in the Punjab asking them to prohibit Government servants from becoming members of the Khaksar organizations ; if so, why ?

The Honourable Major Sir Sikander Hyat-Khan : Before the present constitution came into force Commissioners were informed that as the Khaksar organization was not a purely religious one, rule 20 of the Government Servants' Conduct Rules prohibited Government servants from joining it.

Dr. Sir Gokul Chand Narang : Did the Honourable Premier receive any request from the Leader of this movement that Government servants should be allowed to join the movement ?

Premier : Yes.

Dr. Sir Gokul Chand Narang : What action was taken on that request ?

Premier : It is given in the answer.

Dr. Sir Gokul Chand Narang : What were the other requests of the Leader of the movement ?

Premier : One was with regard to broadcasting which is a central subject and the other was with regard to *zakat*.

Dr. Sir Gokul Chand Narang : What action has been taken in regard to the last ?

Premier : My policy in this respect was made clear in a public meeting several months ago where I said that if the Muslim community wanted to have legislation with regard to the collection of *zakat* voluntarily I would be only too glad to help them. But it is for the Muslim community to decide the question and a special committee has been formed and it is considering the question.

Dr. Sir Gokul Chand Narang : Does the Government intend to frame any law on the subject ?

Premier : Yes, if requested by the community as a whole.

Dr. Sir Gokul Chand Narang : Was any ultimatum given to the Punjab Government by the Leader of the movement that unless these three demands were conceded four thousand Jan Nisars out of the Khaksars will march upon Lahore and will be prepared to lay down their lives and that the Premier should be prepared for his death if he refused to accede to his wishes ?

Premier : I received no such ultimatum from the leader of the movement though I receive several ultimatums daily. Only the other day I received an ultimatum that if I failed to do a certain thing the whole province would be wiped off. I am still waiting for that catastrophe, and if that happens my honourable friend will go with me.

Diwan Chaman Lall : Not to the same place ? (*Laughter.*)

Premier : Certainly not.

Dr. Sir Gokul Chand Narang : He will go to the Paradise of M. Abdul Haye !

Rai Bahadur Mr. Mukand Lal Puri : Is the Honourable Premier aware that such threats were publicly given in the papers which were circulated broadcast ? If so, was action taken thereon ?

Premier : As I have already said threats are given in the papers every day and it so happens that the poor Premier is the target of all these threats. But I ignore them with the contempt which they deserve.

Dr. Sir Gokul Chand Narang : Is it a fact that one of the Parliamentary Secretaries (Mir Maqbool Mahmood) was deputed to discuss the demands with the leader of this movement ?

Premier : He was not asked to discuss the demands with the leader of the movement ; he was only asked to see the leader, because I could not see him owing to pressure of work.

Dr. Sir Gokul Chand Narang : Was any agreement drawn up between the Parliamentary Secretary and the leader of the movement ?

Premier : I am not aware of any such thing.

Dr. Sir Gokul Chand Narang : Is the Honourable Premier aware that a reference was made to this agreement in a paper called *El-Islah* ?

Premier : Reference to several things are made in papers which are not correct. Further, I may inform the honourable member that I do not get time to see all the papers and this particular thing has not been brought to my notice.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : Will the Honourable Premier please acquaint the House as to when Dr. Sir Gokul Chand Narang joined the Khaksar movement ?

Mr. Speaker : Disallowed.

RESTRICTIONS ON GOVERNMENT SERVANTS AGAINST BEING SUBSCRIBERS TO WEEKLY *El-Islah*.

Raja Muhammad Sarfraz Khan : Will the Honourable Premier be pleased to state—

- (a) whether there are any restriction on Government servants against being subscribers to the weekly *El-Islah*, which is an organ of the Khaksar Movement ; if so, whether the Punjab Government has issued any circular or circulars to that effect ;
- (b) if the answer to the above question be in the negative, will Government be pleased to state whether any local orders to the above effect were issued recently by the head of the co-operative department and the Commissioner of a division ; if so, why and the action the Government intends to take in the matter ?

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

(b) No orders were issued by the Registrar, Co-operative Societies, Punjab. The Commissioner, Multan division, however, advised two clerks of his office who interested themselves in the Khaksar Movement and were

[Premier.]

subscribing to the Khaksar organ, *El-Islah*, to sever their connection with the organization in view of rule 20 of the Government Servants' Conduct Rules. Government do not contemplate taking any action in the matter.

CORRUPTION IN PUBLIC SERVICES.

Khan Sahib Chaudhri Pir Muhammad : Will the Honourable Premier be pleased to state whether he is now in a position to furnish information as to the steps which Government propose to take to eradicate corruption in the public services ?

The Honourable Major Sir Sikander Hyat-Khan : As I mentioned in the House a month or two ago, the whole problem of corruption in the services was examined in a conference of officials in Simla last summer, and Government have since been considering the various suggestions which were then put forward. As a result, two circulars have now been issued to Commissioners and heads of departments. The first of these emphasizes the vital importance of the subject and invites the co-operation of the senior officers in every department in organising a vigorous and persistent campaign against corruption of every kind. The action taken in each department is to be reported every year, and Government will not hesitate to take any officer to task who shows negligence or apathy in this part of his duties. The second circular explains the new scheme under which a staff of trained investigators is being set up to assist heads of departments and the heads of local offices in investigating cases of suspected corruption. I am placing copies of the two circulars on the table and leave them to speak for themselves. Honourable members will, I hope, study them carefully.

A number of other suggestions made in the Simla conference are under the consideration of Government, among which the following may be mentioned :—

- (a) First and foremost, it is necessary to consider to what extent dismissal should be allowed on general evidence of bad reputation, without proof of specific instances of bribe-taking or the like ; and if a system of this kind is to be authorised, what safeguards are necessary. Many experienced officers consider that this is the crux of the whole problem.
- (b) Government are also considering a scheme for utilising the power mentioned in Note I to Article 465-A, C. S. R., to retire officers of doubtful reputation.
- (c) It is hoped also to issue instructions for a freer use of the power conferred by Article 470, C. S. R., to reduce the amount of the pension allowed to a retiring official whose service has not been thoroughly satisfactory :

Provided that the service chiefs receive a reasonable degree of assistance from the public, action on the lines indicated will, I believe, prove effective in eliminating the abuses which at present undoubtedly exist. I should like to take this occasion to appeal for the co-operation of honourable members in all parts of the House in creating a sounder public opinion on the subject and in supporting the heads of the services when attempts are made, as they are certain sometimes to be made, to impede action in particular cases.

Khawaja Ghulam Samad : Is the Honourable Premier aware that the public do not have the courage to come forward with complaints against any corrupt official ?

Premier : I know that and I am very sorry that that feeling still exists in spite of the fact that I have tried to explain to them that they need not be afraid of coming forward now.

Khawaja Ghulam Samad : May I know whether any action has so far been taken by the Government to remove the misapprehension from the minds of the public ?

Premier : I have done everything possible. I have issued circulars and *communiqués* and if they are still afraid, it is not my fault.

Khawaja Ghulam Samad : *Communiqués* and circulars are not read by the ignorant villagers but propaganda should be made in the villages. Though this is a request for action, it is the only proper thing to be done in order to eradicate corruption from the province.

Premier : I entirely agree with my honourable friend and I hope every member in this House will do his duty.

Sardar Lal Singh : In view of the fact that the Honourable Premier stated only a few minutes ago that 99 per cent of the complaints are fictitious, does he realize that statements like that frustrate the very purpose which we have in view ?

Premier : My honourable friend must also realize that false complaints stand in the way of genuine complaints coming to fruition.

DAMAGE TO CROPS BY HAILSTORM.

Sardar Muzaffar Ali Khan Qizilbash : Will the Honourable Minister of Revenue be pleased to state the amount of damage done to standing crops in the Lahore Tahsil by the hailstorm which swept the tahsil on the 6th April, 1939, and the action which the Government proposes to take to give relief to those affected by the hailstorm ?

The Honourable Dr. Sir Sundar Singh Majithia : The exact extent of the damage done by the hailstorm cannot be stated till the results of the special *girdawari*, which is in progress, are available. At present reports show that eight villages were hit hard and their crops were totally destroyed. While in the other 31 villages the damage is said to be less. The estimated remission in land revenue amounts to about Rs. 15,000.

The question of granting fodder relief is also under consideration, and adequate relief will be afforded, where necessary, on the lines that were adopted in 1937.

Sardar Lal Singh : On a point of order. May I know why a uniform practice is not followed in the matter of admitting short notice questions ? A question which is exactly the same as the question now put and answered had been sent in by me and the Honourable Minister did not accept it as short notice.

Mr. Speaker : I have no power, I think, to interfere in this matter.

PETROL.

Sayed Ajmad Ali Shah : Will the Honourable Minister for Finance be pleased to state—

- (a) whether the official price of petrol in Lahore before the 1st of April was Re. 1-9-0 per gallon ;
- (b) that in actual practice the price paid for petrol in Lahore by the consumers before the 1st of April was Re. 1-8-0 per gallon ;
- (c) that between the 1st and the 19th of Apr the price of petrol in Lahore was increased from Re. 1-8-0 to Re. 1-9-0 although the tax levied by Government had not come into force ;
- (d) that the price of petrol in Lahore since the 19th April is Re. 1-10-3 per gallon. That although Government had only levied a tax of Re. 0-1-8 per gallon the price in Lahore has gone up by Re. 0-2-8 per gallon ;
- (e) if so, whether Government is considering to take any action to stop this profiteering by the petrol companies and thereby remove the legitimate grievances of the public ?

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

(b) It is believed that petrol was sold at a number of petrol pumps at this price, i.e., Re. 1-8-0.

(c) Steps have been taken by the wholesale companies to insist on their agents selling at the official price of Re. 1-9-0.

(d) Yes, where petrol was being sold at Re. 1-8-0 previously.

(e) Government view with grave concern any form of profiteering in essential commodities where it may be proved to exist and would consider the desirability of taking such steps as are within their power to prevent such profiteering should this seem to be necessary.

UNSTARRED QUESTIONS AND ANSWERS.

SELECTION OF CANDIDATE PATWARIS BY THE DEPUTY COMMISSIONER, JULLUNDUR.

789. Master Kabul Singh : Will the Honourable Minister of Revenue be pleased to state—

- (a) whether the Deputy Commissioner, Jullundur, made a selection of candidate Patwaris on 5th December, 1938 ;
- (b) the number of candidates ;
- (c) the number of these selected 'candidates with their qualifications ;
- (d) why no Sikh was selected ;
- (e) the number of Sikhs among the applicants and their qualifications ;
- (f) how many of these selected had already been dismissed from service ?

The Honourable Dr. Sir Sundar Singh Majithia : I regret that reply to this question is not yet ready.

ADJOURNMENT MOTION.

LATHI CHARGE BY POLICE AT BEHRAMPUR.

Mr. Speaker : Lala Duni Chand has given notice 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 wanton and unprovoked attack in the form of a lathi charge by the police force assembled at Behrampur, police station Rupar, district Ambala, on 10th April, 1939, upon a number of men supposed to be Congress workers and Congress sympathisers who were present in the public meeting to be addressed by the Honourable Minister for Development with the result that several respectable men received injuries and the hair and beards of some of them were pulled.

Lala Duni Chand : My adjournment motion has been held up merely on the ground that the Honourable Premier has not been able to get the necessary information. I hope that he has now got the necessary information. So far as I see your attitude on the two previous occasions, there can possibly be no objection to this adjournment motion. I, therefore, request without saying anything further, that my adjournment motion might be allowed to be discussed.

Premier : The information which I have received does not in any way confirm what my honourable friend has said.

Mr. Speaker : That is a different matter. Any objection ?

Premier : Though the allegations are purely imaginary, yet I do not want to object on technical grounds.

Mr. Speaker : The honourable member, Lala Duni Chand, has the leave of the House to move the adjournment motion. It will be taken at 7 o'clock this evening or earlier if the business of the day is finished.

NO-CONFIDENCE MOTIONS.

Mr. Speaker : I have received 5 no-confidence motions (*hear, hear from the Opposition*) against the five honourable Ministers, but up till now I have received no such motion against the Honourable Premier (*Hear, hear from the Treasury Benches*).

Honourable members : It may come.

Mr. Speaker : I understand that only one notice was received in time. The other notices were received after the commencement of the business of the day.

Premier : May I submit that even though only one motion is in time and others are not, it is immaterial whether one or all were moved and I might make it clear to my honourable friends that a motion against one would be taken as a motion of no-confidence against all : i.e., the whole ministry (*Opposition members : No.*) I greatly appreciate the courtesy shown by my honourable friends in not giving notice of any no-confidence motion against me, but let me assure them that I will take each one of these motions to be a motion of no-confidence against me. (*Hear, hear from*

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the Treasury Benches), because we have joint responsibility and my honourable friends may rest assured that my shoulders are broad enough to bear the responsibility (*hear, hear*).

Chaudhri Krishna Gopal Dutt : It is to brow beat the Unionist Party that the Premier declares that a vote against any minister is a vote against the Premier.

Dr. Gopi Chand Bhargava : I beg to submit that what the Honourable Premier has been pleased to say now would have been quite relevant if the leave had been granted for the motion to be moved. Unless the motion is moved and it is accepted, we cannot reply to what he has said.

Chaudhri Muhammad Hassan (Ludhiana, Muhammadan, Rural) : My motion reads—

“ This House expresses its want of confidence in Mian Abdul Haye, the Minister of Education.

(*Opposition cheers.*)

Mr. Speaker : The honourable member has moved that leave be granted to express want of confidence in the Minister for Education, Mian Abdul Haye. Those in favour of leave being granted will please rise in their seats.

(*As more than fifty members rose in support of the motion the Speaker announced amidst Opposition cheers that leave was granted to the motion being moved.*)

Mr. Speaker : The motion will be taken up to-day after the adjournment motion or to-morrow.

Diwan Chaman Lall : May I say one word ?

Mr. Speaker : There is some misunderstanding.

Diwan Chaman Lall : Will you please permit me to say one word with regard to this matter ? You were kind enough to say that this motion may be taken up to-morrow. May I suggest that in view of the heavy agenda to-day, we have already been sitting for an hour and a half now and we have a Bill to go through and we do not know how long it will take, it would not be fair either to the House or to the members of the House to take up a particular motion like a motion of no-confidence at the tail end of a busy day and that therefore you must consult the convenience of the Honourable the Leader of the House as well as the Leader of the Opposition and, if there is no objection, fix to-morrow or any other day near about that suits my honourable friends.

Premier : I suggest that if we finish the business early then we might take up this motion immediately after the adjournment motion, and then go on with it to-morrow. After all this motion will take time and you cannot dispose of it in a few hours. I think we would require at least four or five hours. We might begin to-day and sit to-morrow. As a matter of fact I have got a formal motion ready. I propose to move that we should sit to-morrow beginning at 12 noon and go on till 8 in the evening, so that we can give ample time to all sections of the House.

Dr. Gopi Chand Bhargava : On a point of order. I invite your attention to rule 45 which reads—

That the motion shall be taken up on the same day. Provided that if the business on the list of the day is concluded earlier, the motion shall be taken up at the conclusion of such business.

An adjournment motion is the last thing to be discussed on a day, therefore you cannot take up the no-confidence motion to-day.

Mr. Speaker : The day's business will be taken up first and when it is disposed of, say at 5 or 6 P. M., the adjournment motion will be taken up. If that motion also is disposed of, say 1 or $\frac{1}{2}$ an hour before 7 P. M., then and then alone will the motion of no-confidence be taken up. If the adjournment motion is taken up at 7 P. M. and finished at 9 P. M. in that case this motion will not be taken up to-day.

Mian Abdul Aziz : Why to-morrow at 12 noon? Has it become a rule of this House that we must break our rules? Though the actual time of sitting is 2 o'clock, yet we find that for about twenty days during this session the meetings have been held earlier than the usual time.

HOURS OF SITTING.

Premier : Preference should be given to the business of this House and not to our private business. I move—

That the Assembly do meet to-morrow, Saturday, at 12 noon of the clock, that there be no questions and that the sitting on that day be adjourned on completion of the business set down in the list of business for that day.

Mr. Speaker : Motion moved—

That the Assembly do meet to-morrow, Saturday, at 12 noon of the clock. That there be no questions and that the sitting on that day be adjourned on completion of the business set down in the list of business for that day.

Dr. Gopi Chand Bhargava : Sir, we have established a convention that whenever we have to take a day or take time of interruption I must, at least, be consulted about it. I am sorry to say that I have not been consulted about it at all. It is the first time I have heard that such a motion is being moved. There is no reason why we should depart from the practice already established. The reason why on previous occasions we did not meet at 2 o'clock and changed the time of meeting to 12 o'clock was that there was some engagement in the afternoon and, therefore, we changed the time because it was convenient to members of the House on both sides. Therefore, so far as this sitting at 12 o'clock is concerned, I beg to submit that there is no reason why we should change it. There is another part of this motion and that is that we go on sitting till we finish the business of the day. That would mean that if a motion which is before the House is not finished, then we should sit till 12 o'clock of the night. I find no reason whatsoever why we should be called upon to sit longer and why we should break our rules. When we broke the rules in the past, we broke them because the matter was very urgent. In this very session we sat longer on the 81st because we wanted the financial Bill to be passed on that very day, otherwise we would not have sat longer than half past six on that day. I, therefore, submit that this motion should not be accepted and the convention which we had adopted should not be broken.

Dr. Sir Gokul Chand Narang : May I say a word on this point with your permission ?

Premier : My honourable friend the Leader of the Opposition has complained that I did not consult him. There was no time for consultation because I did not expect that we will sit beyond to-day. The motion which necessitates our sitting to-morrow has been admitted only now by you, and my motion had to be moved at the spur of the moment.

Diwan Chaman Lall : There was a confidence motion to be moved by my honourable friend's party also.

Premier : We were hoping that we might finish the work to-day. It would not be possible to do so under the circumstances.

Dr. Sir Gokul Chand Narang : I have already protested against this frequent breach of the rules of this House and I entirely endorse the remarks of the honourable member on my left that it has really become a rule with the Government to break the rules framed by this House. Besides the reasons which the Honourable Leader of the Opposition has given, I would draw your attention to another matter which seems to be entirely ignored by the Government and that is this, that whereas the Government is master of its own time, all the members of the Cabinet and the Parliamentary Secretaries are masters of their own time, the ordinary members of this House are not entirely masters of their own time. There are many legal practitioners among the members and they have their own duties to perform. The Honourable Premier gets up at any moment with a slip of paper in his hand and moves that the House do meet from such and such a day at 12 and sit till such and such hour. That is really unfair to private members of this House particularly the lawyer members. I know that they are feeling this because their business is really disorganised. They cannot at the spur of the moment engage other people or approach their friends to do their cases for them because cases in the High Court do require time. It is not like his motion that he can make it at the spur of the moment. Cases in courts cannot be done at the spur of the moment. Therefore, out of regard for legal practitioners this time should not be fixed for to-morrow's meeting.

There is another thing. I also protest against the non-stop sitting of the House. There seems to be no urgent reason. (*An honourable member :* Is that motion before the House?) (*Voices :* It is.) This is what I understood so far as I could hear him. That is before the House. The Honourable Premier has not given any reason why the House should continue to sit until every blessed thing in this world is finished. So far as this House is concerned, it is not a question of saving money, there may be other questions, but, whatever the case may be, I think it is very unfair to the House to tie it down, to sit here until the whole business of the day is finished and particularly on a day which is not one of the usual days on which the House sits. The House sits only for four days as a rule and, unless there is any emergency or urgency or business of some extraordinary importance, this rule should not be departed from. You propose that the House should sit from 12 noon until the business is finished. I submit, to say the least, that it is not fair.

Then, again, I would say something about the questions. You are aware that with respect to the questions a departure has recently been made so far as the answering of the questions is concerned. As it is, the questions are being pushed from day to day. Formerly, if I am not mistaken, the practice was that if a question was not put on a particular day, the answer was communicated to the Secretary and it was included in the printed debates. Now what will happen is this, that those questions which are not brought in this session will probably not be answered at all and they will have to go to the next session and if the Assembly is prorogued then fresh notices of those questions will have to be given. Sometimes the questions are of very great importance and they cannot be shelved like this. I tell you one instance. You will remember perhaps that I put a question and I wanted to ask supplementary questions and you were pleased to ask me to give notice of a short notice question which I did. The notice was given on 4th April and up to this time that question has not been reached. You were kind enough to refer the matter to the Honourable Minister concerned, but for reasons best known to himself he said that he could not answer this question as a short notice question although I know from the question that there was nothing in it which could not be answered at once. (*Interruptions.*) So, the question hour should not be deducted from the programme of the day. We should have one hour for questions and during the rest of the time—the usual hours—we should go on with the rest of the business.

Mian Abdul Aziz (Outer Lahore, Muhammadan, Urban) (*Urdu*): Sir, I crave your indulgence to permit me to make a few observations in regard to this matter. I assure you that I would not take long to finish my speech. Now, my submission is that this matter which has been sufficiently expatiated upon is of great importance. You will remember that we framed our rules of procedure with the utmost care and it took us about four months to get through them. We definitely provided in rule 12 (2) of the rules of procedure that the Assembly shall meet at 2 P. M. except on Fridays when it shall meet at 2-30 P. M. At the same time it was decided by the House that the Assembly shall, while in session, meet on four days in a week. But what do I see? I find that not only in the present session but also during the last session of the Assembly, this rule has been honoured more in its breach than in its observance. I want to emphasise that these rules were not framed for the purpose of being violated off and on. Again when notices were issued by Government in connection with the commencement of this session, at first the dates fixed were 27th and 28th February and then the 6th and 13th March. We met for a day and then dispersed for some days. I do not mean to imply that Government should hold sessions of the Assembly very sparingly. But what I want to drive at is that Government should be very careful in chalking out their programme and they should think twice before they declare it. Take, for instance, if the Government had not first spurned the request of the Opposition, and had fixed 13th March at the very outset as the date of meeting of the Assembly, so that Congress delegates of the Opposition could conveniently attend the annual session of the Indian National Congress, I am sure, there would have arisen no acrimony in this connection. Although at first the Government was adamant to stick to their original programme,

[Mian Abdul Aziz.]

yet saner counsels prevailed later on and the Government realized its folly and acceded to the wishes of the Opposition. Again, we find that whenever it suits their convenience, the Government bring forward motions to adjourn the House at 4-30 p. m. If some function is to be held at Amritsar, or some tea party is to be arranged in honour of some celebrated and eminent person, by some Government member, the Government at once come forward with a motion that the hour of interruption on such and such days should be 4-30 p. m. May I know why so much importance is attached to these functions? Cannot they be postponed to some other dates so that the House might meet at the stipulated hour which has been provided in the rules of procedure? I find that during the present session we have transgressed this rule more than 15 times. Motions, one after the other, were moved by the Leader of the House to the effect that the House shall meet at 12 noon instead of 2 p. m. and the hour of interruption would be 4-30 p. m. The Government fix time as it suits their convenience. They are callous about the convenience of the members opposite. I may point out to the Honourable Premier that the Lawyer members of this House have to adjust their cases in the courts according to the time stipulated in the rule and therefore they feel great inconvenience when time of meeting of the Assembly is changed from 2 p. m. to 11 A. M. or 12 noon. I wish the Government should realize their responsibility and not waste the time of others.

Premier : I might inform my honourable friends over there that I postponed the budget session to the 13th March, simply to accommodate the honourable members of the Opposition. I had nothing to gain personally by this change in the dates.

Mian Abdul Aziz : Why not do so from the very beginning and consult before fixing the dates?

Diwan Chaman Lall : May I draw your attention to the fact that you have every right to disallow any motion or part of a motion which seeks to impose a burden on the Assembly and makes it impossible to conduct the business of the Assembly in a suitable manner. When my honourable friend is seeking to have a continuous session I submit that you should not be agreeable to the acceptance of that motion.

Mr. Speaker : The question is whether the motion moved by the Honourable Premier is in order. I think it is in order. Therefore, I have no power to reject it. The motion moved is—

That the Assembly do meet to-morrow, Saturday, at 12 noon of the clock, that there be no questions and that the sitting on that day be adjourned on completion of the business set down in the list of business for that day.

The Assembly divided : Ayes 102, Noes 54.

AYES

Abdul Hamid Khan, Sufi.

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.

Allah Bakhsh Khan, Khan Bahadur Nawab Malik.
 Amjad Ali Shah, Sayed.
 Anant Ram, Chaudhri.
 Ashiq Hussain, Captain.
 Badar Mohy-ud-Din Qadri, Mian.
 Balwant Singh, Sardar.
 Barkat Ali, Malik.
 Bhagwant Singh, Rai.
 Chhotu Ram, The Honourable Chaudhri Sir.
 Dasaundha Singh, Sardar.
 Dina Nath, Captain.
 Faiz Muhammad Khan, Rai.
 Faiz Muhammad, Shaikh.
 Faqir Hussain Khan, Chaudhri.
 Farman Ali Khan, Subedar-Major Raja.
 Fateh Jang Singh, 2nd-Lieut. Bhai.
 Fateh Khan, Khan Sahib Raja.
 Fateh Muhammad, Mian.
 Fateh Sher Khan, Malik.
 Fazal Din, Khan Sahib Chaudhri.
 Fazal Karim Bakhsh, Mian.
 Few, Mr. E.
 Ghazanfar Ali Khan, Raja.
 Ghulam Mohy-ud-Din, Khan Bahadur Maulvi.
 Ghulam Qadir Khan, Khan Bahadur.
 Ghulam Rasool, Chaudhri.
 Ghulam Samad, Khawaja.
 Gopal Singh (American), Sardar.
 Gurbachan Singh, Sardar Sahib Sardar.
 Habib Ullah Khan, Malik.
 Haibat Khan Dahi, Khan.
 Hans Raj, Bhagat.
 Hari Chand, Rai Sahib Rai.
 Harnam Singh, Captain Sodhi.
 Het Ram, Rai Sahib Chaudhri.
 Inder Singh, Sardar.
 Jafar Ali Khan, M.
 Jagjit Singh Bedi, Tikka.
 Karamat Ali, Shaikh.
 Khizar Hayat Khan Tiwana, The Honourable Nawabzada Major.
 Kishan Das, Seth.
 Manohar Lal, The Honourable Mr.
 Mubarak Ali Shah, Sayed.

Muhammad Akram Khan, Khan Bahadur Raja.
 Muhammad Amin, Khan Sahib Shaikh.
 Muhammad Ashraf, Chaudhri.
 Muhammad Faiyaz Ali Khan, Nawabzada.
 Muhammad Hayat Khan Noon, Nawab Malik Sir.
 Muhammad Hussain, Chaudhri.
 Muhammad Jamal Khan Leghari, Nawab Sir.
 Muhammad Nawaz Khan, Major Sardar.
 Muhammad Qasim, Chaudhri.
 Muhammad Raza Shah Jeelani, Makhdumzada Haji Sayed.
 Muhammad Saadat Ali Khan, Khan Bahadur Khan.
 Muhammad Sadiq, Shaikh.
 Muhammad Sarfraz Khan, Chaudhri.
 Muhammad Sarfraz Khan, Raja.
 Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.
 Muhammad Yasin Khan, Chaudhri.
 Muhammad Yusuf Khan, Khan.
 Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
 Muzaffar Ali Khan Qizilbash, Sardar.
 Muzaffar Khan, Khan Bahadur Captain Malik.
 Muzaffar Khan, Khan Bahadur Nawab.
 Nasir-ud-Din, Chaudhri.
 Nasrullah Khan, Raja.
 Naunihal Singh Mann, Lieutenant-Sardar.
 Nawazish Ali Shah, Sayed.
 Nur Ahmad Khan, Khan Sahib Mian.
 Pir Muhammad, Khan Sahib Chaudhri.
 Pohop Singh, Rao.
 Pritam Singh Siddhu, Sardar.
 Ram Sarup, Chaudhri.
 Ranpat Singh, Chaudhri.
 Riasat Ali, Khan Bahadur Chaudhri.

Ripudaman Singh, Thakur.
 Roberts, Sir William.
 Sahib Dad Khan, Khan Sahib
 Chaudhri.
 Shahadat Khan, Khan Sahib Rai.
 Shah Nawaz, Mrs. J. A.
 Shah Nawaz Khan, Nawab Sir.
 Sham Lal, Rai Bahadur Chaudhri.
 Sikander Hyat-Khan, The Honour-
 able Major Sir.
 Singha, Diwan Bahadur S. P.

Sohan Lal, Rai Sahib Lala.
 Sultan Mahmood 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 Bahadur Sardar.

NOES.

Abdul Aziz, Mian.
 Abdul Rab, Mian.
 Ajit Singh, Sardar.
 Baldev Singh, Sardar.
 Bhagat Ram Choda, Lala.
 Bhagat Ram Sharma, Pandit.
 Bhim Sen Sachar, Lala.
 Chaman Lall, Diwan.
 Chanan Singh, Sardar.
 Deshbandhu Gupta, Lala.
 Dev Raj Sethi, Mr.
 Duni Chand, Lala.
 Duni Chand, Mrs.
 Faqir Chand, Chaudhri.
 Gauba, Mr. K. L.
 Gokul Chand Narang, Dr. Sir.
 Gopi Chand Bhargava, Dr.
 Hari Lal, Munshi.
 Hari Singh, Sardar.
 Harjab Singh, Sardar.
 Harnam Das, Lala.
 Jugal Kishore, Chaudhri.
 Kabul Singh, Master.
 Kapoor Singh, Sardar.
 Kartar Singh, Chaudhri.
 Kartar Singh, Sardar.
 Kishan Singh, Sardar.
 Krishna Gopal Dutt, Chaudhri.

Lal Singh, Sardar.
 Mazhar Ali Azhar, Maulvi.
 Mohy-ud-Din Lal Badshah, Pir.
 Muhammad Abdul Rahman Khan,
 Chaudhri.
 Muhammad Alam, Dr. Shaikh.
 Muhammad Hassan, Chaudhri.
 Muhammad Hussain, Sardar.
 Muhammad Iftikhar-ud-Din, Mian.
 Muhammad Nurullah, Mian.
 Mukand Lal Puri, Rai Bahadur Mr.
 Mula Singh, Sardar.
 Muni Lal Kalia, Pandit.
 Partab Singh, Sardar.
 Prem Singh, Mahant.
 Raghbir Kaur, Shrimati.
 Rur Singh, Sardar.
 Sahib Ram, Chaudhri.
 Sampuran Singh, Sardar.
 Santokh Singh, Sardar Sahib Sar-
 dar.
 Sant Ram Seth, Dr.
 Satya Pal, Dr.
 Shri Ram Sharma, Pandit.
 Sita Ram, Lala.
 Sohan Singh Josh, Sardar.
 Sudarshan, Seth.
 Uttam Singh Dugal, Sardar.

THE BADSHAHI MOSQUE FUND CESS BILL.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : Sir,
 I beg to introduce the Badshahi Mosque Fund Cess Bill.

Premier : Sir, I beg to move—

That the Badshahi Mosque Fund Cess Bill be taken into consideration at once.

Mr. Speaker : Motion moved is—

That the Badshahi Mosque Fund Cess Bill be taken into consideration at once.

Mr. K. L. Gauba (Inner Lahore, Muhammadan, Urban) : Sir, I beg to move—

That the Badshahi Mosque Fund Cess Bill be referred to a select committee with directions to report by 26th April, 1939, and that the quorum of the committee shall be five.

This Bill comes upon the resolution adopted in this House last year and moved by my honourable friend, the Premier. Last year this question was considered in this House and certain decisions were arrived at. In the first place, it was agreed that the total amount required for repairs of the Badshahi Mosque would be roughly 11 lakhs of rupees including the amount required to set up an endowment fund.

Out of this 11 lakhs, 3 lakhs, I understand, was to be paid by the Government of India, 1 lakh was a donation to be paid by His Exalted Highness the Nizam of Hyderabad, and the balance had to be raised by private subscriptions. In the course of the debate it was expressed that all communities would be glad to contribute so far as the fund is concerned. The balance, if any, was to be raised by means of a cess to be levied on land revenue. I had hoped that the Honourable Premier would have, in introducing this Bill, informed us what was the position so far as the fund was concerned. Have the Government of India paid their three lakhs of rupees? Has the contribution of His Exalted Highness the Nizam of Hyderabad been received and how much by way of public subscriptions has been collected? Then and then only would this House be in a position to say as to whether and to what extent this taxation—because it amounts to taxation—is really justified. It will be noted that in the debate which took place in this House a year ago, the Premier gave an undertaking that the cess would not be levied for more than two harvests. What one hears is—I do not know whether it is correct or not, and I hope my honourable friend the Premier will enlighten the House about it—that the original estimates of the repairs were about 6 or 7 lakhs of rupees. Now the estimates have increased and I understand that about 13 lakhs of rupees have to be spent for the purpose. As I have already stated, so far as the repairs are concerned, every Musalman welcomes this opportunity to repair the premier place of Muslim worship in the province, but I do not think any member of this House would be prepared to allow a large amount of money to be squandered or to go into other pockets. I say that with a certain sense of responsibility and of personal knowledge, and I think it is fair that I ought to take the House into my confidence. Not so very long ago, a certain contractor came to me and asked me whether a certain wealthy person in Lahore would be prepared to advance him a sum of Rs. 50,000. I asked him why he required this Rs. 50,000. He said : “ I have settled with a certain person ”—he named that person—“ if I give him Rs. 50,000, I am to get the contract for the repairs of the Badshahi Mosque.”

Premier : Who is this man ?

K. L. Gauba : I am prepared to give the name of the person to the Honourable Premier in confidence. In these circumstances I think it is very necessary that the accounts and estimates ought to be very carefully scrutinised and in this connection I would draw the attention of the Honourable Premier to the very vague term that exists in the Bill that is drafted, namely, that the funds to be raised by the cess are to be handed over to the treasurer of the Badshahi Mosque. It is not stated as to whom this treasurer is going to be responsible. Who is this functionary that is going to disburse these 11 lakhs or 12 lakhs, these large funds that are to be raised from the zamindars, this gift of His Exalted Highness the Nizam, these moneys that have been collected all over the province ; who is going to disburse these moneys and who is going to keep control over them ? I have a proposal for the appointment of a Board of Trustees, elected by the House to have custody and control of the fund but I will make it when the time arises, either before the select committee or later in the debate.

Therefore, my first submission in connection with this Bill is this, that it ought to go to a select committee because there are certain matters which the select committee can consider, namely, the question of the treasurer and as to who is to retain the custody of these funds. The motion as regards the select committee, if you will observe, is not a dilatory motion. I have considered the urgency indicated by the Honourable Premier the other day that he is anxious to see this Bill passed as early as possible, and I have proposed that the committee ought to report by the 26th of April, and I do not think that is far off for the consideration of an important measure of this kind.

There are one or two other matters which I think the Honourable Premier might bear in mind in this connection. Is this cess or the amount of the cess really necessary ? After all we have got four lakhs of rupees collected from certain sources. We have also got a donation, I understand, of about a lakh of rupees from the public, that is about five lakhs of rupees. That is more than ample to start the repairs of the mosque. The whole of the 11 or 13 lakhs is not required at the very start. The main purpose of this cess is to establish an endowment fund. I am asking the Premier whether it is not possible to accumulate the endowment fund during the course of two or three years by means of grants-in-aid from the provincial exchequer rather than adopt the course of levying a cess. He has recently levied a tax on petrol. He has in certain districts raised land revenue. It is clear that this particular cess, whether it is large or small, would certainly not be a popular imposition. It will be said, and with some justification, that the present Government has raised the price of living, it has raised the price of transport and has now placed a premium on worship. I want to ask the Finance Member whether the cess is really necessary, whether his budget is not sufficiently flexible to enable him to get out a paltry sum of Rs. 50,000 annually for a course of two or three years and make an annual contribution to this fund, so that it will not be necessary to make this imposition. We have seen in the course of the last three or four years that certain calls have been made on the provincial exchequer which has been found sufficiently elastic to meet these requirements. After all the requirements of two or three lakhs for the Badshahi Mosque endowment fund are not in the proportions.

that calls on litigation have made in the course of the last three or four years. For instance, there has been the Fatehwal Case, which cost the provincial exchequer two lakhs. Similarly two lakhs have been spent on a futile prosecution of the Pir of Makhad. That money came out of the provincial exchequer most comfortably. I submit that Rs. 50,000 annually can easily come out of the provincial exchequer, and that it is not really necessary to levy this tax.

Last year certain members of this House stated that a pice in the rupee was not a very large sum of money and that Government could easily impose it on every Muslim zamindar and that he would be willing to pay it. That is not the attitude to-day considering the amendments on the agenda paper. My suggestions are that it is not really necessary to impose this cess: the provincial budget is sufficiently elastic to allow for the repairs to be carried on without the necessity of this imposition. But if this imposition is at all necessary then the Honourable Premier may take the members of this House into his confidence and the various clauses of this Bill may be considered in a select committee and the committee may make its report as speedily as possible before the 26th of this month. The members of the select committee will be willing to give as much time as may be necessary for the Bill and they may sit even on Sunday and Monday, if necessary for the purpose. With these words I earnestly commend my motion for the acceptance of the House.

Mr. Speaker : Motion under consideration, amendment moved—

That the Badshahi Mosque Fund Cess Bill be referred to a select committee with directions to report by 26th April, 1939.

Premier (The Honourable Major Sir Sikander Hyat-Khan): I am sorry that I did not make a brief speech when I moved that the Bill be taken into consideration, because I am certain that if I had spoken then, my honourable friend would not have moved his motion. I am afraid my honourable friend is labouring under several misapprehensions. Let me give him the exact position with regard to this fund. On a previous occasion when a resolution on this subject was moved in this House, I explained that a proposal had been mooted to raise funds for the purpose of carrying out urgent repairs and creating an endowment fund for the maintenance and upkeep of the mosque in future. His Exalted Highness the Nizam of Hyderabad was approached and he with his usual generosity and munificence contributed handsomely. The Government of India who are partly responsible for the maintenance and repair of the mosque, because it is not merely an important place of Muslim worship, but is also a monument of great historic and architectural value, also agreed to contribute to this fund. Estimates were originally prepared some years ago and have been finally revised now. As a result we came to the conclusion that we must have at least 11 lakhs of rupees, out of which approximately 8 lakhs would be required for immediate and urgent repairs, and 3 lakhs for an endowment which would give us annually an income sufficient to enable us to keep the mosque in proper repair in future. Of these 11 lakhs, the Government of India agreed to contribute 3 lakhs and His Exalted Highness the Nizam agreed to contribute one lakh towards the repairs of the mosque and another Rs. 3,000 a year towards the endowment fund for its maintenance. Now we require another 6 lakhs to make up the 11 lakhs. As my honourable friend is aware, an

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appeal for subscriptions was made and I was hoping that the response to the appeal would be generous, but unfortunately it has not met with the response that we expected. (*An honourable member* : How much has been collected ?) I will give the figures presently. At the same time the Government of India asked us to give an undertaking that in case the amount to be collected by subscription fell short of 6 lakhs, the balance would be contributed either by the provincial government or by a special cess imposed for the purpose. The contributions so far received amount to half a lakh of rupees approximately. We might receive a few thousands more. Even so, we will still be below a lakh ; and even if we get a lakh, we would still require another 5 lakhs to make up the requisite amount of 11 lakhs. In order to give the undertaking asked for by Government I had to get the House to pass a resolution last year. Since some repairs were urgently needed we asked the Government of India to pay a portion of their contribution so that we might be able to start work at once. I gave them an undertaking that I would ask the House to agree to a small cess being imposed on Muslim zamindars so that the remaining 5 lakhs would be assured. They agreed to our proposal. It is in pursuance of the resolution passed by the House and to redeem the undertaking that I gave to the Government of India that this Bill has been brought before the House.

With regard to the actual work of repairs it has to be split up into several parts. As you know some of it is of a nature which only expert artisans can do, for instance, stone work and decorations inside the mosque and so on. For that kind of work masons who specialise in it will have to be got from Delhi and Agra. The work will be done under the supervision of the Central Public Works Department, because it is a central subject. Honourable members would be glad to learn that the Government of India have at our request agreed to forego 15½ per cent departmental charges which means that the Government of India's contribution would not be 3 lakhs but it would be 3 lakhs plus the departmental charges. I think we should here record our sense of gratitude and thanks to the Government of India for agreeing to this proposal of ours.

As regards tenders for the work, I may inform the House that work has been given to a firm which gave the lowest tender. The next higher tender was Rs. 14,000 more than the lowest tender and other tenders were still higher. I can assure my honourable friend that so far as these tenders are concerned I am perfectly satisfied with the selection made by the Central Public Works Department. As for the information which my honourable friend said he would give me outside this House, I shall be glad to receive it, and if there is anything in it he may be sure that I will make a careful and sifting enquiry about the matter.

My honourable friend referred to a provision in the Bill wherein it is stipulated that the amount when realised will be handed over to the treasurer of the Badshahi Mosque Fund and he asked me who that treasurer was. It is only proper that he should ask for that information. Let me inform him that the person designated for this office is one of the secretaries of the Punjab Government. But the main consideration is as to who will operate on this fund ? My honourable friend will remember that when I moved the

resolution in a previous session I made it clear that a special body will be set up which will be designated "the authority" and "the authority" would consist of a representative of the Government of India, a representative of His Exalted Highness the Nizam of Hyderabad, a representative of the Punjab Government who will be one of the Muslim Ministers. The latter will also be the President of "the authority". The money will not remain in the hands of the treasurer, but will be deposited in the Imperial Bank and the treasurer will only carry out the orders of "the authority" and will do all the routine work. It does not mean that he will disburse money of his own accord. He cannot do so until and unless "the authority" sanctions the estimates and passes the bills for payment.

The estimates have been scrutinised by several experts, including a Muslim Engineer of the Archaeological Department, and further scrutiny will be made from time to time as we take up the various parts of that work. But so far as the constitution of "the authority" is concerned, it has been settled by arrangement between the three parties, viz., the Government of India, His Exalted Highness' Government, and the Punjab Government on behalf of the Punjab Muslims. I tried to explain on the last occasion that so far as control of worship in the mosque is concerned, it will be vested in a committee. "The authority" will have nothing to do with arrangements about worship. It will be in the hands of the Muslims. It will be in the hands of a committee composed of the nominees of the Anjuman-i-Islamia and the nominees of "the authority" who will all be Muslims and my honourable friend need have no apprehension on that account. It will be quite an independent body and it will not be under the control of anybody, not even "the authority". All that "the authority" will do is to take upon itself the responsibility for the maintenance of the mosque and for keeping it in good condition and repair. The work of repairs will be carried out under its supervision or the supervision of the people nominated by it.

My honourable friend went on to refer to another clause of the Bill and suggested that the Government itself was not quite sure that the rate proposed in the Bill was appropriate, since an amendment had been tabled by one of the members on these benches to that clause. As a matter of fact it was due to an oversight that "one rupee" was entered in the original clause. My honourable friend will remember that this House authorised me to impose a cess of one pice on every rupee of land revenue and if he reads the clause carefully he will find that it states that the cess shall be levied at the rate of three pies on each rupee or part of a rupee of the annual value of the land. It is not land revenue. Now the annual value of the land for purposes of the District Board Act is twice the land revenue for that year and therefore three pies on each rupee of the annual value of the land would actually mean six pies per rupee on the land revenue and therefore to make the position clear, it is now proposed that the cess should be three pies on every Rs. 2 of the annual value of land. I am sorry that through an oversight Re. 1 was printed instead of Rs. 2. I hope my honourable friend is now satisfied with regard to this particular discrepancy between the Bill and the amendment.

Then as regards the suggestion that instead of levying a cess the provincial exchequer should contribute Rs. 50,000 or so annually so that in 5 or 6

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or 7 years, the whole amount could be paid from provincial revenues. The undertaking was that unless we were prepared to pay that amount, the Government of India contribution will not be available nor the contribution of His Exalted Highness the Nizam. That was the definite undertaking given by us. As I have said we have only received Rs. 50,000 so far. I hope we will get a little more but at the most we can count on a lakh all told. That still leaves 5 lakhs to make good a total of 11 lakhs. It will be noticed that I have also taken power to stop realisations of the cess if I find that the amount received from the other source is larger than what we anticipated. I have included that provision for the reason that there should be no unnecessary burden imposed on the zamindars. As regards the suggestion for contribution from the provincial revenues I might remind the House that the matter was fully discussed on the last occasion. As a matter of fact, some honourable members even suggested that this cess should not be restricted to Muslims alone. My brief reply to that suggestion is this that so far as the provincial exchequer is concerned, I am sure my honourable friend would not like me to create a precedent that where only one community is concerned—

Mr. K. L. Gauba : Other communities would not object.

Premier : I am sure they would not object. But for a popular Government, a Government like ours, to set apart a sum from provincial revenues for any one community, would create a most embarrassing precedent. I am sure my honourable friend will realise that when once we bring religion into the sphere of Government, it might lead us to several difficulties. As it is, there are numerous difficulties arising out of communal problems. We do not want to add to the complexities of administration, if we can help it. If as a Muslim Premier to-day I allow the provincial exchequer to contribute for the repairs of Badshahi Mosque, I do not see how I can reasonably or justifiably refuse to contribute to a Sikh gurdwara or a Hindu temple if to-morrow they ask for a similar contribution from the exchequer. I think it would be most inequitable and unfair to other communities to pay out of the provincial funds a contribution for the purpose of any one community. In this particular case, as I have said, we issued an appeal to all communities so that all can subscribe if they so desire, but this cess will be confined to the Muslim community alone. To-morrow if the Sikhs want to impose a cess in aid of the Durbar Sahib, we will be glad to help them to pass a similar Bill. I know that a similar cess was imposed for the Khalsa College. I hope my honourable friend is satisfied that his suggestion is neither expedient nor practicable and he will not press it. I am sure that Muslim zamindars would welcome this cess and gladly contribute this small sum. My honourable friend will remember that on a previous occasion I said it was not a question of contributing towards a mosque but it was a question of saving an ancient and a most valuable monument which is so dear to Muslims. It is a question of *ham khurma wa ham sawab*. My honourable friend must have noticed that people who pay less than one rupee eight annas in land revenue are exempt. I am sure even petty zamindars will gladly contribute and earn *sawab* and my honourable friend the Sardar of Kot who will have to pay more will earn a bigger *sawab*. (Laughter.)

As it is on a rupee basis, I hope my honourable friend will not press his motion but will allow us to pass this Bill without further delay because the work is being held up and unless we pass this Bill the work will be further delayed. If my honourable friend has recently visited the mosque he must have noticed that the mosque, at least its western side, requires immediate attention. Two more stones have come off and if we do not attend to it immediately we may have to spend several more lakhs. If the structure is permanently damaged, even crores spent on it would not restore the building in its original form. I do hope my honourable friend will not press his motion.

Mian Abdul Aziz (Outer Lahore, Muhammadan, Urban) (*Urdu*) : Sir, we are all of us very glad that such a measure has been brought forward by the Government. Let me make it absolutely clear at the very outset that we have no intention of either opposing the Bill or getting it postponed. We want to bring it on the statute book as soon as possible. But there are certain points to which I must draw the attention of the Premier because the provisions of the Bill are likely to have far-reaching effects.

Now, Sir, this Bill consists of seven clauses including the short title, definitions, etc. I am free to admit that we have no quarrel with any of these clauses except one. We have no objection even to the cess or the method of assessment. But I must submit that unless strict watch is kept over the money there is the danger of this fund proving another Khilafat Fund. I know that the Honourable Premier is not likely to touch a single pie out of it. Far from it. He will most probably contribute a handsome amount to the fund. The same will be the case with other ministers. But there is one point about section 6 which has necessitated the amendment moved by my honourable friend, Mr. K. L. Gauba. Although the Honourable the Premier has now told us something about the appointment of the treasurer of the fund, my submission is that the definition of treasurer ought to have been included in the Bill itself.

Premier : I have already stated that an authority will be constituted which will include the representatives of the Government of His Exalted Highness the Nizam and the Government of India as well. A regular deed is prepared and the authority will be duly registered. One of our secretaries will work under this authority. Again, the accounts will be regularly audited and the Government of India has made a stipulation that the Auditor shall be appointed by the Auditor-General of India. Thus there is no danger of the money being misappropriated. We have offered the services of a secretary so that the money may be kept here and the work may be started without delay.

Mian Abdul Aziz : I am glad the Premier has thrown some more light on the matter. But I may tell him that it is not that we do not trust him or his colleagues in this matter. He has told us that the matter will be further clarified by defining the term treasurer in the rules, but why not include it in the statute itself? We have no complaint to make so long as the money is safe. Let the Premier or the three Muslim ministers take the money in their custody. Hand it over to the Honourable Mr. Manohar Lal even, your Minister of Finance. We trust all of them. But we must demand

[Mian Abdul Aziz.]

that it should be in safe custody and spent properly. May I ask what objection there is to meeting this demand of ours ?

Premier : What does my honourable friend want ?

Mian Abdul Aziz : What is a treasurer ?

Premier : A treasurer is a treasurer.

Mian Abdul Aziz : What is the statutory definition of " treasurer " in the Bill ?

Premier : I have already stated that the question of the functions of the treasurer cannot be decided by you or me. It is to be decided by the authority which will consist of the representatives of His Exalted Highness the Nizam of Hyderabad and the Government of India and I am to represent you. The draft of the Bill had been sent to the Anjuman-i-Islamia with which rests the management of mosques and it approved of the appointment of the treasurer. The treasurer is to be appointed because after all you have to entrust the money to somebody. Anyway, if you have any apprehensions in this connection you may drop the term treasurer and let us proceed with the Bill.

Mian Abdul Aziz : I am sorry that even this further clarification from the Premier does not meet my point. I want to include the definition of the term treasurer in the Bill. Anyway, I leave this question to the Premier but I must request him to make arrangements that not a single pie may be misspent or misappropriated.

The second thing which I wish to bring to your notice is that so far as my knowledge goes the resolution about the repairs and maintenance of the Badshahi Mosque was moved in the Punjab Legislative Assembly on the 18th January, 1938. At that time, the Honourable Premier stated on the floor of the House that a Bill concerning the repairs and maintenance of the Badshahi Mosque would be brought as soon as possible. But to-day after full one year and three months this Bill has been introduced in this honourable House. I know that the Honourable Premier has many other things to do but we see that this Bill consists of 7 clauses only and therefore I may submit that this should have been moved much earlier. It is a pity that it is being moved after over one year. During this session not a single reference has been made that a Bill of this nature is being brought forward. Only four days ago a reference was made by the Honourable Premier that a Bill of this nature is going to be introduced in this Assembly very shortly. Further, it is provided in this Bill that the cess shall be levied in the first instance in respect of land revenue due for the year commencing on the first day of April, 1940. To my mind there is no reason why the amendment of my honourable friend Mr. Gauba should not be accepted by the Government and the Bill be referred to the select committee with directions to report by the 26th April, 1939. I do not know why the Government should oppose this motion.

Besides I may submit that as I expressed my opinion in January last year, in the same manner I may submit just now that although I do not say that I have no confidence in the three or four persons that have been appointed on the committee by the Government, yet I would like to point out

that the repairs and maintenance of the Badshahi Mosque is an affair which primarily concerns the Muslims and Muslims alone. I for one cannot agree to Government having its hand in the matter. I do not object to their having any control, but a statutory provision should be made to this effect that the Government should not have any hand in the management of the mosque. In addition to religious matters, sometimes religious-political matters are also discussed in the Badshahi Mosque. If the Government have any hand in the management of the mosque, there is every likelihood that they would impose a ban on the holding of such meetings and the delivering of religious-political speeches would never be allowed in the said mosque. I may submit that I would be the first person to oppose such a thing and I would never tolerate such interference even for a single minute. If to-day the Government interferes and meddles with the affairs of the Badshahi Mosque, to-morrow they would follow the same practice in the case of gurdwaras and the next day they would do the same with temples. There is not a single law which permits them to have their finger in every thing. I may submit that this interference in the religious affairs of the Muslims is contrary to the very spirit and letter of that famous *communiqué* of Queen Victoria which was issued by the British Government after the Great Mutiny. That *communiqué* provided that the Government would not interfere in religious matters of any community howsoever small they may be. Besides, I wish to draw the attention of the Honourable Premier to my speech which I delivered in January last year in connection with the resolution about the Badshahi Mosque. At that time I moved an amendment that the Government should not directly or indirectly interfere in the religious affairs of the Muslims. I for one cannot agree to let the Government interfere in the religious affairs of the Muslims on the ground that they have contributed something for the repairs and maintenance of the Badshahi Mosque. I do not object to levying even a cess of one anna per rupee on the Muslims instead of three pies, but I do not like that the Government should have anything to do with its management.

Now I may submit that in 1925 an agreement was signed between the Government of India and the Anjuman-i-Islamia. At that time the Government agreed to pay about Rs. 18,000 or so annually for the repairs and maintenance of the mosque. Last time when we discussed this question I read out the terms of the said agreement. I have just now asked the Deputy Secretary of the House to send for me the proceedings of that day so that I should be in a position to give you the exact facts and figures. I may submit that if the Government of India had acted on the terms of agreement and had been paying that sum regularly, then the question of imposing this cess would never have arisen.

Premier : To which agreement is my honourable friend referring? This thing is provided nowhere. If it had been provided in any agreement then this question of imposing a new cess would never have arisen at all.

Mian Abdul Aziz : I have given the number as well as the text of that agreement in my speech of January last year. A copy of that agreement was supplied to me by the Anjuman-i-Islamia.

Premier : It appears my honourable friend had been supplied with a wrong letter.

Mian Abdul Aziz : I have obtained all these things and documents from the Anjuman-i-Islamia and was assured of their correctness.

Premier : My honourable friend must have obtained a copy of that agreement from the ex-secretary of the Anjuman-i-Islamia. But I may submit that the documents and the copy of agreement which have been sent to me by the Anjuman-i-Islamia have no mention about this sum of Rs. 18,000.

Mian Abdul Aziz : May I know what was the agreement? Was the Government of India not responsible for repairing and maintaining the mosque under the Preservation of Ancient Monuments Act?

Premier : The agreement was simply this that the Government of India promised to give some help, but the Anjuman-i-Islamia would be held responsible for its repairs and maintenance. That was only a vaguely worded agreement.

Mian Abdul Aziz : I do not feel it necessary to go into this matter at great length. As far as my memory goes, if the sum that was decided upon, had been given year after year then the necessity for introducing this Bill would never have arisen at all. I may also submit that I am not opposing this Bill merely for the sake of opposition. On the other hand, I desire that this Bill should be enacted into a law. But I submit that we should not give any power to the Government by which it can interfere in the religious affairs of the Muslims. It behoves my honourable friends to think over the matter and to refer the Bill to the select committee. I may further point out that when this Bill is being brought forward full one year and three months after the passing of the resolution and according to its provisions it will not be enforced before the year 1940, there is no reason why it should not be referred to the select committee for four or five days more. We can take up this Bill in the summer session and if there is going to be no summer session, we can very safely take it up in the autumn session.

Khawaja Ghulam Samad : On a point of order, Sir. No doubt it is very good that steps should be taken for the repairs and maintenance of the Badshahi Mosque. But I wish to point out that a mosque is a place of worship of the Muslims and the work of its repairs can be carried on by that fund which under the tenets of Islam is regarded as legal money.

Mr. Speaker : Is this a point of order?

Khawaja Ghulam Samad : I will explain. I want to know through you from the Honourable Premier whether at the time of drafting this Bill the opinion of the Muslim *ulemas* was obtained regarding its provisions and whether the money provided by the Government can be legally spent on the repairs of the mosque which is an income from interest.

Mr. Speaker : This is not a point of order.

Mian Abdul Aziz : Sir, I want to draw the attention of the Government to the fact that my apprehensions are that if the repair work is entrusted to some private agency, there will be every likelihood of the hard-earned money of the Muslims being embezzled. I am of the opinion that utmost care and vigilance should be exercised by the Government in the matter of disbursement of the amount for the collection of which this measure has been brought forward. As I have already stated, my anxiety is lest

this Fund should meet the same fate as befell the Bombay Khilafat Fund, which went to dogs in spite of the best intentions of the organisers. Again, my honourable friend, the Premier has remarked that the fund to be utilised on the repair of the Badshahi Mosque will be safe in the hands of the Public Works Department and it will be operated upon with the strictest economy. But I beg to differ with him in this matter. My submission is that the charges of the Public Works Department are almost prohibitive. Sometimes their rates exceed the market rates by 25 to 30 per cent.

Mr. Speaker : The honourable member is going into details.

Mian Abdul Aziz : Well, Sir, I shall be very brief and will take only a minute or so. What I want to emphasise is that the Honourable Premier should see and satisfy himself that every pie of the Fund is utilised on the purpose for which it has been collected. The Fund should not go by defalcation. As some of my friends have cited instances, viz., that in order to get a contract, a contractor has very often to grease the palm of the authorities by offering huge sums of money, it is obvious how far such contractors would carry out the work with honesty and integrity. Hence I hold the view that this Bill should be committed to a select committee which should thoroughly examine the provisions of the Bill and make it a point to attempt as much as possible to eliminate the hand of Government in the management of the fund as well as the affairs of the Badshahi Mosque. With these words I close my remarks and strongly support the circulation motion moved by my honourable friend Mr. Gauba. I hope he will not succumb to the pressure of Government, but will refrain from withdrawing his motion.

Mr. K. L. Gauba : May I say a word ?

Mr. Speaker : The honourable member had moved an amendment and the mover of an amendment has no right of reply.

(Voices : Withdraw, withdraw.)

Mr. Speaker : The question is—

That the Badshahi Mosque Fund Cess Bill be referred to a select committee.

The motion was lost.

Mr. Speaker : The question is—

That the Badshahi Mosque Fund Cess Bill be taken into consideration at once.

The motion was carried.

Clause 1.

Mr. Speaker : The Assembly will now consider the Bill clause by clause. The question is—

That clause 1 stand part of the Bill.

The motion was carried.

Clause 2.

Raja Ghazanfar Ali Khan : I beg to move—

That in sub-clause (a), line 2, between the words "as" and "assigned" the word "are" be inserted.

The motion was carried.

Mr. Speaker : The question is—

That clause 2 as amended stand part of the Bill.

The motion was carried.

Clause 8.

Raja Ghazanfar Ali Khan : I beg to move—

That in the proviso to sub-clause (i), line 4, between the words "payable" and "by" the words "or if it were not assigned, would be payable" be inserted.

The motion was carried.

Raja Ghazanfar Ali Khan : I beg to move—

That at the end of sub-clause (2), the following be added :—

"or, if it were not assigned, would be payable."

The motion was carried.

Raja Ghazanfar Ali Khan : I beg to move—

That in the proviso to sub-clause (3), line 6, for the words "three pies" the words "one pie" be substituted.

The motion was carried.

Mr. Speaker : The question is—

That clause 3 as amended stand part of the Bill.

The motion was carried.

New clause.

Khawaja Ghulam Samad : I beg to move—

That after clause 3, the following new clause be added :—

- 3-A. (1) The cess shall be payable by each Muslim Government servant whose salary exceeds Rs. 30 per mensem and each Muslim income-tax payer.
- (2) This cess shall be levied at the rate of 3 pies on each rupee or part of a rupee of monthly income of a Muslim Government servant and of annual income of all Muslim income-tax payers.
- (3) This cess shall be deducted from every pay bill of every Muslim Government servant, whose pay exceeds Rs. 30 per month and realized from income-tax payers along with income-tax and deposited in the Trust Fund.

Mr. Speaker : The first question which I propose to put to the vote of the House is whether the honourable member should be allowed to move his new clause ?

(Khawaja Ghulam Samad claimed a division and the division bell was rung.)

Mr. K. L. Gauba (Standing) : May I ask whether under the Government of India Act this House is competent to levy income-tax as proposed by my honourable friend.

Mr. Speaker : May I draw the honourable members' attention to the practice that when a division bell is ringing, honourable members should raise their points of order or ask questions sitting and not standing.

(Mr. K. L. Gauba resumed his seat.)

Now the honourable member may raise his point or ask his question.

Mr. K. L. Gauba : The point I have raised is whether under the Government of India Act this House is competent to levy income-tax as proposed by my honourable friend, Khawaja Ghulam Samad. I want your ruling on the point.

Premier : I am sorry that I had to leave the house for a moment. I appreciate my honourable friend's anxiety to move his new clause which would help us to increase our income considerably, but unfortunately it is *ultra vires*.

Mr. Speaker : Yes, it is and therefore I declare it to be out of order.

Clause 4.

Mr. Speaker : The question is—

That clause 4 stand part of the Bill.

The motion was carried.

Khawaja Ghulam Samad : You have declared one amendment of mine out of order. There is another new clause which has not been brought before the House.

Mr. Speaker : That clause comes after clause 7.

Mian Sultan Mahmood Hotiana : On a point of order. Why was that clause ruled out of order ?

Mr. Speaker : According to item 54 of List I (Federal Legislative List) taxing of income other than agricultural income is a central and not a provincial subject.

Clause 5.

Mr. K. L. Gauba (Inner Lahore, Muhammadan, Urban) : Sir, I beg to move—

That in line 7, for the word "treasurer" the word "trustees" be substituted.

I just wish to say a word or two. We have heard from the Honourable Premier about a certain committee to be appointed and also certain correspondence which has gone on between the Government of India and various other parties. But personally I have not been clear as to how this treasurer is to be appointed and why he is to be a Government official and who has really suggested this idea that the funds belonging to the mosque are to be under the control of a Secretary of the Government. I say that so far as these funds are concerned, they ought to be under the control of the representatives of the Muslims of the province. In the case of large funds of this kind, the best and the proper course is to appoint trustees of the fund elected by this House and the details of my proposal are in the proposed new clause which is lower down on the agenda paper. I submit that no one individual is really competent or should be entrusted with these large funds, the proper course is to appoint trustees and I move the amendment to this effect.

Mr. Speaker : Clause under consideration, amendment moved is—

That in line 7, for the word "treasurer" the word "trustees" be substituted.

Raja Ghazanfar Ali Khan (Parliamentary Secretary): Sir, I oppose this amendment. I would not like to detain the House by making a very long speech. As a matter of fact it is for the Honourable Premier to explain fully the significance of the word 'treasurer' and he would further make it clear that the treasurer will have no power to operate on the funds. His duty will be merely to keep the accounts of that fund. Therefore, I think this amendment is absolutely unnecessary and I would request my honourable friend not to press it.

Mr. Speaker : Question is—

That in line 7, for the word "treasurer" the word "trustees" be substituted.

The motion was lost.

Mr. Speaker : The question is—

That clause 5 stand part of the Bill.

The motion was carried.

Clause 6.

Mr. Speaker : Mr. K. L. Gauba's amendment,¹ as well as the new clause,² which he proposes to move, is out of order.

The question is—

That clause 6 stand part of the Bill.

The motion was carried.

Clause 7.

Mr. Speaker : The question is—

That clause 7 stand part of the Bill.

The motion was carried.

New Clause.

Khawaja Ghulam Samad (Southern Towns, Muhammadan, Urban)
Sir, I beg to move—

That after clause 7, the following new clause be added—

"That the Government shall have no hand in the management, upkeep and administration of the Mosque but it will be purely in the hands of the Muslims."

The reason why I want to move this new clause—

Mr. Speaker : I propose to put to the vote of the House whether the honourable member has its leave to move his new clause ?

¹By MR. K. L. GAUBA : That in line 2, for the word "treasurer" the word "trustees" be substituted.

(New clause.)

²By MR. K. L. GAUBA : That after clause 6, the following new clause be added—

"4-A. The control and application of the Badshahi Mosque Fund shall vest in the trustees of the Fund to be hereinafter appointed by Government by notification in the behalf. The trustees shall consist of the four Muslim members of the Punjab Legislative Assembly for Lahore city and civil station and five members elected by the Muslim members of the Assembly."

Khawaja Ghulam Samad : Sir, is there any prohibition under any law to make a speech ?

Mr. Speaker : There is no question of prohibition. The honourable member has to obtain the leave of the House for moving his new clause.

Khawaja Ghulam Samad : I was waiting for this, but I was asked to make a speech, so I began.

Mr. Speaker : The question is—

That leave be granted to introduce the following new clause :—

' That the Government shall have no hand in the management, upkeep and administration of the Mosque but it will be purely in the hands of the Muslims. '

The motion was lost.

Khawaja Ghulam Samad : On a point of order, Sir. With regard to my first amendment you have been pleased to rule that under the Government of India Act it is not permissible.

Mr. Speaker : Yes.

Khawaja Ghulam Samad : Sir, I did claim a division on this point but I am sorry you did not hear it and comply with my wishes.

Mr. Speaker : There was no occasion for calling a division.

The question is—

That the preamble be the preamble of the Bill.

The motion was carried.

Mr. Speaker : The question is—

That the title be the title of the Bill.

The motion was carried.

Raja Ghazanfar Ali Khan (Parliamentary Secretary) : I move—

That the Badshahi Mosque Fund Cess Bill be passed.

(Urdu) : Sir, at this stage no speech is called for. However I would like to say two things very briefly. First, that we should feel grateful to the Honourable Premier for bringing forward this Bill to enable us to collect funds for the repairs of the Badshahi Mosque.

Mr. Speaker : Please speak to the Bill.

Raja Ghazanfar Ali Khan : Secondly, the amendment given notice of by my friend Khawaja Sahib was undoubtedly an important one and I am sorry that the House has not granted him leave to move it. Let me assure the House that so far as rituals or religious ceremonies and general worship to be performed within the mosque are concerned, the Government will have no hand in the management of the mosque. It will not interfere in the internal affairs of the mosque.

Mr. Speaker : The question is—

That the Badshahi Mosque Fund Cess Bill be passed.

The motion was carried.

ELECTRICITY BILL.

Minister for Public Works (The Honourable Nawabzada Major Khizar Hayat Khan Tiwana) : I move—

That the Punjab Electricity Bill be passed.

Rai Sahib Lala Sohan Lal : Has Governor's sanction been received ?

Mr. Speaker : No sanction is needed. The question is—

That the Punjab Electricity Bill be passed.

The motion was carried.

Mr. Speaker : I do not propose to take up to-day the motion expressing confidence in the Ministry, as this motion is closely connected with the no-confidence motions in the Honourable Ministers. All these connected motions will be taken up to-morrow.

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

ADJOURNMENT MOTION.

LATHI CHARGE BY POLICE AT BEHRAMPUR.

Lala Duni Chand (Ambala and Simla, General, Rural) : I beg to move—

That the Assembly do now adjourn.

Though I may lack many other virtues—I do confess that I am deficient in several virtues—I do claim one virtue for me and that is, honesty of purpose. I move this motion with a full sense of responsibility and with a sense of fairness towards the members of Government. If I was not convinced that the subject matter of this motion was not fit to be agitated in this House I would have been the last person to move it.

Briefly stated the facts that have led to this motion are these. The Minister for Development, the Honourable Sir Chhotu Ram, was to go to the village Behrampur about four miles from Rupar on the 10th April, in order to address a public meeting. He was also to address another meeting the same day at Bela. A notice was published broadcast inviting all sorts of people to attend that meeting and hear the Honourable Minister. I have here got a copy of that notice which I shall read to the House. It runs as follows :—

تحصیل روپڑ زمیندارانہ کانفرنس

زمینداروں کو اپنی تکلیف پیش کرنے کا نادر موقع روپڑ تحصیل میں

آنریبل راڈ بہادر چودھری سر چوٹو رام صاحب کی تشریف آوری مصیبت زدہ مظلوم زمینداروں—آج کوئی بھی ایسا فرد و بشر نہیں کہ زمینداروں کی تکلیفات سے بے خبر ہے۔ ہر روز نئی نئی مصیبت نازل ہو رہی ہے اور نئے نئے ظلم ڈھائے جا رہے ہیں۔ قدرت نے بھی غریبوں کا ساتھ نہیں

[Lala Dupi Chand.]

a good deal of injury was done to some of the people. Thus one by one those who wanted to place their grievances before the Honourable Minister were dragged out. On the same day at a respectable distance another meeting was being held by the Congress workers. It was so arranged that there may be no conflict with the gathering which the Honourable Minister wanted to address. We held our own meeting at a respectable distance in order to place the Congress programme before the gathering. Those who were forcibly dragged away from the meeting of the Honourable Minister came to this meeting and explained what happened to them. I am told that as soon as the Honourable Minister came to know of this he said authoritatively to the sub-divisional officer of Rupar something to this effect: 'Look here, it is the duty of the local officers to keep order. It is your duty to enable me to address the meeting without any trouble. If you fail to do your duty in this respect I know how to deal with you.' These significant words were addressed to the sub-divisional officer of Rupar. Naturally that officer came to the Congress meeting and declared the meeting as an unlawful assembly and that they must disperse at once. He would not even allow them one or two minutes to ponder over the situation. Immediately the police assembled there pounced upon those people who had gathered there.

The local police knew very well which men were to be taught lessons and which were Congress workers. One after another, the prominent Congress workers were selected and were beaten mercilessly and brutally. These are the main facts with regard to the Behrampur happenings which have led to the moving of this adjournment motion. Now I wish to place before this House the facts that I have got in my possession in support of what I have said. I have already read out the public notice that was published regarding the holding of this meeting. I have got three documents bearing the date 11th April. I have already stated that this incident happened on the 10th of April. I am giving the date of these documents, namely, 11th April, in order to convince the House that there could not possibly be any time for anybody to invent a false story. First of all I propose to read out a part of the letter that I had received from Sardar Phumman Singh, a member of the Punjab Provincial Congress Committee, a Jat by caste and one of the most respected and most reliable men on that side. He writes to me:—

از بوزائل

11-4-39.

محترم لالہ دوئی چند جی

بندے ماترم۔ کل مورخہ 10-4-39 ع کو جو جلسہ زمیندارہ لیگ۔ روپڑ مقام بہراپور زمینداران منعقد ہوا تھا اور اُس جلسہ میں سر جھوٹو رام صاحب بھی آئے تھے۔ وہاں جو سلوک کانگرس والوں کے ساتھ جلسہ گاہ میں جھوٹو رام

کے سامنے اور یقیناً چودھری چھوٹو رام کے کہنے سے S. D. O. روپڑ S. I. پولیس روپڑ نے کیا وہ بہت شرمناک اور درد انگیز ہے۔ جو اشتہار زمینداروں کی طرف سے شائع ہوا تھا اُس میں یہ درج تھا کہ علاقہ کے زمیندار اور کسان اپنے دکھ، تکلیفات وزیر صاحب کے سامنے رکھ سکتے ہیں۔ بدین اشتہار ہم علاقہ کے زمینداروں اور کسانوں نے کچھ مطالبات وزیر صاحب کے سامنے پیش کرتے چاہے۔ جب پیش کرنے کے لئے ایک آدمی جاگیر سنگھ کھڑا ہوا۔ تو وزیر صاحب نے S. D. O. کو کچھ کہا جو یقیناً یہ ہے (کہ ان کو زبردستی باہر نکال دو) اس پر صاحب S. I. پولیس۔ روپڑ نے بہت سارے زمینداروں کو مار پیٹ کر کے جلسہ گاہ سے زبردستی باہر نکال دیا۔ جن اشخاص کو مارا پیٹا گیا میں اُن کو ذاتی طور پر جانتا ہوں۔

سردار گنڈا سنگھ۔ ممبر ڈسٹرکٹ کانگریس کمیٹی۔ انبالہ۔ چنبیدار مہر سنگھ (انبالہ اکالی دل) کیانی راجندر سنگھ۔ ماسٹر خالصہ مڈل سکول۔ کانٹن فور۔ سردار جاکیر سنگھ۔ سیکوٹری اکالی دل۔ انبالہ۔ ان کو مذہبی آلہکوں کے سامنے پولیس نے لٹھیاں اور گھونسے لگائے۔ وزیر صاحب کی عین موجودگی میں اور ان کے حکم سے ایسا ہوا ہے۔ مجھے ایسی کوئی قانونی وجہ معلوم نہیں ہوتی کہ ایک آزاد شہری کو پولیس بلا وجہ جب کہ وہ کوئی بات خلاف قاعدہ نہیں کر رہا اس بے رحمی سے وزیر صاحب کے سامنے مارے پیتے۔ اگر حکم دیکر گرفتار کر لیا جاتا تو بھی ہم کو شائد کوئی شکایت نہ ہوتی۔ لیکن بالکل بے علمی میں ایسا سلوک ہمیں قابل برداشت نہیں ہے۔ اس کے فوراً بعد جب ہم نے ایک علیحدہ جلسہ کرنا چاہا۔ اور جس میں تقریباً جلسہ گاہ کا سارا اگتہ ہماری طرف آ گیا تھا اور وزیر صاحب کو کسی نے سنا نہ چاہا۔ تو ہمارے جاہ کو S. D. O. روپڑ نے اپنے حکم سے قانوناً ناجائز قرار دے کر حکم دیا کہ جلسہ منتشر کر دو ورنہ لٹھی چارج کروا دیا جائیگا۔ اور گرفتاریاں عمل میں لائی جائیگی۔ چونکہ ہمیں لوکل آدمیوں نے اپنے آپ کو گرفتاری سے روکا اور کانگریس کمیٹی۔ روپڑ بھی ایسا کرنے کے لئے تیار نہ تھی اس واسطے جلسہ کو کچھ دم لے اور باقی پولیس نے منتشر کر دیا۔

Lieutenant Sardar Naunihal Singh Mann : On a point of order, may I know what the honourable member is reading ? None from this side.

[Lieutenant Sardar Nauniyal Singh.]

can understand what is going on and it is just a sort of letter. I do not know what connection it has got to the present adjournment motion. Will the honourable member try to explain it?

Lala Duni Chand : It is a question of the honourable member lending his ears to what I am saying. This is a letter addressed to me by Sardar Phumman Singh, a member of the Punjab Provincial Congress Committee, who was present in that meeting. I am going to say many things which will be very compromising to the Government and I think the Government should have the patience to take these facts which I am going to give to them.

Premier : I might inform my honourable friend that the press gallery is taking no interest in this matter. (Laughter.)

Lala Duni Chand : Then the letter says further :—

یہ ہیں اصل حالات۔
ان حالات کی موجودگی میں ہمیں صرف اپنی کانگریس پارٹی پر ہی
اپنی تکیلات ظاہر کرنی ہیں۔ کیا آپ کونسل میں یہ حالات سب
ممبران کے سامنے رکھ کر مشکور فرمائینگے اور وزیراعظم صاحب جو ہم
زمینداروں کو اپنا آقا ماننا ہے ہم غریب مظلوموں کی شہزادی کسی
آزان کیمٹی کے سامنے کروا سکتا ہے۔ لالہ جی کل کا واقعہ واقعی
عبورناک ہے ہم شرمسار ہیں کہ ہم کانگریس والوں کے ساتھ ایسا غیر
منصفانہ سلوک کر رہے ہیں۔ ہمارا سہارا آپ پر ہے۔ کیا آپ اس کے متعلق کوئی
قانونی چارہ جوئی کی بھی صلاح دے سکتے ہیں۔ سب انسپیکٹر صاحب
کو کیا حق ہے کہ بلا وجہ کسی شخص کو مارے بیٹھے اور ان لوگوں
کو مارا پیٹا گیا۔ جن کے سہارے ہم نے علاقہ میں اپنا یعنی کانگریس
کا رسوخ پیدا کرنا ہے۔ لوگ کہتے ہیں کہ کانگریس والوں کا کوئی دلی
دارت نہیں ہے۔ میرے دل پر کل کے واقعہ کا ایف خاص اثر ہوا ہے
کہ یا تو ہم لوگ نالائق ہیں یا ہمارے رہنمائی کرنے والے ہمارے
طرف پورا دھیان نہیں دیتے۔ نہیں تو کیا وجہ ہے کہ ایک سب انسپیکٹر
پولیس آج کل کے زمانے میں ایسی حرکات کرے۔ پولیس نے مارے
وقت ایسا رویہ اختیار کیا جس سے یہ ظاہر ہوتا تھا کہ خود وزیر
صاحب ان کی حمایت سپر ہے۔ غیر واقیات زبانی بتلائے جا سکتے
ہیں۔

اپنا تاجدار

یہیں سنگھ۔ لوڈ اسٹل

I have given you the facts. I have given you the happenings at Behrampur on the 10th of April written in a letter that was addressed to me on the 11th April. The fact that this letter was written on the 11th April, the next day after the happenings, is conclusive proof of the fact that all that is stated in this letter is absolutely correct. Then I received another letter from the General Secretary of the Congress Committee, Lala Mangat Rai, who occupies a fairly important position in the Congress. Besides, he is also a member of the municipal committee of the Ambala City.

Mr. Deputy Speaker : The honourable member has already taken 20 minutes, five minutes more than the time to which he is entitled.

Lala Duni Chand : I understood that you would give me the full opportunity to place all these facts before the House. But if the idea is to curtail my speech, I will be brief.

Mr. Deputy Speaker : The honourable member has already taken five minutes more.

Lala Duni Chand : I have also other documents signed by respectable people and all those documents corroborate everything. The substance of all these letters is that what Sardar Phumman Singh has said in the letter which I have read to the House is perfectly correct. This is what happened at Behrampur. No respect was shown either to the position of the men or to the fact that they belonged to the agricultural community, nor to the fact that they had come to the Honourable Minister for Development, to respectfully place their grievances before him. Can it be said for a moment that all these gentlemen even though they were Congressmen, were not as good agriculturists as the Honourable Sir Chhotu Ram ? Can there be any possible reason for them to say anything that was not true ? Can there be any reason to concoct stories and invent false versions ? The facts as I have stated and as stated in these documents must be taken as absolutely correct. I know things of this kind are happening from day to day and from week to week and from month to month. I know that things of that kind will happen more in future. What happened at Behrampur is a mere manifestation of the disease. I attach more importance to the diagnosis of that disease which is manifest in these events. That diagnosis is that the Government is not ruling the province on the lines on which any responsible and fair-minded Government should rule. The ministers are making an excuse of going from place to place in order to carry on the most nefarious propaganda in the Punjab.

Mr. Deputy Speaker : The honourable member is not relevant.

Lala Duni Chand : It was an occasion of carrying on such a propaganda that resulted in an unprovoked attack, a brutal attack upon a number of respectable citizens. I am pointing out what was the occasion.

Sardar Sahib Sardar Gurbachan Singh : Time is up.

Lala Duni Chand : I was submitting that this was a mere manifestation of the disease. They may not feel ashamed of this kind of propaganda, but I do feel that no members of any responsible Government should conduct themselves in that way. I can well understand that they can go to see different departments or to meet different officials, but that is no

[Lala Duni Chand.]

excuse for spending public money, for one minister after the other in going about from one part to the other, as Sir Chaudhri Chhotu Ram and others have been doing.

Mr. Deputy Speaker : I would request the honourable member to confine his remarks to the motion before the House.

Lala Duni Chand : My remarks are quite in connection with the motion. What I am submitting is that so long as the Honourable Ministers carry on this kind of propaganda and pursue a policy of this kind, things of that kind are bound to happen in every part of the Punjab. The ministers are encouraging people whom I call undesirable persons. I have got personal knowledge of the fact that in every district there are men who understand what kind of service the Honourable Ministers demand from them.

Mr. Deputy Speaker : May I request the honourable member to be relevant to the motion before the House ?

Lala Duni Chand : If you will kindly care to understand my point, namely, that I am trying to show that a certain policy that is being pursued by the Government is responsible for all these tragic occurrences—

Mr. Deputy Speaker : I would request the honourable member to see that he does not speak on anything that is not contained in the motion.

Lala Duni Chand : I fail to understand how an able lawyer like the Honourable Deputy Speaker should not at once see that what I am saying is perfectly germane to the motion under discussion.

Mr. Deputy Speaker : It is exceedingly difficult for me to see the relevancy of the remarks of the honourable member.

Lala Duni Chand : If the Honourable Deputy Speaker is not prepared to hear unsavoury things about the ministers I can respect his susceptibility. I was saying that as a result of the policy a number of undesirable persons have come forward in each district.

Mr. Deputy Speaker : I would request the honourable member not to discuss the conduct of the ministers, because in this motion the ministers cannot be discussed.

Lala Duni Chand : If a minister is unfortunately directly connected with a certain happening, it is only necessary that he should be discussed in that connection. It is not a question of moving any no-confidence motion against him. He happened to be there and he went all his way to that small village to harrangue.

Mr. Deputy Speaker : The honourable member has had half an hour and I have given fifteen minutes more than his usual time.

Lala Duni Chand : You will kindly see that I hold a special position with regard to this adjournment motion. Therefore I expect you to be indulgent to me as you can possibly be.

Mr. Deputy Speaker : I have given you 15 minutes more than the usual time permissible.

Lala Duni Chand : It is my firm conviction that so long as the Government and the members of the Government do not change their ways of governing this province, things of this kind will continue to happen again and again and it is in all sincerity and earnestness that I do ask the Honourable Minister for Development and other honourable ministers to desist from the course that they are pursuing. They should understand that if things of that kind are allowed to happen —

Mr. Deputy Speaker : I would request the honourable member to wind up.

Lala Duni Chand : It is mentioned in some of these letters that it was with the utmost difficulty that a large number of people who were provoked by the unpardonable attack were kept in restraint. There was a danger of breach of peace. I suppose so far as this remark is concerned, you, Sir, will have no objection.

Mr. Deputy Speaker : The honourable member's time is over.

Lala Duni Chand : My last submission on this occasion is that I do claim one thing for myself, namely that some of the honourable members on that side know me personally. I have been in close contact with some of the very distinguished members of the Unionist Party. I may particularly make mention of some of them.

Mr. Deputy Speaker : The honourable member is again irrelevant.

Lala Duni Chand : I am trying to submit that placed as I am and in view of my position and my previous conduct what I am saying must be taken as correct and due weight must be given to every word of what I say. Honourable members like Nawab Khuda Bakhsh Tiwana and Malak Hayat Khan have been in close contact with me and they know something about myself. I am not an irresponsible agitator. I have spent the best part of my life in fighting out the battle of the country (*hear, hear*), and I have remained in the Ambala district and kept it free from all communal outbursts. Ambala district is the only district where there has been no communal riot and it is men like myself who have kept it free. But I think the poison is now being poured in the district and Chaudhri Sir Chhotu Ram is responsible for it and to some extent Sir Sikander Hyat-Khan also. They go from place to place and I know the kind of speeches that they have been making. They have been trying to set Ambala district on fire and if it has not been set on fire it is only on account of me and other Congress workers. I do want to tell them not to pursue the game that they have been pursuing in other districts. With these words I close my speech but I might add that I am perfectly prepared to be as fair to the Honourable Premier, as fair to the Honourable Chaudhri Sir Chhotu Ram, as I can possibly be to any Congress worker. Every fibre of my being revolts against anything unfair, anything unjust, to any member of the Government or to any member of the public. Atrocious wrongs have been done to a number of respectable men. I know almost every one of those gentlemen, who have been attacked and assaulted, personally and I know how honourable and respectable they are. I know that they are as honourable as any member of this House. (*Interruption*). I have placed before the House all the things that have happened there and I do hope that the Honourable Premier and the Honourable Minister of Development will take cognizance of what I have submitted.

[Lala Duni Chand.]

before this House and if they accept my humble advice and change themselves and behave differently, then the Punjab will be in a much better position and they will be happier than they are at present. With these words I move my adjournment motion. *(Cheers)*.

Mr. Deputy Speaker : Motion moved is—

That the Assembly do now adjourn.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram) (*Urdu*) : Sir, the facts as stated by the honourable mover of the adjournment motion are not based on his personal knowledge. It appears to me that the reports that he has received about the alleged lathi charge are far from the truth. Now, Sir, I will place before this Honourable House the real facts as observed by me without any embellishment.

I reached village Behrampur at 12 noon. There I saw about 2,000 or 2,500 people assembled at one place. At a distance of about 50 yard from this gathering there was another group of between 50 or 100 persons. The place where these 50 or 100 persons were gathered a tri-colour flag was also flying. That flag could be no other than the Congress flag. When I reached the place where the main gathering was sitting these 50 or 100 persons also came up and sat amidst the big gathering. After my arrival some poems were recited, a few Bhajans were sung and one or two speeches were made first. Then an address was presented and I rose to deliver my speech. As I got up to do that an individual, presumably from among those of the smaller group which was now merged in the main gathering, came up to me with a petition in his hand. He was putting on a blue turban and was probably an Akali Sikh. I took that petition from him and told him that I would send his petition to the department to which it related. But he replied that he was not prepared for that. On the other hand he contended that his petition should be heard and decided on the spot. I told him that that was not the procedure, and that a petition could not be heard and decided on the spot. However I assured him that I would send it to the department concerned. I further told him that if he had anything to say verbally to me he was at liberty to do at the end of my speech. On this the individual returned murmuring to his place and sat among the gathering. Then I began my speech. But I had hardly uttered a sentence when other persons rose and said that they wanted to express their views first. I told them that they should keep sitting and that after I had finished speaking I would allow them to ask any number of questions that they liked which I would be glad to answer. I further pointed out to them that if even after that they remained unconvinced I was prepared to discuss matters with them privately at any place after the gathering had dispersed. I also pointed out to them that it was not proper to interrupt while I was speaking. But they persisted in their behaviour. On this I asked Lala Daulat Ram to advise them to keep quiet during my speech and to raise any objections, if that was their object, at the end of my speech. If on the other hand they were not prepared to sit quietly and were determined to create disturbance they should be turned out of the gathering. Lala Daulat Ram went up to them and began to reason with them. I asked him that instead of arguing with them he should ask them definitely to sit quietly or go away.

Lala Duni Chand : May I know how many persisted in this course of conduct ?

Minister for Development : If my honourable friend will, only be patient he will find that I will not leave out a single thing which is worth mentioning. Then Lala Daulat Ram seems to have told them that if they were not prepared to hear the speech, they should leave the place. On this the person with a blue turban who had come up to me in the very beginning to present his petition cried aloud that as nobody was disposed to hear their complaints they should all leave the gathering. He had evidently hoped that at the signal given by him the gathering would melt away. But what was the result ? He and the two others who had stood up after him and 20 or 30 other persons of the group which was assembled in the beginning at a separate place left the main gathering and went away. All others stood fast. After this incident I began my speech and told the audience that it appeared that the object of these people was not to place their grievances before me or to make any representation. On the other hand their real object seems to have been to produce chaos in the gathering.

Lala Duni Chand : You have attended so many meetings in the Ambala district, have you ever been disturbed ?

Minister for Development : Let my friend kindly hear me first. I will state everything. Then after half an hour or three-quarters of an hour those people came up again raising some slogans. Lala Daulat Ram went up to them and asked them to keep silent. At his instance they went back. But after another 15 minutes they came again. They were held up by Lala Daulat Ram for a few minutes after which I saw them fleeing. After a short time a similar incident was repeated. I may submit that I did not notice any lathi charge on them. Although I was pre-occupied with my speech and may have failed to notice many things, I believe that no lathi charge was made. I saw nobody bearing any injury nor was any complaint made to me about any lathi charge. Again, my learned friend has stated that several respectable and educated gentlemen were there and that some of them were injured. But may I know why these gentlemen failed to take the trouble of sending even a single word about this lathi charge to the newspapers ? The whole House knows that the newspapers are not very well disposed towards me.

Lala Duni Chand : Let me correct you. (*Voices from the Treasury Benches : Order, order.*)

Mr. Deputy Speaker : If the honourable member has to put any question he should put it through the Chair.

Minister for Development : I was saying, Sir, that my honourable friend knows full well that the newspapers of this province are not at all pleased with me. If they had received any such news they would have published it with sensational head lines. But I have not seen a single newspaper in which any account of a lathi charge has appeared. I have read nowhere any news about the "wanton and unprovoked attack" which has so deeply exercised my honourable friend Lala Duni Chand.

The honourable mover has also suggested that wherever I go, such ugly incidents are the normal course. I may submit that even during my present tour—I visited not only Behrampur but many other places—but nowhere

[Minister for Development.]

else did any such thing happen. The credit or discredit for such an incident is confined to Behrampur where there is a Congress Committee. I visited Bela immediately after Behrampur. There is a Congress Committee there also, but no such happening occurred at that place. A much more largely attended meeting was held at Bela. The meeting passed off peacefully. It is true that at a small distance from the pandal some people were playing upon dafs and flute. I thought that there was some marriage party. On my inquiry I was told however, that some Congress people in front of a house in the neighbourhood were playing upon dafs and flute. But this music did not disturb the meeting. Consequently I did not mind it. Those people who were indulging in the music once came nearer to our meeting, but they did not create any disturbance.

During this tour I addressed gatherings at eight places. I visited Bahadurgarh which is a town and delivered a speech there. No disturbance of any kind took place there.

May I also submit that since the time when the Congress issued instructions that where a meeting of the one party is being held, no meeting of the Congress should be held, no such disturbance has ever taken place. Before the issuing of such instructions, disturbances were not infrequent, but after the issue of these instructions disturbances had ceased. Why this healthy practice was departed from at Behrampur I am not in a position to say. There is little doubt that it was a Congress gathering because tri-colour flag of the Congress was flying at a distance of only 50 yards from the main meeting place. The words of the adjournment motion also make a half-hearted admission by suggesting that those who created disturbances were "supposed to be Congress workers and Congress sympathisers". But in his speech the honourable mover had admitted more frankly that all these persons were Congress workers and respectable citizens. In view of the above mentioned facts it is not correct to say that generally wherever I go ugly scenes occur. These scenes occur only in places where Congress elements incite them. The honourable mover is probably in a better position than myself to ascertain whether the disturbance under discussion took place in the ordinary course or was incited, and if incited, by whom.

Now I have narrated to the House all the incidents as they happened according to my observation. After this narration I do not feel any necessity for saying anything more in connection with this adjournment motion by way of commentary.

Pandit Shri Ram Sharma (Southern Towns, General, Urban) (*Urdu*) : Mr. Deputy Speaker, my honourable friend, Lala Duni Chand, has amply stated the facts on the basis of which the adjournment motion under discussion was tabled by him. After the speech of the mover the Honourable Minister for Development rose to make a speech in reply. I may point to the House that it was due to his auspicious visit to the village Behrampur that this unfortunate incident took place.

Mr. Deputy Speaker : The honourable member is irrelevant.

Pandit Shri Ram Sharma : My statement is not irrelevant. It is to the point. I was going to say that the Honourable Minister for Development is much concerned with this adjournment motion. That is why he

thought it fit to make a reply at once. He was pleased to remark that the details of the incidents as stated by Lala Duni Chand were not substantiated by facts, and that his statement was not based on his personal knowledge. Before I proceed with my speech, may I enquire whether the answers given by the Honourable Ministers in reply to our interpellations are always based on the personal knowledge of the Ministers themselves? We are all aware as to what extent the Honourable Ministers make efforts to acquire personal knowledge of the things. Now let us have a peep into the personal knowledge of the Honourable Minister for Development regarding this affair. He glibly said that so far as lathi charge was concerned, he had absolutely no knowledge of it. But the fact remains that the Police did molest the inhabitants of that village without assigning any reason. They made a wanton and unprovoked attack on them in the form of a lathi charge. Consequently several respectable persons received injuries and the hair and beards of some of them were pulled. Now this is an incident which occurred before the very eyes of the Honourable Minister and yet he has the audacity to deny that on the floor of the House. Besides, there are special reasons as to why this incident took place at a village in the Ambala division and why the police are accustomed to commit atrocities there. Now just as the Honourable Speaker asks the mover of an adjournment motion to state whether the responsibility of the Government is involved in the matter, because the grant of leave for adjournment depends upon this condition, similarly, I hold that Government are fully responsible for the occurrence of this unfortunate incident. I assert that on such occasions the goondaism on the part of the police or mercenaries and the excesses committed by them are the direct outcome of the fact that Government officials and even Ministers instigate them to do so. The Police of Ambala is not an exception to this. Again you will remember, Sir, that during the election campaign of Sardar Baldev Singh, the Honourable Minister of Development, had created bad blood at Kharar. The proceedings of the Assembly will bear me out in regard to this matter. A responsible Minister of the Government abused the Congress workers as mad dogs.

Mr. Deputy Speaker : The honourable member should speak to the motion.

Pandit Shri Ram Sharma : I am only developing my point. I was submitting that Government are a party to the ruthless repression in the form of goondaism that is being carried on by the police in the Ambala division. The reason for this sorry state of affairs in the Ambala division is due to the fact that the high-handedness of the police is connived at by the higher authorities rather instigated by them. The police know it full well that Government desire them to harass the Congress workers, to provoke them and then lathi charge them. Why go far? The honourable members are aware of the fact that several times in this House and outside it the Honourable Minister for Development has tried to create bad blood among different classes of persons by exhorting the zamindars to push out forcibly *nokili topi wala*s, i. e., Congressites. Now when such provocative language is used by a man of the position of the Minister for Development, the subordinates, I mean the police, must take their cue from him. Hence it is not surprising if they maltreat the people who do not see eye to eye with the Government. The police officials have been given this impression, that the

[Pandit Shri Ram Sharma.]

secret of their success in life and promotion in service lies in committing excesses against the Congressites. I have endeavoured to bring such incidents to the notice of the House by means of adjournment motions. But owing to the Budget session they were not allowed to be moved.

I wish our adjournment motions were accepted by the Speaker and we would have thrown much more light on the behaviour of ministers. Now I may be permitted to divert your attention to the urgency of the matter. I have generally observed in the Ambala division and particularly in my district Rohtak that the real cause of the occurrences of these dirty scenes has been found to be instigation and provocation by the ministers themselves. Moreover most of the population of Ambala division is Hindu zamindars. Not before long they were the servants of British beauracracy and therefore they could not see the true perspectives. They were mere tools in the hands of the Government at that time and after that they used to bow before the agents of Englishmen who are now in power? Now the wind has changed and the progress of the Congress movement has awakened them and they have understood the truth and the reality of things. This remark of mine can be supported by the election of North Hissar Rural Constituency in whose connection the Minister for Development and the Premier himself visited that ilaqa frequently in order to do propaganda against a Congress man who was seeking election in that Constituency. But after all, the Congressman, my friend Chaudhri Sahib Ram, who is sitting by my side, was elected and thus the attempts of the Government were rased to ground. It is perfectly clear from these facts that the Government has been much worried by the frequent successes of the Congress in that area. I understand that is why the Government have adopted this objectionable, I would say, immoral procedure in that particular area. I may also inform the Government about the purpose of bringing forward such adjournment motions in this House. The purpose is simply to let the Government know that they themselves have created such situations in the province and the police knows that the Government is at its back. That is why they do whatever they like. Whenever a disturbance takes place at any place the Government says that the responsibility of that misbehaviour or maltreatment surely lies on the public and the public alone. It is a pity that in spite of our repeated requests no action is taken against the police. The police officers are, however, encouraged by the Premier and Ministers saying that they have done well in using the force of machinery of Government in order to cow down any voice raised against them. May I be permitted to ask the Premier why the police high-handedness has become excessive especially in the Southern districts of the province, while the people of other towns are not disturbed at all. For instance, the Western Punjab is not annoyed and the Central Punjab is safe — perhaps on account of the power which my Akali friends have held there. But Asaudhas and Behrampur are in our ilaqa. I know why this ilaqa has been made a target of goondaism and the high-handedness of police. The reason may be this that the Government machinery is working relentlessly in that ilaqa and when they feel that the people are becoming more active and vigilant they want to suppress them to the extent of committing coercion with ruthlessness. Perhaps that is why whenever the Honourable Minister for Development wants to deliver a speech about *nokili topi wala* *

He takes the trouble of going down to the Ambala division. I think you are aware that most of the adjournment motions which we wanted to move on the floor of the House were in respect to the maltreatment and high-handedness of the police and goondaism committed on peaceful zamindars at Asaudha and Behrampur. And now this adjournment motion moved by my honourable friend Lala Duni Chand also throws light on this point that the power and prestige of Government have been rendered impotent in that side of the province and that is why they want to rule on pain of injury and death. I would not hesitate in saying that this treatment of fourth class Fascist type would not bear good fruit. But it would bring more worries to them than they have ever thought. I, therefore, submit that it would be the Government alone which would be held responsible for all these goondaism and police atrocities. Whenever we want to bring an adjournment motion before the House to this effect you do not grant us leave to move it, perhaps on this score that that adjournment motion is related to the negligence of a certain police officer sometimes on point of non-corroboration. I may dare say that this pretext is incorrect. The Government alone is responsible for maintenance of peace in the province.

I may also be permitted to say that the Government seems to be inactive in taking serious steps to stop these complaints despite that many notices have been sent to the Premier in this respect by the people of Ambala division. Now coming to the statement of the previous speaker, it has been stated by the Honourable Minister for Development that the people sitting at a distance of 250 yards from the meeting, wanted to put a few questions to him, but the Minister asked them to wait till his speech was finished. It was their crime that they wanted to question Sir Chhotu Ram and for this audacity they suffered lathi charge and other indignities. May I be permitted to ask the same Minister what happened in Bahadurgarh? Had not people been similarly asked to question the Honourable Minister after his speech was finished? But no sooner the meeting was finished than the Minister ran away from that place. Were these tactics meant to evade and put off people at that moment?

Mr. Deputy Speaker : Honourable member's time is over. I cannot give him more than 15 minutes.

Pandit Shri Ram Sharma : One minute more, Sir. As far as the incident of Behrampur is concerned, I would submit that the Minister was not fair and justified in giving order to the Sub-Divisional Officer to ask the police to turn forcibly those people from that place. The reason given by the Minister is to the effect that they had come there to cause inconvenience and disturb the meeting. This is not desirable on the part of the Government to give this sort of reason in order to conceal the excesses of the police department. Do the Government remember what attitude they took at Asaudha where the hooligans were supported by the Honourable Premier? I would submit with all the emphasis at my command that the truth of the matter is this that lathis were used there mercilessly without any fault of the zamindars. Poor kisans were badly beaten and their beards were drawn by the police officers to the great shame of the Unionist Government.

[Pandit Shri Ram Sharma.]

There is another remark made by the other side and that is this that the Press has not thrown light on this incident of Behrampur. I may here submit to the Premier that *Civil and Military Gazette* is never expected to give a detailed account of what happened in Behrampur. But in other papers some accounts are given about that incident. I feel, I should tell the Honourable Premier why these papers do not throw a good deal of light on such incidents. The Press is afraid of the Premier, because he has already threatened it by bringing forward a Bill in order to put restrictions on the Press. This is the reason why news relating to lathi charges are not published in newspapers. But the pictures of the Honourable Premier and Honourable Minister of Development are published in them instead.

Mr. Deputy Speaker : Order, order. Honourable member's time is over. I cannot give him more time.

Pandit Shri Ram Sharma : Very well, Sir, I finish my speech with these words that such excesses would bring this Government to an end.

(Voices. Question may now be put.)

Sardar Sampuran Singh (Lyallpur West, Sikh, Rural) : Sir, wherever the Ministers of this Government have gone practically from all over the province we have received similar reports.

Mr. Deputy Speaker : I would request the honourable member to speak to the motion.

Sardar Sampuran Singh : I must go to the root of the thing. The real thing is that the behaviour of Ministers at some places in the countryside has been very objectionable. In this particular case we find that the Honourable Minister for Development, when he went to Behrampur Zamindar Conference, tried to have undue advantages of his position. He went there as a public man and at the same time he wanted to utilize his position as a Minister. He used the Government machinery to help him to cow down any opposition which may be against him, which gracefully he should not have done. I would first of all inquire from the Honourable Minister for Development, in whose land they held the jalsa? Did that land belong to the Government or zamindars? And if the zamindars from that village did come to that place and even tried to cause inconvenience or disturbance to the Honourable Minister, with what authority they pulled them out of the place and dragged them away and treated them in the way in which they did with the help of the police force? If at Asaudha it is right that the people can come round with those tom-toms and create nuisance and there was no law to protect the people who were carrying on that conference in a peaceful way, with what authority the Honourable Minister ordered the Sub-Divisional Officer, —and even if we presume that he did not order it—then with what authority the policemen or the Sub-Inspector of that place used force against the people, who were proprietors and residents of that place, and turned them out from that place? Who was the Minister of Development to ask them to go away? They were on their own land and they were in their own village and they had every right to be there. If the people at Asaudha can create such a nuisance, why were the people of Behrampur, who are Sikhs, asked by the

Honourable Minister to go away from their own lands? It is very objectionable and almost immoral to invite people to a jalsa held in their own village—and then use force in their own house, and with the help of the machinery of the Government beat them and turn them out. I am very sorry that those people were not prepared to receive that treatment. If this information goes about countryside, as it is sure to go round, I am afraid there will be riots and riots of a very serious type if the Ministers behave like that in the province. They judged their position at some places. At Lyallpur they were very quiet.

Mr. Deputy Speaker : I would request the honourable member to confine his remarks to the motion before the House. It is not the conduct of the Minister or Ministers that is under discussion.

Sardar Sampuran Singh : Sir, this reminds me of a story. A musician was singing and one of the audience was again and again saying that he wanted him to sing "Peelu". The man continued to sing for half an hour and after half an hour that man again cried and said : please sing "Peelu". The singer replied I have been singing "Peelu" for about an hour, what kind of "Peelu" do you want? Should I get one made of wood—*Lakar da Peelu dewan*?

Mr. Deputy Speaker : Please speak to the motion.

Sardar Sampuran Singh : I am speaking to the motion. I am talking about the incident which happened at Behrampur when the Minister for Development went there. I was submitting that it was not for the Minister—

Diwan Chaman Lall : May I draw your attention to the fact that my honourable friend Raja Ghazanfar Ali Khan rose several times, but my honourable friend did not give way and yet Raja Sahib is not reprimanded by you in the same manner in which my honourable friend here Lala Duni Chand who wished to interrupt the Honourable Minister for Development only once was reprimanded? Although Lala Duni Chand interrupted only once you were quick enough to reprimand him. Now Raja Sahib has risen three times and my friend does not give way and yet you do not reprimand him. I ask you to hold the balance even.

Mr. Deputy Speaker : The honourable member wanted to put a question. The honourable member who was speaking did not give way and then he sat down. He tried to stand again. He was perfectly within his right to see whether the honourable member who is speaking gives way. When the honourable member did not give way, he again resumed his seat.

Sardar Sampuran Singh : He interrupted three times, he did not merely stand. But I do not care. Let him disturb, because it is only natural with him and moreover he is trying to emulate his great leader. I was submitting that the Ministers are sometimes extremely cautious and sometimes very daring. Whenever they are at big places and they know that such high-handedness will not succeed, they do not behave like that, but in small places where the audience is not very large and the police and the local officials are present in large numbers to molest the people and protect the persons of the Ministers, they intentionally create such occasions simply to cow down the people in the countryside. I am afraid that this cannot go on for long.

Lala Deshbandhu Gupta (South-Eastern Towns, General, Urban) (Urdu) : Sir, it is really painful to note that my learned friends over there are treating a very serious matter so lightly. I would like them to realize what psychological effect is likely to be produced on the people when in a public meeting where all sorts of people have assembled an Honourable Minister orders his subordinate officers to turn out some people from the meeting. Rupar is situated within my constituency. I know some of the persons whose names have been mentioned by the honourable mover. One of them is Lala Pran Nath, Vakil, who attended the meeting and on the next day issued a statement as to what actually passed at the meeting on the previous day. This gentleman is a respectable lawyer and a social worker. He participated in several Arya Samaj and Congress movements. It is unbelievable that he was guilty of mis-representation. I for one cannot believe that the said gentleman is capable of making a mountain of a mole-hill. But according to the Honourable Minister some people came there holding in their hands a tri-coloured flag. He received them very cordially and asked them to take their seats. In view of the fact that the Honourable Minister for Development behaved quite differently on several previous occasions it is unthinkable that he could have been so courteous and polite to them this time. If he has in fact done that I am constrained to mark that he has certainly undergone a strange metamorphosis. Even the Honourable Premier had to admit on a previous occasion that the treatment by the Honourable Minister for Development of the people whom he considers to be his political adversaries was not fair.

Mr. Deputy Speaker : Please speak to the motion.

Lala Deshbandhu Gupta : I am speaking to the motion. May be that the Honourable Minister for Development has become a little bit more careful now as stories about his behaviour have gone throughout the length and breadth of the province and every one knows that wherever the Honourable Minister goes some trouble is created. (Voices : Question.)

The mentality of the Honourable Chaudhri Sir Chhotu Ram is quite inexplicable. To him even his brother is no better than banias and mahajans, if he has any political differences with him.

7 P.M.

Mr. Deputy Speaker : The honourable member is not relevant.

Lala Deshbandhu Gupta : I am establishing that the statement made by my honourable friend Lala Duni Chand is correct while the contradiction made by the Honourable Minister for Development is not to be believed. That is what I am saying and I am giving instances to prove my contention.

Mr. Deputy Speaker : The present argument has absolutely nothing to do with the motion before the House.

Lala Deshbandhu Gupta : I am illustrating the point that there is a history of two years behind the mentality of the Honourable Minister and he could not but have behaved in that manner.

Mr. Deputy Speaker : May I request the honourable member to speak to the motion? It is not the conduct of the Honourable Minister that is under discussion.

Lala Deshbandhu Gupta : I shall try to put it in a manner that may be acceptable to you. I can understand your anxiety not to allow me to refer to anything which did not happen in that meeting. But let me submit, Sir, that it is absolutely impossible for me to refrain altogether from making reference to other events which did not take place at Behrampur. How can a discussion be confined to only one incident especially when the adjournment motion has been moved with a definite purpose of criticising the behaviour of the Government? If I do not strengthen my point by giving illustrations the very purpose of the adjournment motion under discussion would be defeated. Our object in moving such a motion is to show to the world that all these disturbances are being created by the police in pursuance of a considered policy of the Government. I feel inclined to say that references to such matters, howsoever unpalatable they might be to the Government, have got to be made. But if you take exception to all such references I shall try to avoid touching these delicate matters which seem to be irksome to the susceptibilities of the treasury benches as far as possible.

Mr. Deputy Speaker : It is the immediate relevancy that is to be seen and not the remote relevancy.

Lala Deshbandhu Gupta : Sir, I do not want to argue with you at present. I will do so when the proper time comes. But what I propose to do at present is to enquire from the Honourable Premier whether he approves of the behaviour of the Minister of Development. I am sure he cannot. It is, however, surprising that he is not in the least perturbed if the other parties are maltreated or molested, but when it comes to his own friends even the slightest things may turn out to be irksome to him. The Honourable Ministers are in the habit of creating unnecessary hue and cry against imaginary grievances of their co-religionists in other provinces, and for ordinary and trivial matters they go to the extent of issuing pamphlets—passing resolutions of condemnation and their parliamentary secretaries do not hesitate to undertake railway journeys for thousands of miles to join conferences where such resolutions are passed.

Mr. Deputy Speaker : I put it to the honourable member whether this thing has any relevancy whatsoever to the motion before the House.

Lala Deshbandhu Gupta : I would again submit with due respect to the Chair that I am only asking the Honourable Premier whether when he takes objection to certain happenings of a similar nature in other places he is not called upon now to take a strong action against the Minister for Development who is abusing his position. In that manner I think I am perfectly relevant.

Sir, my submission is that such events do deserve the severest possible condemnation from all quarters. But it is a pity that the Honourable Premier is not prepared to raise his little finger against such molestations and maltreatments. I know that to-day he cannot dare to incur the displeasure of the Honourable Chaudhri Sir Chhotu Ram who is admittedly the mainstay of the Unionist party. His displeasure to-day might mean the dissolution of the whole party. That is why the Honourable Premier has always been conniving at the Chaudhri Sahib's actions. He has given him such an

[Lala Deshbandhu Gupta.]

amount of latitude as to do whatever he likes. His activities in the village areas have practically endangered the very lives of respectable people.

Mr. Deputy Speaker : The honourable member is not at all relevant.

Lala Deshbandhu Gupta : I am only citing instances by way of illustration.

Mr. Deputy Speaker : I would again request the honourable member to speak to the motion.

Lala Deshbandhu Gupta : I really do not know how to satisfy you. I do not want to be irrelevant, I assure you. I shall try to be more relevant, but I cannot help it if my remarks are not liked by the other side.

Sir, may I enquire from the honourable Sardar Ujjal Singh who joined the Round Table Conference as the defender and upholder of the cause of the Sikh community, as to how he received the news that a certain official had pulled the hair and beard of a Sikh in the meeting held in honour of the Honourable Minister of Development? Can he tolerate the recurrence of such incidents in the province? I am sorry to say that my honourable friend opposite is keeping mum. Let us assume for argument's sake for a moment that the Sikh gentleman in question gave provocation to the officials and interrupted the Honourable Minister of Development during his speech,† but is that sufficient reason for ordering the police hounds to chase the poor fellow out of the pandal and pull him by the beard? My honourable friend on this side of the House was absolutely right when he remarked that the police assumed a highly objectionable and provocative behaviour in the meeting. Let the Government know that the pulling of a Sikh's beard by police in this manner is an insult to the whole community. Repetition of such painful incident will dig the grave of the Unionist Government. Instead of offering such insult to a respectable Sikh gentleman the police was free to arrest him and send him behind the bars. In that case we would not have objected to it. There are several laws and ordinances in Government's armoury. It could very easily make use of any of them against the offender. But the treatment that has been accorded to the Sikh gentleman * cannot be justified by any stretch of imagination. My honourable friend opposite has remarked that there were about a hundred persons in the meeting who were bent upon mischief. My submission is that the Government was free to arrest them. The police could have even used tear gas for dispersing them. But the Government should bear in mind that in these days of political awakening such insults and humiliations cannot be tolerated at all. The inhuman and barbarous conduct of an official who pulled the beard of a respectable Sikh in Behrampur cannot be tolerated. Such insults were no doubt offered to peaceful citizens during the martial law days when even old and infirm people were made to cross a certain street by crawling. But it was the Government of Sir Michael O'Dwyer and now we are living under a so-called popular regime. The fact that such incidents are possible to-day * show that though the Government has changed yet the mentality of the officers remains the same. It is a pity that under the present Government even respectable persons like practising lawyers are not spared. They are being insulted and molested by the police officials in the presence of hundreds of people. Their hair and beards are pulled but Government

does not care to take any action against such officials who endanger the peace and tranquillity of the province by their misdeeds. We strongly condemn the action of the person who committed this grave offence. But I regret more the attitude of the Honourable Premier who has neither taken any action in this connection nor has expressed his regret on the floor of the House, but on the contrary has tried to justify the conduct of the Honourable Minister of Development and of the police officials. The Honourable Minister of Development has asked us to believe his words as a gospel truth, but his memory is so defective that when he was asked as to whether the police made a lathi charge on the Congress sympathisers or not he replied that he saw nothing of the sort and that it did not take place in his presence. Who is going to believe such a statement? His only concern at Behrampur was it seems to receive addresses, to participate in the feasts and to create political hatred amongst the people of that ilaqa. He cared a hang for the villagers even if they were beaten black and blue by the police. Let me sound a note of warning at this juncture, they should not have recourse to such ignoble methods to repress those who differ from them. They should remember that it is quite possible that they may have to show resentment to-morrow for exactly those things to which we take strong exception to-day. I shall, therefore, urge upon my friends to move with caution, so that these things do not prove to be a source of trouble to them in future. With these words, Sir, I support the motion and resume my seat.

(Honourable members: Question be now put.)

Mr. Deputy Speaker: The question is--

That the question be now put.

The motion was carried

Lala Duni Chand: I give credit to the Honourable Minister for Development for making a cleverly evasive reply. But I cannot give credit to him in the matter of meeting the allegations or charges that I made in the course of my speech. I said at the very outset that he ordered a police officer to turn out those people who he thought were undesirable people. He has not contradicted that allegation. So, I understand that it was under his orders that a number of very respectable people were forcibly dragged away from the meeting simply because they dared to place their grievances before him. The second thing that I said in my speech was that he sent for ~~Lala Daula Ram~~, the Sub-Divisional Officer, and ordered him to turn out those people. There also he has not contradicted me. Another thing and a very serious thing that I said about him was that he sent for ~~Lala Daula Ram~~ and told him, 'look here,' you being a local officer, it was your duty to keep order in the meeting and to see that I was able to make the speech without any protest. He has not denied that allegation. He says that because I was not present at that time, therefore no weight can be attached to the statement of facts that I mentioned on the floor of the House. But I have quoted chapter and verse from the letters of those gentlemen who were present in that meeting. It is on the strength of those letters that I have stated these facts. This was the best evidence that was forthcoming and that evidence has been produced in this House. What reasons could there possibly be given to disbelieve all these statements contained in so many documents? Sir, I put it to the Honourable Premier, he being more

[Lala Duni Chand.]

responsible, to take a more reasonable view of this tragic occurrence. He knows that it will not add to his credit, it will not add to his prestige, if things of this kind happen frequently. I hope the Honourable Premier will give due weight to this aspect. May I know whether he is going to approve of this conduct of the Honourable Minister for Development, namely his sending for the Sub-Divisional Officer and remonstrating with him and saying 'look here, I know how to deal with the local officers'? If such an impression is created among the judicial and executive officers, the Honourable Premier knows how far things are likely to go. I hope that he will attach sufficient importance to this aspect of the case. The Honourable Premier has been saying during the last one week that he is gathering information, that he is collecting information. My short notice question was not answered for this reason. Twice this adjournment motion was not allowed because the Honourable Premier was not in a position to give all the necessary information. May I know now—I put this question to the Honourable Premier through you—what authentic information, what documentary information, he has got to contradict that information which I have given to the House on the basis of the documentary evidence that is in my possession? The Honourable Premier is confronted with a very serious situation in the province. The happening at Behrampur is a mere illustration of that unfortunate situation that is developing all over the province. He is sagacious and shrewd enough to understand the consequences of such a situation. If things are allowed to go on in that way, there will be riots and bloodshed, communities set up against communities and I still hope that he has not been lost altogether to the sense of realization. He has still got the sense of realization and therefore it is all the more necessary that he realizes and visualizes the consequences. He is occupying a very important position, a very exalted position and I am therefore appealing to him. I want to know what kind of further evidence he wants. I am in a position to supply him all the available information that he wants. I have already supplied him all the important evidence and I am prepared to supply such other evidence as he wants. What attitude will he adopt with regard to the doings of the Honourable Minister for Development? What attitude he is going to adopt towards the police that pounced upon a large number of people? I may inform the Premier that among those people who were attacked, there were responsible office bearers of the District Congress Committees. There were pleaders and other respectable men. Will it enhance his position in the Punjab as a Premier, if responsible and respectable men are being treated by the police in this fashion? Can he take pride in the fact that a policeman drags people away and forcibly pulls the hair and beard and treats the people in that brutal manner? In the words of the late Lala Lajpat Rai, I say that everything that happens in this way is a wedge into the coffin of the Unionist Government. The blow that was given to him was the last nail in the coffin of the British bureaucracy. So everything that happens in this manner will be the last nail in the coffin of the Unionist Government. Things are developing towards that situation. Let my honourable friend take note of those things and if he retraces his steps in time, it will be good for him and it will be good for the Punjab. He talks everyday that Punjab is leading in everything. Will he make the Punjab lead in this respect also, that wherever the Ministers go riots take place,

beating takes place? Are you going to take credit for that? I still retain a certain amount of faith in the Honourable Premier and I do hope that he will take a very serious view of the happenings at Behrampur. May I tell the Honourable Premier one thing? This village goes by the name of Behrampur Badmashan. So he should see that this badmashi does not take place here. (Laughter.)

Premier (The Honourable Major Sir Sikander Hyat-Khan) (Urdu): Sir, I had a mind to say a few words in English in connection with this adjournment motion in order to finish the whole matter, but the eloquent and rhetorical speech of my learned friend Lala Duni Chand has left me no other alternative but to speak in Urdu. With your permission, Sir, I will make a few observations regarding the adjournment motion now before the House.

At the conclusion of his speech my learned friend from Ambala referred to one particular thing, which I could not understand at that time, but now I have caught the significance of it. I do not know the quarter from which the honourable member has obtained that information, but to be very brief he stated that the name of the village was Behrampur which was generally known in the countryside as Behrampur Badmashan. It is quite conceivable that some resident of that village was guilty of some wrong-doing in the past and that is why this village got this particular nickname.

Besides, my honourable friend Lala Deshbandhu Gupta has stated that wherever the Honourable Minister of Development goes disturbances and lathi charges follow in his wake. And wordy warfare goes on in the press against him. (Interruptions.) Kindly give me a patient hearing. But with all this he persists in his behaviour and does not seem to mend his ways. My honourable friend should bear in mind that if some other people cause these disturbances we cannot lay the blame at the door of Sir Chhotu Ram. As regards the articles published about my honourable friend I may submit that the old adage हो, तो तब हो aptly applies to him. Unfortunately he has earned a bad name for himself amongst a certain class of people but nobody cares to write anything about people who are really bad. I, therefore, request the honourable member over there to take cognisance of what is being done by his own friends and co-workers, I would advise him that before he begins to find fault with others he should see whether he is justified in levelling this criticism against Sir Chhotu Ram and whether his own actions do not belie his professions.

Reverting to the arguments of my honourable friend Lala Duni Chand I may point out that he also levelled a charge against the Minister of Development that wherever he goes communal disorders and disturbances take place. May I know why a disturbance occurred at Behrampur? He himself has clarified the position and given the reason for the outbreak and I need not repeat it.

I may also point out that this particular ilaqa is notorious for such disturbances. In 1928 a riot took place there and the police had to open fire in order to disperse the crowd. (A voice: Was this the reason that he paid a visit to that village?) No. I only wish to point out that in this ilaqa disturbances and other unfortunate incidents have also taken place in the past. I hope that in future such things will not be repeated in that part of the country. I would request my honourable friends that they

[Premier.]

should not take every piece of information for gospel truth. I would advise them to sift the truth from falsehood and in case the matter is really serious they should bring it to the notice of the Government. They should not bring in adjournment motions relating to most insignificant things. They should not adopt for their motto the old proverb

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I may also submit that my honourable friend who has brought forward this motion stated that the police made a wanton and unprovoked attack on a number of men supposed to be Congress workers. This statement is likely to disturb the peace and tranquillity of the province. The proceedings of this adjournment motion will be published in bold headlines in all the newspapers of the country. I may inform him that if he is under the impression that by resorting to such tactics he can intimidate the Government he is mistaken. Let him take it from me that the Government cannot and will not be cowed down by such adjournment motions. I may assure the honourable member that if he had brought the facts of the matter to my notice I would have personally inquired into it. But the fact is that my honourable friend had nothing which he could have brought to my notice. I am definitely of the opinion that there is not an iota of truth in what my learned friend has stated on the floor of the House. If my friend goes on moving adjournment motions relating to such insignificant matters he would be doing a positive harm to the land of his birth. The contention of my friend seems to be that because my honourable colleague went to the village of Behrampur Badmashan, to address a meeting there he has also become a badmash. I repudiate the charge with all the emphasis at my command. This rotten logic can only suit my friends opposite. I would like to point out to my honourable friends that if they continued to behave in the manner in which they have been behaving and if they continued to bring in adjournment motions relating to such trivial matters they will not be doing any good to their province. The moving of adjournment motions about such trivial matters would merely mean that my friends wish to create unseemly scenes in this House. My friends simply wish to bring the Government into disrepute and to proclaim to the world that such incidents are the order of the day in the province. May I know what the world would think of the law and order in the Punjab? (*Lala Deshbandhu Gupta*: Appoint an inquiry committee and you will know.) My friend has asked me to appoint an enquiry committee. ✓

Sardar Sampuran Singh: The Minister of Development has not thrown any light on the facts. Since the Honourable Premier has made an inquiry we shall be much obliged if he throws some light.

Premier: I will give you the facts later on.

Sir, I was going to say that my honourable friend Lala Duni Chand ought not to have imported so much heat into the matter. I have great regard for him. (*Hear, hear.*)

Sardar Sampuran Singh: Please do not beat about the bush. It is no use ridiculing Lalaji.

Premier : The honourable member is getting unnecessarily restive. I was saying that I hold my honourable friend the mover of the adjournment motion in great esteem, not because he is an honourable member of this Assembly, but because he is a lawyer of outstanding ability. He is a legal luminary of Ambala and to-day he has pleaded the cause of his constituents with a vehemence which would do him credit as an advocate in any court of law. Unfortunately I am not a lawyer. I cannot manipulate things like him. I am a straightforward person and I deem it my duty to take facts as they are. After weighing the merits and demerits of the case, I feel bound to punish or reward as the case may be. If my honourable friend had held the scales of justice even in his hands, he would not have created this fuss over a trivial matter. Then he made a remark to the effect that wherever the Ministers go they create bad blood among different classes and sow seeds of dissension. This remark has reminded me of a well-known maxim *جس میں آئی لگا کر چالو دور کھڑی* which was previously quoted by one of my friends on this side. The maxim aptly applies to the attitude adopted by my honourable friend over there. An honourable member complained, most probably it was Pandit Shri Ram Sharma, that he had never heard of rowdy scenes taking place in the Western Punjab. Perhaps the Congressites there, were strong enough to resist the onslaught of the police. He also remarked that it was always in the Eastern Punjab that troubles arose. Perhaps the Congressites there are weak and therefore the police indulges in excesses there. But I may tell him that there is no question of weakness. The trouble arises because he resides in that part of the province. It is he who foment trouble and incites a certain section of the people to kick up a row. If he decides to migrate to the Western Punjab, he will find a cool and calm atmosphere there and will no longer be obliged to worry his head about these troubles.

Pandit Shri Ram Sharma : May I with your permission, Sir, explain that what I said was that as the influence of the Unionists was waning in the Ambala Division, therefore, they were resorting to force and goondaism so that they might be able to maintain their prestige and power there.

Premier : The statement of my honourable friend has nothing to do with the motion under discussion. However, I may point out to him that the stampede of the Congressites from meeting held in Madina in the Rohtak district is sufficient proof of the invulnerable position of the Unionists in that *ilaga*. But what I want to emphasise is that my honourable friend Lala Duni Chand ought not to have acted in haste. He should have himself first investigated the matter thoroughly and later on he could have come to me and talked the matter over with me. I would have certainly looked into the matter with the utmost promptitude. (*Hear, hear.*) This course would have proved beneficial not only to the people of the *ilaga* but also to the province at large. Then my honourable friend Lala Deshbandhu Gupta has intentionally mentioned the name of Sardar Ujjal Singh who went to England as a delegate of the Sikh community to the Round Table Conference and he has referred to his beard in a most disparaging manner so as to provoke the Sikh gentlemen sitting on this side of the House. It is time he learnt that beard is a sacred thing and that if ever he makes up his mind to grow on beard he will understand its importance and the great regard in which

[Premier.]

it is held. He may also rest assured that if an irregularity of this type had been committed by the police a great fuss would have been created there and then. I, therefore, think that an irrelevant matter of this kind should not have been referred to in the discussion and it was hardly necessary for my honourable friends opposite to have done so. Again my honourable friend stated that the attitude adopted by the present Government in regard to these incidents is objectionable and if their attitude is not altered for the better goodness knows what would happen. Then my honourable friend Lala Duni Chand remarked that as the Punjab is leading other provinces, it is necessary for it to lead them for all times to come. Now as far as the actual incident is concerned I would like to invite the attention of my honourable friends on the opposite benches to the opinion of the judicial court entrusted with investigating this matter. I have got here a report submitted by Lala Daulat Ram, Sub-Divisional Officer, Rupar, which is both very comprehensive and to the point. It relates to the incident at Behrampur regarding which much hue and cry has been raised from the Opposition benches. I will now read out that report. (*An honourable member from the Opposition ; Whose report is this ?*)

Premier : A report from Lala Daulat Ram, Sub-Divisional Officer Rupar.

Lala Duni Chand : The man who was threatened with punishment.

Premier : Who was he ?

Lala Duni Chand : Lala Daulat Ram. He said " I know how to deal with you."

Premier : I am afraid the honourable member's statement is incorrect. He should not have relied upon hearsay. He ought to have sifted the facts for himself. All that the Sub-Divisional Officer said was that peace and order must be maintained at any cost. My honourable friend Sardar Sampuran Singh said something about 'Peelu' in the course of his speech and an honourable member from this side of the House asked me to enquire from Sardar Sahib whether he could himself differentiate between 'Peelu' and 'Bhairvin'. So far as I am concerned I can say that I am not a learned critic and far from being a music expert. I do not understand why these interruptions are made every now and then from that side of the House. This officer, Lala Daulat Ram, was actually present on the spot. He was asked to submit a report and so he did. He says—

"The Honourable Minister for Development reached Behrampur to-day at about 11-45 A.M. and the meeting started then and there. There was an audience of about 1,000 men. At about 1 o'clock the Honourable Minister started his speech and the *Kisan* and *Akalis* Wings of the Congress started trouble....."

Lala Deshbandhu Gupta : He said that he was able to deliver his speech for forty minutes after those people left.

Premier : He made his speech for two hours.

Lala Deshbandhu Gupta : He said that when they were asked to leave they left and he made the speech.

Premier : He said that they came up not once, twice but thrice.

Mr. Deputy Speaker : If any question is to be put it should be put through the Chair.

Premier : I may be permitted to submit that in the zamindara meeting the audience mostly consisted of Chimbass. The report is to the effect :—

“The Honourable Minister desired me to turn them out and this was done.”

(Noise from the Opposition Benches.)

It is very strange indeed that the gentlemen over there refuse to listen to an actual statement of the facts.

Dr. Sir Gokul Chand Narang : May I ask you whether this report was made on the very day when the meeting was held or in response to any request made by the Premier for information?

Premier : The Deputy Commissioner has sent this report. The report was sent earlier. It was submitted on the 10th. It says—

“They, however, collected up about 7 or 8 yards away from the zamindara meeting, put up their banners and started shouting violently so as to disturb the meeting. I requested them not to provoke zamindars nor to disturb a peaceful meeting and further told them that they could go on the other side of the village and hold their meeting if they liked. They would not listen and I ordered them to disperse as an unlawful assembly.....”

Lala Deshbandhu Gupta : The Minister of Development who was an eye witness says that he is ignorant of the fact that there was any baton charge.

Premier : It further says—

“They still stuck on and I ordered a baton charge. Not a single baton was used and as the police constables advanced, they all dispersed.”

The Sub-Divisional Officer ordered a baton charge but not a single baton was used for as the police constables advanced they all dispersed. Discretion is the better part of valour and, therefore, it was not necessary to use batons.

The statement goes on like this :—

“About an hour after, while the Honourable Minister was still speaking, a mass of about 200 men came up to disturb and again I ordered their dispersal. They quietly dispersed. No baton was used at all but the dispersal had to be secured as desired by the Honourable Minister. All this took place in his presence.”

I would like to invite the attention of this honourable House to a correspondence published in the *Hindustan Times*, dated the 8th April, 1939. (*Interruption.*) I would request the honourable members not to say things that may lead to ugly scenes in the House. At the same time I would ask my friends opposite to refrain from trying to browbeat petty officers of the Government.

Diwan Chaman Lall : On a point of order. May I draw your attention, Mr. Deputy Speaker, to the fact that since you were to interrupt my honourable friends on this side who were giving examples of other incidents from newspapers, the honourable member opposite is now guilty of making a reference to other incidents? I draw your attention to the irrelevancy of which my honourable friend is guilty. I ask you to draw his attention to this fact.

Mr. Deputy Speaker : The rules of relevancy apply equally to the Honourable Premier as also to other members of the House.

Premier: Let me go through it. I am replying to the allegations made by the honourable mover.

Diwan Chaman Lal: On a point of order. Is it relevant for him to give this example? Whatever rules apply to this side of the House ought equally to apply to that side of the House. If it is irrelevant for members of this side of the House to read newspapers before the House, it is equally undesirable that the Honourable Premier should be reading extracts. The rules of the House do not permit that.

Mr. Deputy Speaker: After he has read the whole thing I will see which portion is irrelevant.

Premier: The honourable member has stated that wherever the Honourable Minister goes, some trouble is created. I would tell my friends that their workers are in fact responsible for such trouble. They should instruct their workers to behave properly at public meetings. The letter which I want to read from this newspaper is worth listening to. I am afraid the trouble created at Behrampur is due to some such thing as is alluded to in the letter published in the *Hindustan Times*. It reads as follows:—

"I hope this will attract the notice of responsible leaders of the Congress party and measures will be taken to prevent men like Sukh Lal from causing lawlessness, ruin and desolation by appropriating to themselves in the names of the Congress and as its representatives the functions of the police and the law courts.

Had it not been for undue interference by Sukh Lal with the normal course of justice this lamentable tragedy would not have happened. The criminal courts would have suitably dealt with Fakiro Singh for having wounded the religious susceptibilities of Ram Bharose, accused. But Sukh Lal considered the Congress and himself as the representative of the Congress to be greater than the law and the primary avenger of wrongs and dispenser of justice. While the Thakur zamindars advised Ram Bharose to have recourse to the police, this Pasi said to him: "Before you go to the police and the law courts, come to the Congress office and we will redress your grievance." To avenge the wrong he collected a number of men and after arming them set out to murder Fakiro Singh. The tragedy has ended in a sentence of death to two and of transportation for life to seven of them, with consequent ruin and desolation of their families."

I will read only one more sentence, Sir.

"Bhagwandin stated that Sukh Lal, accused, had more than once asked the deceased to join the Congress and had threatened him that, if he did not, his crops would be cut and he would be killed."

There are some people like that.

Diwan Chaman Lal: On a point of order. Is it relevant to read a paper on the floor of the House?

Mr. Deputy Speaker: This is in no way relevant.

Diwan Chaman Lal: Then why did you allow him to read?

Mr. Deputy Speaker: I have held that it is not relevant. How could I give a ruling before I had heard the Honourable Premier?

Diwan Chaman Lal: May I ask my honourable friend how he considers this to be a sporting matter when he is irrelevant and he continues to read it?

Premier: Sir, it was all in reply to the charge which my honourable friend opposite has brought against us, viz., that wherever we go we create disturbances and disorders. I strongly repudiate that charge. On the contrary my submission is that persons who have the audacity to interfere

with the normal course of law and justice are in fact responsible for creating such disturbances. I have read out this extract from the judgment pronounced by a sessions judge not of the Punjab but of a Congress province.

Diwan Chaman Lall : I draw your attention once again that the Honourable the Premier after your ruling that he was irrelevant continues to be irrelevant and you do not stop him. I merely draw your attention.

Mr. Deputy Speaker : I have already ruled that that portion of the Premier's speech was not relevant. There is no persisting in that irrelevancy.

Diwan Chaman Lall : He still continues and you do not stop him.

Premier : I have now only two minutes left at my disposal and I would ask my honourable friends opposite that they should not pin their faith on mere hearsay and rumours. It is neither wise nor desirable on the part of a responsible party like the Opposition to bring forward adjournment motions relating to matters which may prove to be unfounded and baseless on enquiry. Let me tell them that such attempts on their part amount to encouraging people who wilfully spread such false rumours. If my friends on the opposite benches pursue this policy further, it would, I am sure, lead to riots and disturbances in the province. It may do good to the cause of the badmashes of Behrampur but the peaceful and law-abiding citizens of the Punjab are bound to suffer. I would, therefore, earnestly request my honourable friends opposite that they should not pay heed to these reports which interested people frequently bring to their notice. Instead of rushing into the House with adjournment motions in their hands they should first make an enquiry into the matter which has been brought to their notice. If they have any legitimate grievances they should take me into their confidence and discuss the matter personally with me in my room. I hope and trust that in future they would not lend their ears to such baseless reports and false statements as somebody has rightly said that—

ایسے اہل لہجہ کے نہیں

(Cheers). (Voices : Question be now put, Sir.)

Mr. Deputy Speaker : The question is—

That the Assembly do now adjourn.

The Assembly divided : Ayes 86, Noes 88.

AYES.

Ajit Singh, Sardar.
Baldev Singh, Sardar.
Bhagat Ram Ohoda, Lala.
Bhagat Ram Sharma, Pandit.
Bhim Sen Sachar, Lala.
Chaman Lall, Diwan.
Deshbandhu Gupta, Lala.
Dev Raj Sethi, Mr.
Duni Chand, Lala.
Gokul Chand Narang, Dr. Sir.
Gopi Chand Bhargava, Dr.
Hari Lal, Munshi.

Hari Singh, Sardar.
Harjap Singh, Sardar.
Kabul Singh, Master.
Kapoor Singh, Sardar.
Kartar Singh, Chaudhri.
Kartar Singh, Sardar.
Krishna Gopal Dutt, Chaudhri.
Mazhar Ali Azhar, Maulvi.
Mohy-ud-Din Lal Badshah, Pir.
Muhammad Abdul Rahman Khan,
Chaudhri.
Muhammad Hassan, Chaudhri.

Muhammad Ittikhar-ud-Din, Mian.	Sampuran Singh, Sardar.
Muhammad Nurullah, Mian.	Santokh Singh, Sardar Sahib Sardar.
Mukand Lal Puri, Rai Bahadur Mr.	Sant Ram Seth, Dr.
Muni Lal Kalia, Pandit.	Shri Ram Sharma, Pandit.
Partab Singh, Sardar.	Sohan Singh Josh, Sardar.
Rur Singh, Sardar.	Sudarshan, Seth.
Sahib Ram, Chaudhri.	

NOES.

Abdul Hamid Khan, Sufi.	Haibat Khan Daba, Khan.
Abdul Haye, The Honourable Mian.	Hans Raj, Bhagat.
Abdul Rahim, Chaudhri (Gurdaspur).	Hari Chand, Rai Sahib Rai.
Abdul Rahim, Chaudhri (Gurgaon).	Harnam Singh, Captain Sodhi.
Afzaalali Hasnie, Sayed.	Het Ram, Rai Sahib Chaudhri.
Ahmad Yar Khan Daultana, Khan Bahadur Mian.	Indar Singh, Sardar.
Ahmad Yar Khan, Chaudhri.	Jafar Ali Khan, M.
Ali Akbar, Chaudhri.	Jagjit Singh Bedi, Tikka.
Allah Bakhsh Khan, Khan Bahadur Nawab Malik.	Karamat Ali, Shaikh.
Amjad Ali Shah, Sayed.	Khizar Hayat Khan Tiwana, The Honourable Nawabzada Major.
Ashiq Hussain, Captain.	Kishan Das, Seth.
Bhagwant Singh, Rai.	Manohar Lal, The Honourable Mr.
Chhotu Ram, The Honourable Chaudhri Sir.	Mubarak Ali Shah, Sayed.
Dina Nath, Captain.	Muhammad Akram Khan, Khan Bahadur Raja.
Faiz Muhammad Khan, Rai.	Muhammad Amin, Khan Sahib Shaikh.
Faiz Muhammad, Shaikh.	Muhammad Azam Khan, Sardar.
Faqir Hussain Khan, Chaudhri.	Muhammad Faiyaz Ali Khan, Nawabzada.
Farman Ali Khan, Subedar-Major Raja.	Muhammad Hayat Khan Noon, Nawab Malik Sir.
Fateh Jang Singh, 2nd-Lieutenant Bhai.	Muhammad Jamal Khan Leghari, Nawab Sir.
Fateh Khan, Khan Sahib Raja.	Muhammad Nawaz Khan, Major Sardar.
Fateh Muhammad, Mian.	Muhammad Qasim, Chaudhri.
Fazl Ali, Khan Bahadur Nawab Chaudhri.	Muhammad Raza Shah, Jeelani, Makhdumzada Haji Sayed.
Fazal Din, Khan Sahib Chaudhri.	Muhammad Saadat Ali Khan, Khan Bahadur Khan.
Few, Mr. E.	Muhammad Sarfraz Khan, Chaudhri.
Ghazanfar Ali Khan, Raja.	Muhammad Sarfraz Khan, Raja.
Ghulam Mohy-ud-Din, Khan Bahadur Maulvi.	Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.
Ghulam Qadir Khan, Khan Bahadur.	Muhammad Yasin Khan, Chaudhri.
Gopal Singh (American), Sardar.	Muhammad Yusuf Khan, Khan.
Curbachan Singh, Sardar Sahib Sardar.	Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
Habib Ullah Khan, Malik.	

Muzaffar Ali Khan Qizilbash, Sardar.	Riasat Ali, Khan Bahadur Chaudhri.
Muzaffar Khan, Khan Bahadur Captain Maik.	Ripudaman Singh, Thakur.
Muzaffar Khan, Khan Bahadur Nawab.	Roberts, Sir William.
Nasir-ud-Din, Chaudhri.	Shahadat Khan, Khan Sahib Rai.
Nasrullah Khan, Rana.	Shah Nawaz, Mrs. J. A.
Naunihal Singh Mann, Lieutenant Sardar.	Shah Nawaz Khan, Nawab Sir.
Nawazish Ali Shah, Sayed.	Sham Lal, Rai Bahadur Chaudhri.
Nur Ahmad Khan, Khan Sahib Mian.	Sikander Hyat-Khan, The Honourable Major Sir.
Pir Muhammad, Khan Sahib Chaudhri.	Sohan Lal, Rai Sahib Lala.
Pohop Singh, Rao.	Smer Singh, Chaudhri.
Pritam Singh Siddhu, Sardar.	Sundar Singh Majithia, The Honourable Dr. Sir.
Ram Sarup, Chaudhri.	Suraj Mal, Chaudhri.
Ranpat Singh, Chaudhri.	Talib Hussain Khan, Khan.
	Tara Singh, Sardar.
	Tikka Ram, Chaudhri.
	Ujjal Singh, Sardar Bahadur Sardar.

The Assembly then adjourned till 12 Noon on Saturday, 22nd April, 1939.

PUNJAB LEGISLATIVE ASSEMBLY.

FIFTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Saturday, 22nd April, 1939.

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

UNPARLIAMENTARY EXPRESSIONS—WITHDRAWAL OF.

Chaudhri Muhammad Hassan : I rise to a point of order. Is an honourable member on that side of the House in order if he calls an honourable member on this side of the House, *suwar* or *suwar ka bacha*.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : It was with the deepest regret that I learnt from some of my friends of the press that abusive language had been used in the House and I can assure my honourable friends on all sides of the House that I was deeply distressed to find that such language should have been used. I had an occasion to make enquiries and found that in the heat of the moment one of the members on this side of the House in retort to a provocative remark from the other side of the House used a word which should not have been used, and in his calmer moments he came to the conclusion that it was very wrong on his part to use that word. He would be prepared to get up and make amends by making an unconditional withdrawal of the word, because in this House we the representatives of the people should behave like gentlemen. I would also request my honourable friend to support my motion that that particular part of the proceedings in which this abusive word was reproduced should be expunged from the proceedings.

(At this stage Dr. Shaikh Muhammad Alam stood up to speak.)

Mr. Speaker : I cannot allow any discussion.

Dr. Shaikh Muhammad Alam : I rise to a point of order. My submission is that it is due to the Premier also to apologise if he is a member of that Party. That would have been more gentlemanly.

Mr. Speaker : Is this a point of order or a short speech ?

Premier : I have already submitted that I am deeply distressed.

Mr. Speaker : The honourable member, who used the unparliamentary words should rise and withdraw those words. He should also apologise unconditionally.

Rai Hari Chand : Am I allowed to say a few words, Sir ?

Mr. Speaker : No explanation is called for.

Rai Hari Chand : If it is a fact that all the honourable members of the House enjoy the same privileges then I was perfectly justified in paying them in their own coins and if any discrimination is being observed among us then I have no objection to withdrawing those words. *(Interruption.)*

Mr. Speaker : I request the honourable member to withdraw the expression unconditionally.

Rai Hari Chand : They used strong language against us and called us paid henchmen. Are we not as honourable and respectable members of the House as they are?

Mr. Speaker : I again request the honourable member to pay heed to my appeal.

Rai Hari Chand : If you ask me I am prepared to leave the House even.

Mr. Speaker : It is at my request that the honourable member has to apologise.

Rai Hari Chand : All right, Sir, I withdraw those expressions and express regret for them. *(Cheers.)*

NO-CONFIDENCE MOTIONS.

LEAVE TO MOVE.

Mr. Speaker : I call upon Diwan Chaman Lall to move his no-confidence motion.

Diwan Chaman Lall : Mr. Speaker, there is a point of order that I have to raise before I go on to this motion. I want to draw your attention to today's agenda.

Mr. Speaker : To-day's agenda will be taken up later.

Diwan Chaman Lall : I have not a copy of the motion. It has not been circulated. *(After a pause.)* I am told by the honourable Secretary that it is not the practice to circulate this motion. I do not know where the practice originates. I want to draw your attention to the fact that no practice can originate in precedent because this is the first occasion that a no-confidence motion has been tabled.

I beg leave of the House to move—

That this House expresses want of confidence in Sir Chhotu Ram, Minister of Development.

(As not less than 50 members rose in their seats, the leave was granted.)

Sardar Sampuran Singh : I beg leave of the House to move—

That this House expresses want of confidence in Sardar Sir Sunder Singh Majithia, Minister of Revenue.

(As not less than 50 members rose in their seats, the leave was granted.)

Sardar Kapoor Singh : I beg leave of the House to move—

That this House expresses want of confidence in the Honourable Minister of Public Works.

(As not less than 50 members rose in their seats, the leave was granted.)

Chaudhri Krishna Gopal Dutt : I beg leave of the House to move—

That this House expresses want of confidence in the Finance Minister, the Honourable Mr. Manohar Lal.

(As not less than 50 members rose in their seats, the leave was granted amidst Opposition cheers.)

Mian Muhammad Nurullah : I beg leave of the House to move—

That this House expresses want of confidence in the Honourable Premier, Sir Sikander Hyat-Khan.

(As not less than 50 members rose in their seats, the leave was granted amidst Opposition cheers.)

ALLOTMENT OF TIME FOR DEBATE.

Mr. Speaker : Now, let us decide when the six no-confidence motions, for which leave has been granted by the House, should be taken up for discussion. There are six motions on the same subject, that is, no-confidence in the six individual ministers. The question is how these are to be discussed and voted upon. I am inclined to suggest that all these motions may be discussed together ; but that they will be put to vote separately.

An honourable member : They should be discussed separately.

Mr. Speaker : I think not.

Chaudhri Krishna Gopal Dutt : Under what rule of procedure ?

Mr. Speaker : The practice of this House is that when several motions deal with different aspects of the same subject they are discussed together but voted upon separately.

Chaudhri Krishna Gopal Dutt : But these motions do not deal with the same matter.

Mr. Speaker : Opinions differ.

Chaudhri Krishna Gopal Dutt : I should like to know under what rule you propose to adopt the course you suggest ?

Mr. Speaker : I am the living standing rule that that is the practice of the House. Does any honourable member deny ?

An honourable member : Yes, I do.

Chaudhri Krishna Gopal Dutt : You have taken up a position which is unprecedented that you are the standing rule.

Mr. Speaker : What I said was that I am the living standing rule that that is the practice of the House.

Dr. Gopi Chand Bhargava : Under rule 40 a member is entitled to table a no-confidence motion. He can table the motion in several ways, such as expression of want of confidence in a minister, disapproving his policy in a particular aspect, disapproving his policy in respect of a particular department and so on. When a member is entitled to table a motion of no-confidence in any of these forms, it means that they are separate propositions. The precedents that you have cited, that is, that when there are several motions of a similar nature they are discussed together—

Mr. Speaker : I did not say 'similar nature.' I said, 'when they deal with different aspects of the same subject'.

Dr. Gopi Chand Bhargava : My submission is that you may quote precedents so far as amendments to Bills are concerned. When notices of the same resolution have been given and that resolution is balloted in the names of several members, you have never taken up all the resolutions together. Besides there may be several motions on the same subject, but

[Dr. Gopi Chand Bhargava.]

no power is given to the Speaker either in rule 40 or in any other rule allowing him to congregate all those motions together. When that is so, I submit that these motions also cannot be congregated.

The next point I want to submit is that all these motions are not similar although all of them express the same want of confidence in individual ministers. Different departments are administered by different ministers. Therefore the arguments that will be advanced in respect of each of these motions will also differ. Moreover, if you widen the principle a little further, you will be landed in this absurdity that when there are several amendments to the various clauses of the Bill all of them should be taken up together because they all relate to the same Bill. Therefore, I submit that when the departments concerned are different, these motions should not be taken up together.

There is one more difficulty in adopting the course suggested by you. If all the motions are taken up together then we will not have sufficient time to discuss all the subjects of all the ministers. If we are to discuss in full all the subjects of all the ministers then we must necessarily take up a very long time and therefore if a closure motion is moved you will not be able to accept it, whereas if each motion is discussed separately, after there has been sufficient debate, if a closure is moved you will be well within your rights to put it to vote. Therefore, if the motions are taken up together there cannot be a full debate.

Then, Sir, you have been pleased to remark that there is a confidence motion which is also going to be discussed with it. My submission is that that confidence motion cannot be discussed unless you give your consent to it.

Tikka Jagjit Singh Bedi : That is not now before the House.

Dr. Gopi Chand Bhargava : I understood that you referred to it and it is also on the agenda. But if you think that this is not the proper stage to discuss about it, I will speak on it when the proper time comes.

Chaudhri Krishna Gopal Dutt : I want to draw your attention to rule 40 :—

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, subject to the following restrictions.

I may or may not be concerned with the other motions of no-confidence. I claim my individual right as mover of the motion that it should be discussed separately. I personally have not moved as yet any no-confidence motion against the ministry as a whole. I have given notice to move against a particular minister. It may be that there are some members who propose to move want of confidence in other ministers, disapproving of the policy of other ministers. I might or might not approve of the policy of other ministers. Similarly there may be members who disapprove of the policy of the Finance Minister and who may approve of the policy of the other ministers. There lies the entire difference. You should not forget one thing and that is that although there has been a bogey of collective or joint responsibility in this province, yet the Instrument of Instructions or

the constitution itself legally and constitutionally does not provide for joint responsibility of the Council of Ministers. It is only a question of healthy convention that is being established. I appeal to you that you should exercise your ice-cold judgment in this matter. This is the first occasion in the annals of representative institutions in this province that such a motion is being moved and therefore it is very important and I would request you to consider all what we have said before you give your ruling. I insist that my motion should be taken separately.

Dr. Shaikh Muhammad Alam : With your permission and in order to facilitate your taking into consideration all these objections to the question whether these motions should be taken at one and the same time, I may say that over and above the objections which have been placed before you by my honourable friends, there is another objection and that is a very strong objection, against the consolidation of these motions and it is this : So far as the present stage is concerned, all what is before you is that a notice has been given to move that motion. But no motion of no-confidence has yet been moved or discussed. So at a later stage it may be that some of the movers or those members who gave notice of all these motions may not move those motions at all. Supposing notice of six motions has been given. Later on when the time comes to actually move those motions of no-confidence, it may be that one or two or even 4 or 5 withdraw or would not like to move those motions. Then what will be the position ? The position would be that there will be the motion against a single minister and not against the whole ministry. Therefore, taking that point of view also, consolidation of the motions would be—

Mr. Speaker : I never suggested consolidation.

Dr. Shaikh Muhammad Alam : Discussion at one and the same time, my submission is, is tantamount to consolidation and it would imply consolidation although you have refrained from using that word 'consolidation'. But for all practical purposes and for all legal purposes, that would amount to consolidation if you are going to discuss them or allow their discussion at one and the same time. Therefore, my submission before you is that the discussion of these motions cannot legally take place at one and the same time. Of course, as you have suggested, the motion of confidence is not yet before the House and therefore I reserve my remarks on that point.

Mr. Speaker : Nor is there any other motion.

Dr. Shaikh Muhammad Alam : Quite so. Therefore, I need not go into the discussion of rule 126. It will be gone into when the time comes, and when the other motion is taken in hand.

Diwan Chaman Lall : The question before the House very simply is this, whether all these no-confidence motions should be discussed jointly or whether they should be discussed separately. I take it that that in a nut-shell is the question before the House. It is for you to decide, Mr. Speaker, according to law and precedent whether you will permit discussion on these motions individually or whether you will hold an *ad-hoc* discussion relative to all the motions, permit or not permit any honourable member to get up and move his individual motion, discuss it and take it to the vote, and then proceed with the next motion. I submit that it is necessary,

[Diwan Chaman Lall.]

if we are going to get any connected intelligent debate regarding the no-confidence motions that have been tabled, that each motion should be discussed separately. You have the example, Mr. Speaker, although I admit that you are not bound by the precedents of other legislatures in India—but there is a precedent which is to be found in the Bengal Legislature where a similar attempt was made by the Opposition, namely, ten no-confidence motions were tabled against each of the ministers and the Speaker there stated, when he was asked by the Premier to do exactly the same thing, namely, to consider the first motion and consider it as a no-confidence motion against the entire ministry, the Speaker held, that although he had the authority to separate a motion and divide it up into several parts, he had not the authority to conglomerate motions and therefore he permitted discussion on the ten motions.

Mr. Speaker : Only ten ? *(Laughter.)*

Diwan Chaman Lall : Yes, just as there are only six ministers here there are ten ministers there. *(Laughter.)* All that I am concerned at the present moment is to cite to you what actually happened in the Bengal Assembly where the Speaker allowed discussion on these motions separately.

Mr. Speaker : Will the honourable member read the relevant part of those proceedings ?

Diwan Chaman Lall : The proceedings are either on the Secretary's table or on the Speaker's table. They were taken away from me by the librarian on the plea that the Secretariat wanted to consult those volumes. *(Interruption.)* What I am stating is correct. I have tried my level best to get them back and those volumes are not any longer available. The Secretariat promised to return them in a few minutes and I understand that they are either with the Secretary or with you for the purpose of consultation.

Mr. Speaker : They are not with me nor have I seen them.

Diwan Chaman Lall : You may ask the Secretary as to what has happened. *(The Secretary : I have never received them.)* Then the librarian might be asked. Nevertheless, this is the actual state of affairs that we found in Bengal. The Premier of Bengal, at the time when these ten motions were tabled, rose in his seat and said exactly what my honourable friend over there said yesterday, that his shoulders were broad enough, that he took the entire responsibility on his shoulders and therefore pleaded that the first motion should be taken and considered to be a no-confidence motion in the ministry and the discussion should take place on that alone. The Speaker rejected that plea, rejected it quite correctly. Why did he reject it ? The principle of joint responsibility is a principle which does not concern us here. It concerns my honourable friend, the Premier, alone. It is a principle which concerns him. It is a matter between him and His Excellency the Governor.

I am not saying that there is a rule. No, there is no rule. All that I am saying is that the constitutional position is that this matter of joint responsibility rests with my honourable friend the Premier and His Excellency the Governor. I draw your attention to the evidence given by the Secretary of State before the Joint Parliamentary Committee on Indian

constitutional reforms between the 11th and 28th July, 1933. There the Secretary of State for India was asked—what about joint responsibility and he said that in the matter of joint responsibility it would have to be left to each province if and when premiers are appointed because obviously it is a matter for them to decide whether when a no-confidence motion is moved against one minister they were prepared to sacrifice that minister or to follow suit and take the responsibility on their own shoulders. That does not rob us of the right of moving individual motions and taking them to the vote after debate if and when so desired according to the rules of procedure of this House. Then according to the Instrument of Instructions, paragraph 7 you will find that in making appointments of his council of ministers—

“Our Governor shall use his best endeavours to select his ministers in the following manner, that is to say, to appoint in consultation with the person who in his judgment is most likely to command a stable majority in the Legislature those persons (including so far as practicable members of important minority communities) who will best be in a position collectively to command the confidence of the Legislature. In so acting, he shall bear constantly in mind the need for fostering a sense of joint responsibility among his ministers.”

There is no compulsion for the honourable member to consider the principle of joint responsibility as the only principle under which he acts as a premier of this province. Therefore, I submit that that matter of joint responsibility will come after the vote has been taken. It does not affect this House, the discussion on the floor of this House, or the proceedings of this House. If for instance the motion that is being moved against my honourable friend, I am sorry that he was the first one to be selected for this, is accepted and my honourable friend the Minister for Education is the first to be sacrificed, then this House has ceased to consider what the internal arrangement may be between my honourable friend and his colleagues or between himself and His Excellency the Governor. The matter of joint responsibility will arise after the vote has been carried. This is the legal and the constitutional position. My honourable friend may after the vote is carried decide as he likes, if my honourable friend Mian Abdul Haye has any following in the House he may not sacrifice him but if he has no following he may part company with him. It is for him to decide between his colleagues and between himself and His Excellency the Governor. Now this matter, as I said was raised by the Secretary of State for India Sir Samuel Hoare at the time when he gave evidence before this Committee. He was asked :—

“What will be the method, as it were, by which the Assembly would signify its want of confidence in a particular minister? In our system it is sometimes done by moving the reduction of his vote, but that is not allowed, I understand, in the White Paper?—We felt that there it was better to preclude a vote of that kind for this reason: We did not desire a whole series of votes for the reduction of Ministers' salaries constantly going on in the Provincial Assemblies. We contemplated, therefore, that if the Assembly wished to show its want of confidence in a particular minister it would either withhold supply from the Government, or it would put down a vote of censure, or anyhow some such resolution, as would be treated as a vote of confidence by the Government.”

“I do not want to press you unduly, Sir Samuel, but a vote of confidence would apply to the whole Government?—Yes.”

“And if a Government is joint then that is reasonable, but supposing the Government consists of a number of different ministers who do not altogether agree with each other, how will that be worked out?—I am afraid it must be decided when

[Diwan Chaman Lall.]

the case arises. I do not see how else it can be decided. If the Assembly feels strongly about it, the Assembly could put down either a general vote of want of confidence or could put down a vote expressing its want of confidence in a particular minister, and the Government would then have to decide whether it would treat it as a collective vote of want of confidence upon itself or as a vote directed against a particular minister, whom they could sacrifice if they wished to."

That is the position constitutionally, most clearly laid down by the Secretary of State for India, when this matter came up for discussion before the Joint Parliamentary Committee. I submit that this particular point of view laid down by me has been carried into effect by our own rules. Rule 40 stipulates that—

"A motion expressing want of confidence in, or disapproving the policy in a particular respect of a minister or the ministry as a whole, may be made, subject to the following restrictions."

If I am permitted according to the rules of procedure to make a motion of no-confidence against a particular minister I submit that I should be allowed to discuss that particular substantive motion separately and have it voted upon separately against each minister and that I should not be robbed of my right to say what I wish to say against any particular minister in spite of the fact that all the ministers may be attacked by votes of no-confidence separately. There is one more point that remains in reference to this matter and that point is this that it may be held that since my honourable friend wishes and desires that each of these votes should be taken up as a vote of no-confidence against the ministry, therefore nothing would be lost by discussing all these votes of no-confidence jointly. I submit that there is a fallacy in that argument. It is within your right, as was held by the Speaker of the Bengal Assembly to separate portions of a motion in order that the vote of the House may be intelligently given, but it is not within the right of the Speaker to conglomerate motions which are substantive motions and which are permitted by the law and rules and which are contemplated even when the Government of India Act was being forged at the time when the Joint Parliamentary Committee met. I submit that that particular point has got to be kept in view. We cannot be robbed of our right of discussing each particular minister, his conduct in reference to his departments and his policy in reference to those departments. It may be that that policy is the policy of the entire cabinet, but I cannot be robbed of my right to discuss under this very rule itself, not only his own department but the policy in reference to that particular department. It may undoubtedly be the policy of the cabinet as a whole but I submit that you should not conglomerate them.

Mr. Speaker : How is the joint responsibility of the ministry to be discussed and when?

Diwan Chaman Lall : I take it that you have already been given notice of each individual motion. Each motion will be taken up. Consideration of one was fixed by you yesterday and had there been time yesterday, we would have been discussing that now and the department and the activities of the Minister and the various aspects of that department and the honourable minister's policy or lack of policy would have been discussed now.

and having done that we would have proceeded to the vote. It may be that my honourable friends would have found that they had not sufficient support or they might have found that they have not sufficiently established their right of bringing in a no-confidence motion and may not proceed with all the motions. It is their right to decide this issue individually and we cannot be robbed of our right. I submit therefore that you should, following the practice established in Bengal where such a precedent was held to be correct, namely, that each individual motion was discussed, debated and taken to the vote separately, that you should also not congregate all these various motions into one and hold a joint discussion on the motions.

Pandit Muni Lal Kalia : I wish to draw your attention to a parallel point and that is with regard to the passage of the Budget. At the time of the passage of the Budget we have a general discussion on the general administration and then different demands are separately discussed, and votes taken thereon. It amounts only to a vote of confidence by passing the Budget ; the same practice should be followed now and each Minister should be separately discussed because there is a precedent exactly to the same effect.

The Honourable Mr. Manohar Lal : Sir, we are concerned really with a matter of substance and not one of mere form. The question is not that to-day by these motions condemnation is sought of any particular minister. We have actually six motions before us, permission to introduce them has been duly obtained. The House has given the permission and the attempt is to canvass condemnation on a comprehensive basis against every single minister including the Premier. The Premier intimated yesterday that a motion of this kind—a motion of no-confidence—even against a single minister would operate in fact—as he declared and as we understand the position—against the ministry as a whole. Our having six motions including at any rate one against the Premier himself does not mean that the six separate motions ought to be considered separately. The question of convenience also is a matter of no small importance. If the Premier declares, as he has done and we, on our part lend our humble support to it—as indeed under the constitution we must,—that any vote of no-confidence in the Premier brings us also into a train of condemnation, so far as this House is concerned, I think there is no substance in these individual motions. If you remember the words of Sir Samuel Hoare, those words give no manner of support whatsoever to the contention put forward by the honourable member who spoke last but one. It is possible that the House may attempt to pass a vote of no-confidence against a single member and if the Premier were so disposed and were prepared to have that minister sacrificed, that may be so, but that is not the position. We have walked a long way off from that position. In this regard may I read to you once again paragraph 7 of the Instructions to the Governor under which we hold our appointments? It says thus:—

“VII. In making appointments to his Council of Ministers Our Governor shall use his best endeavours to select his ministers in the following manner, that is to say, to appoint in consultation with the person who in his judgment is most likely to command a stable majority in the Legislature those persons (including so far as practicable members of important minority communities) who will best be in a position collectively to command the confidence of the Legislature. In so acting, he shall bear constantly in mind the need for fostering a sense of joint responsibility among his ministers.”

[Finance Minister.]

In this instance the Honourable Sir Sikander Hyat-Khan is the person who was most likely to command a stable majority. With his consultation the ministry was appointed. Whatever the other side may say to the contrary we say that we all stand and fall together. (*Cheers.*) Any pretence to the contrary is absolutely idle.

Diwan Chaman Lal : May I Interrupt my honourable friend? He has wrongly quoted. It is Clause VIII. Your book is wrong.

The Honourable Mr. Manohar Lal : It is the same clause. And any attempt on the contrary on the part of the other side to make out that we are a series of unconnected individuals against whom an attack can be directed by the other side is absolutely idle and, at any rate, it has no basis in fact whatsoever. May I in this regard, apart from Bengal, call your attention to the really outstanding fact and that is this. Never has in British history, where the tradition is long and votes of want of confidence have not been rare, been over made an attempt of this particular manner that we should go through the whole ministry, one, two, three, four and five, till the last man is reached, and have a vote of confidence against them all by a process of summation. Why? For the simple reason that the principle of collective responsibility is well established as it is here.

Chaudhri Krishna Gopal Dutt : On a point of order.

Mr. Speaker : I am not going to allow the honourable member if he means to make a speech.

Chaudhri Krishna Gopal Dutt : If you are not going to allow then—

Mr. Speaker : The honourable member may state his point of order without making any speech.

Chaudhri Krishna Gopal Dutt : Have you observed this practice with regard to the ministers? You cannot benumb me like this.

Mr. Speaker : The honourable member is welcome to state his point of order.

Chaudhri Krishna Gopal Dutt : The point of order is this. The Honourable Minister who was speaking just now was indirectly and perhaps consciously or unconsciously criticising the ruling which you have already given. What is the ruling? The ruling is that—

Mr. Speaker : The honourable member need not trouble himself about me.

Chaudhri Krishna Gopal Dutt : You have given a ruling that you will put those motions separately to the vote. If there is joint responsibility, as he develops, you cannot put those motions separately to the vote. In that case they should all be put together.

Mr. Speaker : He is expressing his opinion.

Chaudhri Krishna Gopal Dutt : He has developed his point that—

Mr. Speaker : Please resume your seat.

Chaudhri Krishna Gopal Dutt : He is criticising your ruling.

The Honourable Mr. Manohar Lal : It was furthest from my mind, as indeed it is obvious to every member of this House, to criticise your ruling. It is furthest from my mind. I am directly attempting, in my humble way, to meet the arguments that were advanced on the other side. In a matter of this great importance when the vote of the House will affect the ministry as a whole, I for one fail to see what point of substance or merit there can be in taking up these motions as separate motions against individual ministers. Certain it is that in Sir Samuel Hoare's statement no support for such procedure can be found. What he said is this :—

“The question was that if a Government is joint then that is reasonable but supposing the Government consists of a number of different ministers who do not altogether agree with each other, how will that be worked out.” (*Interruption.*)

When the Premier, from the position which he occupies, and we, on our part, say that there is no question of any separate policies on the part of ministers but that the Cabinet represents one whole Cabinet with one indissoluble policy, it does not lie in the mouth of any one to suggest that they are a series of disparate men. Sir Samuel Hoare was not contemplating a position of that character. He said that he was afraid that it must be decided when the case arose and he did not know how otherwise it could be decided. If the Assembly feel strongly about it the Assembly should put down either a general vote of confidence or put down (*Interruptions*) a vote expressing its want of confidence in a particular minister. (*Hear, hear.*)

It is a question of arithmetic if they obtain votes on a general want of confidence motion in the whole ministry, they should not chose to do so against 1, 2, 3, 4 and 5 and 6.

Then it goes on to say :—

The Government would have then to decide whether it would treat it as a collective vote of want of confidence upon itself or as a vote directed against a particular minister whom they sacrifice if they wish to do so.

The Honourable Premier in the clearest possible terms indicated to this House that a vote against any one of the several ministers would be so regarded by him. As I said we have moved beyond that point because there is full confidence in the Premier and if I may suggest, I am speaking subject to anything you may wish to say, that the motion, apart from the motion of confidence, in the name of Sheikh Karamat Ali cannot properly be taken up to-day. If a notice has been given of full confidence in the Premier who constitutes the Cabinet then to suggest that we would have votes against Mian Abdul Haye, and Nos. 2, 3, 4, 5 and 6 is an argument which is totally unmeaning. To give effect to any such idea is not only not suited to the convenience of the House to put the matter mildly, but would give rise to totally senseless and unnecessary debate. I take it you have already ruled or at any rate indicated your opinion and wish in this regard that it will be open to any member—there is a motion of want of confidence on one side and of confidence in the Premier and therefore in his ministry—to speak within the rules of debate, which will be in your charge, on everything that they possibly have to say. The Leader of the Opposition also said that there is something in the way in which time is arranged that may make the debate infructuous. So far as the question of time is concerned

[Finance Minister.]

I am quite sure you are quite capable of taking care of the needs of the debate and the way in which it should proceed and the time that should be given to any member who has got fresh matter to put before the House. There is one last passage on which reliance was sought to be placed : it says—

You have told the Committee, have you not, that you expect all this to grow, but Law and Order is an urgent matter. There is not much time for growing. We want to know what is going to happen at once?—Yes, certainly, our desire would be that the responsibility should be collective primarily no doubt upon the shoulders of the minister, but ultimately upon the Government as a whole.

That is the position which Sir Samuel Hoare contemplated in 1934. It stands realized to-day because on this question the words as expressed by the Premier must be taken as the last word. Nobody has any right to say that in regard to ourselves and with regard to each other ; howsoever we function and whatever our policy we are constituted into an indissoluble whole but—(Interruptions).

Chaudhri Krishna Gopal Dutt : There are members who are against a particular Minister and in favour of certain ministers.

Finance Minister : The Premier is the head and front of the Cabinet.

Chaudhri Krishna Gopal Dutt : No question of Premier : my motion is against you.

Finance Minister : Every motion is a motion against the Premier.

Lala Deshbandhu Gupta : May I know from the Finance Minister whether the status enjoyed by different ministers is the same or different, whether he enjoys the same status as enjoyed by the Minister for Development or he is in any way subordinate to him?

Finance Minister : The honourable member is attempting to indulge in cheap fun ! To-day faced as we are with a grave issue—(Interruptions).

Dr. Sir Gokul Chand Narang : May I request the honourable member to speak less loudly and less excitedly ? (Interruptions.)

Khan Bahadur Nawab Muzaffar Khan : Sir, how long are you going to allow interruptions?

Mr. Speaker : Please let the Minister proceed. The honourable member will please not make interruption.

Finance Minister : I started by saying that the House was faced to-day with a matter of grave importance, a matter to which the House should address itself with the utmost seriousness. All the points of order, or interruptions that the honourable members made from the other side are wholly misplaced, misconceived and pointless.

From whatever point of view you view this matter whether from the point of view of convenience of debate, whether from the point of view of the practice which you have been pleased to follow and I see in this regard no particular distinction, or from the point of view of the important fact that the present ministry under the Premier constitutes a remarkable whole, the like of which is not to be seen anywhere in India (hear, hear), from whatever point of view you view this matter, I think there is no substance or sense—.

Chaudhri Kartar Singh (Urdu) : On a point of order. May I know on what motion the Honourable Minister is speaking?

Finance Minister : There is no substance in the objections raised from the other side. There is no question of conglomeration or congregation or consolidation (*applause*).
1 P.M.

(*At this stage Dr. Shaikh Muhammad Alam rose to speak.*)

Mr. Speaker : I think now I should give my ruling without hearing any more speeches.

Dr. Gopi Chand Bhargava : Certain points have been raised by the Honourable Finance Minister which, I think, should be replied to.

Mr. Speaker : To the points, to which the honourable Leader of the Opposition had not referred, but the Honourable Finance Minister has referred, I will pay no attention.

Dr. Sir Gokul Chand Narang : May I say a word or two? I will not go into the question of joint responsibility or individual responsibility. We all know the nature of the responsibility and we all know what the status of each minister in the cabinet is. So we need not go into that question at all. The world knows, the press knows and the honourable members of this House know what the honourable ministers talk about themselves and how they describe their colleagues is also known. It is public property. So we need not go into that question at all. It would be unfair on my part if I take one minute of this House in discussing that question. The passage, which was read out by the Honourable Minister, who has just preceded me, no doubt, says that the effort of the Governor should be to see that the spirit of joint responsibility is fostered. It is a very good wish and a pious hope. It may or may not materialise. If it has materialised, I congratulate the gentlemen who have succeeded in achieving it and the Governor must be very pleased to see that his efforts, if there were any, have borne fruit.

Another question which was raised by the Honourable Finance Minister was the question of convenience. I just want to say one or two words about that matter of convenience. Probably it has been very conveniently forgotten that only yesterday, the Honourable Premier got up and moved a motion, which must be fresh in the minds of the honourable members of this House and that motion was that, 'The House do sit to-morrow at 12 O'clock and should continue to sit until the business of the day is finished.' You remember, Sir, that motion and I expect that you are now bound to act on that decision of the House. Now, it means that this House will have to sit until the business of the day is finished. And what is the business of the day? If one motion had been taken up, as you decided yesterday that would have been the business of the day. But if all these motions are to be consolidated and they have to be discussed together, then it means ordinarily speaking, that 6 times more time would be required for discussing all these motions. If there had been one motion the honourable members might have spoken for 5 minutes or 10 minutes each on that motion, because after all, they could not speak without any limit of time on the doings or the policy or lack of policy, whatever it may be, of any particular minister. But when they have to discuss the activities of half a dozen ministers and probably 80 or 35 various departments and what they have been doing in all those departments, inside the House, outside the House, in their offices and outside their offices and so on, presumably, 6 times the

[Dr. Sir Gokul Chand Narang.]

original time would be required. Now keeping in view the motion of the Honourable Premier, which was passed by this House yesterday, this House should sit until the whole business is finished to-day.

Is that the notion of convenience that the Honourable Minister for Finance has got? I am sure, he would not have touched this argument of convenience, if he had not lost sight of the motion which was passed yesterday. What it means now is this that we may have to sit for days and days together, day and night, before we can finish the discussion on the doings, policy and activities of the ministers concerned. Is that convenient? This may be his notion of convenience, but it would not be the notion of convenience of any honourable member, who is just and fair. That was the Honourable Premier's proposal. At that time it was not anticipated what the Honourable Finance Minister has now suggested to you to-day? I am not convinced and I am not at all sure that you would adopt that course. All this discussion is intended to prevent you, if possible, from adopting that course. But if you adopt the course that the Honourable Finance Minister has suggested, then you will agree with me that it will create—

Mr. Speaker : What is that suggestion?

Dr. Sir Gokul Chand Narang : He said that 'there should be one motion. That it is a matter of substance and not a matter of form, that these gentlemen want to censure the Government as a whole. It does not matter whether they put in 6 motions or one motion. The Honourable Premier has broad shoulders to bear the burden. The responsibility is joint. We stand or fall together.' That was the suggestion that he has made. In other words, what he means to say is this that it was all bunkum that these gentlemen put in 6 motions, that they should have made one motion and they could have achieved their object by discussing one motion on the floor of the House. It is not for any member of this House to say whether the responsibility on that side is joint or not, and whether they agree with themselves internally or not. It is their look-out and it is their concern. Why did not any member on that side question the statement which the Honourable Premier was pleased to make yesterday? As I have already said, I am not going into that question, but you asked me what he suggested and that is why I am telling you that. If the Honourable Finance Minister's suggestion is adopted, it would mean that the whole Civil Procedure Code should be repealed, the whole Criminal Procedure Code should be repealed and this little pamphlet should be consigned to the flames, because the Honourable Finance Minister wants to deal with the substance and not with form. You know that people are not allowed here to say anything which is irrelevant. It is against the rules of debate. If a gentleman gets up and wants to say a word as a sort of preface or introduction to the point of order that he wants to raise, you at once stop him. So, while the rules are there and the Government of India Act is there, it means that form is also a matter of substance and you cannot ignore it. We are a legislative House. As the Honourable Premier just now said, it is not a *daira* in the village, where people can come and while smoking can also talk about village affairs. We are bound by forms which have been laid

down in the Government of India Act and in these rules, which this House, after deep deliberation, has passed. We are bound by these rules. We cannot simply throw away these rules because they are a matter of form. (*An honourable member* : He presided over the committee.) He was presiding over that committee and now he wants to tear these rules to pieces because they are only a matter of form. He should understand that some of these gentlemen want to censure the Government and he should say, 'We are here to be censured and we are prepared to hear what they have got to say.' The Honourable Premier suggested that he would take a motion against one minister who was first to be chosen, as a motion against himself and against the whole ministry.

That may or may not be. These rules are intended to be obeyed and so long as these rules are there I might submit with the greatest possible respect to you that you are also expected, I should say you are also bound to respect those rules.

Mr. Speaker : Will the honourable member enlighten me whether the responsibility of ministers is collective and joint or not ?

Dr. Sir Gokul Chand Narang : It was a pious wish that was expressed in paragraph 7 of the Instructions to Governors. It has not been laid down anywhere so far as I am aware that all the ministers will have collective responsibility. If I am wrong perhaps you, Sir, or some gentlemen on that side would point to any section in the Government of India Act. They may refer me to some provision in the Government of India Act which says that the ministry of a province will have or shall have collective responsibility. It is a desirable thing that when the ministers are there and they are chosen by a gentleman who is supposed to command a stable majority in the House that they would act jointly and their responsibility would in course of time become collective. The Honourable the Finance Minister said that in 1934 so and so expressed the opinion that in course of time it would develop into this and that time has arrived. We are not concerned with this. Unless the law has laid down that the responsibility of a ministry in any province would be collective and joint, we are not here to accept the *ipse dixit* of any member of the ministry whether he is the Premier or only another minister, we are not prepared to accept their dictum on this point. The letter of the law is that they hold their office not because they are supported by each other like a small pyramid of bricks resting upon one another, but they are there so long as it pleases the Governor to keep them there. Tomorrow the Governor may take it into his head to ask one of the ministers—I will not use the word 'dismissal'—to go, the only thing that the Premier can do is to say that they all resign as a protest, but he cannot under the letter of the law insist upon getting any person in if the Governor is not prepared to take him. Under section 51 of the Government of India Act which with your permission I shall read—

The Governor's ministers shall be chosen and summoned by him, shall be sworn as members of the council, and shall hold office during his pleasure.

So that it is his choice and it is his pleasure that keeps them there and I am not aware, as I have said, of any provision in the Government of India Act that the ministry has a joint responsibility. It is a pious wish, as I have said. It may materialise, it may not. Yes, in the House of Commons

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debates you will find that it was stated that it was the desire that they begin to function sometime jointly, not that they *shall* function as a collective body or with a joint responsibility. Otherwise what was the use of making rule 40 ?

I may point out before I sit down that any precedent which may be quoted from the House of Commons would not be in point here, because it will have no bearing on the position of the ministry in this province or in any other province in India for the matter of that. Here it is a wish which is expressed and it is hoped that the council of ministers might in future learn to act jointly.

Speaking of the position of the Prime or Chief Minister this is what the Secretary of State said :—

“ The position of prime minister and collective responsibility are features of the Constitution that are going to grow up. Our intention is to encourage collective responsibility, and certainly not to discourage the appointment of a prime minister. But they are essentially features of a Constitution that grow up rather than are created by statutes. We make our position clear in paragraph 8 of the Instrument of Instructions. We make it quite clear that the objective we have in mind is collective responsibility.”

Mr. Speaker : Has not collective responsibility developed in the Punjab ?

Dr. Sir Gokul Chand Narang : My submission is that there is a distinction between the moral side of the thing and its legal aspect. Morally it may be most desirable. Certainly it is a most desirable thing that they should have collective responsibility. I admire their loyalty to one another, so that if one falls all will fall. I admire the spirit. This corporate spirit is very good, so that they stand or fall together. That, however, is not enough. That is not the point before you. The point before you is whether under the law, the Government of India Act is the law on this point, whether under the Government of India Act it is going to be taken for granted as a feature of the constitution that the ministers shall act jointly, and so far as the Government of India Act is concerned certainly it says nothing of the kind.

There is another test. Supposing they refuse to act jointly. We cannot compel them. Have we any power to compel them to act jointly ? It is their own look out. You have no power to force them to act jointly. It is out of the goodness of their heart or out of concern for themselves that they might act jointly. But that is a different question.

Apart from this question I really got up to draw your attention to the argument of convenience or inconvenience. You will agree with me that the balance of convenience is in favour of taking up each individual motion separately, allowing discussion on each separately and having it voted upon separately.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : I have nothing much to say. As a matter of fact a lot of time has been spent over this discussion but very little has been said which is relevant or to the point. I daresay you must have studied the points yourself. One of the two arguments put forward by Dr. Gokul Chand Narang was, how do we know

whether there is joint responsibility. He is right, it is not for my friend to know. He has no responsibility. The responsibility is ours and therefore it is for us to know whether there is joint responsibility or not. He can say or think as he likes. Then he remarked "Can we dismiss any minister"? He cannot; I am sorry to disappoint him, but he cannot. It is this House which can dismiss us, and so far as this House is concerned, it has reposed its confidence in us, on these benches. Otherwise the Governor could not have asked me to constitute the ministry. If the majority party in the House—which at the moment occupies this side of the House—at any time desires that a particular minister should go out, they will approach me, and it will be for me to ask that minister to leave the cabinet, if I so desire. My honourable friend opposite, I am sorry to say, has no say in the matter even though it may be his ardent desire that a particular minister should be removed to make room for somebody else. (*Interruptions.*)

I was merely trying to explain that the Governor asked me to constitute a cabinet. I constituted my cabinet and he formally appointed them ministers. I might remind my honourable friend that the cabinet which I constituted was accepted by His Excellency the Governor. If he had not accepted the names recommended by me, or had pressed for a change with regard to any one of the names proposed by me I would never have formed a cabinet. My honourable friend knows it, and knows it full well. (*Cheers.*) All that I need say now is that the responsibility of this ministry is collective and joint. As I said yesterday, and I repeat it again to-day with all the emphasis that I can command and with the full authority of my position that the responsibility of the present ministry is joint, and a vote of no-confidence against one minister if carried will be taken as a vote of no-confidence against the whole ministry. I would be the first to resign and others will follow me. That is what I said yesterday and I repeat it again to-day. My honourable friend asked, what if the Government removes one of the ministers? He himself answered that question in the very next sentence. We would all resign. That is what joint responsibility means. And let me for the benefit of my honourable friend make it clear that if His Excellency the Governor removes one of the ministers of his own accord all of us will resign, but if I ask one of them to resign all the rest would still continue in office. That is in a nutshell the constitutional position. My honourable friends will be glad to know that the Punjab Government has given a lead to the other provinces in this respect also.

My honourable friends will remember what happened in the Central Provinces. The whole ministry had to resign and had to be reconstituted. That is an instance which the honourable member opposite should not forget. However, whatever other provinces have done or may do, here in the Punjab we have set up a convention which has been followed in the British Parliament for the past several hundred years. I realise that when we leave office and my honourable friends over there are asked to take our place they may have some difficulty in forming a homogeneous ministry. And judging from the heterogeneous elements grouped on those benches they cannot expect to have anything but a mixed grill; but that is not my fault or fault of the constitution. (*Cheers.*)

Sardar Sampuran Singh : On a point of order. The question we are now considering is whether the present Punjab Government is observing the

[Sardar Sampuran Singh.]

principle of joint responsibility or not. I submit that the law lays down that they are not compelled to observe that. Now it is a question of fact which has to be decided by this House—

Mr. Speaker : Has the Honourable Chaudhri Krishna Gopal Dutt to say something on the point under discussion ?

Chaudhri Krishna Gopal Dutt : I may give an instance of the breach of the so-called collective responsibility in the Punjab Cabinet. You will remember the statement issued by our venerable friend, Raja Narendra Nath sometime ago. It was also published in the Honourable Mr. Manohar Lal's paper and he must have read it. Raja Sahib said 'I have reason to believe that the Honourable Mr. Manohar Lal is against the agrarian Bills'. That statement, Mr. Manohar Lal has never contradicted. Let him contradict it even now. Otherwise it will be taken that the statement of Raja Sahib is correct that Mr. Manohar Lal was against those Bills. If that statement is true, where, then is the joint responsibility ?

Mr. Speaker : I will answer the Honourable Chaudhri Sahib's point before giving my ruling. Difference of opinion among the members of a cabinet does not affect the question of their joint responsibility (*hear, hear*). That's what is happening every day. There was a time when this question was kept open and every minister was allowed to vote as he pleased. They could even make speeches against the decision of the cabinet and yet remain its members. But the present practice is that all members of the cabinet must be united. They cannot make speeches against one another. Every one of them should abide by the decision of the majority even though he may disagree with that decision. If he disagrees but by persuasion or out of respect for his colleagues, remains in office, his responsibility with his colleagues is collective and joint. But if he does not wish to share that responsibility, he must resign. The mere fact that there is difference of opinion in the cabinet on any question or that the policy laid down by the cabinet is not the result of a unanimous decision of the cabinet but is the decision only of a majority of the ministers, does not affect the meaning of the expression "joint and collective responsibility."

Now I will give my ruling on the point before the House.

Dr. Sir Gokul Chand Narang : Before you give a ruling I should just like to ask one question. Yesterday you were pleased to decide that the motion against the Minister of Education would be taken up at the end of yesterday's business or to-day. In accordance with that decision we should have taken up that motion now for discussion. Is that not so ?

Mr. Speaker : Had discussion on that motion been started but not finished yesterday, even then the remaining five motions would have been discussed with it to-day. I admit that the six ministers and their policy can be discussed separately in certain cases but not in all cases. If a minister commits an individual mistake or administrative blunder, he can be certainly attacked, criticised and condemned for his individual or personal action. But if his individual or personal action is consistent with the general policy of the cabinet, then, irrespective of whether it was taken after consulting

the cabinet or not, the responsibility of the cabinet for that action is joint and collective. It is not necessary that a minister should consult his colleagues in every matter. Whether he consults all his colleagues or only the Premier, before taking a certain action or does not consult any colleague of his, but takes a particular course of action in pursuance of the general policy of the cabinet, the responsibility for that action is that of the cabinet as a whole. That is a question of fact ; but when they have openly said on the floor of the House that they are acting collectively and jointly, there is no reason to disbelieve them.

Chaudhri Krishna Gopal Dutt : I have given you one instance.

Mr. Speaker : That is not at all decisive. As the responsibility of the honourable ministers is joint and collective, in my opinion a discussion of the responsibility of one minister shall to all intents and purposes be a discussion of the responsibility of the whole cabinet.

Dr. Sir Gokul Chand Narang : Supposing notice of only three motions had been given ?

Mr. Speaker : That would make no difference. If the criticism or censure is confined only to those individual errors for which their colleagues are not responsible, the condemnation by the Assembly shall be confined to them individually. But if the criticism is of an action for which a minister is responsible as the head of his department and the action was taken by him in accordance with the policy of the cabinet, then all ministers may be criticised and censured together.

Dr. Sir Gokul Chand Narang : So that the mere fact that notices of 6 motions have been given, makes no difference.

Mr. Speaker : None in my opinion.

Diwan Chaman Lal : Has rule 40 no effect ?

Mr. Speaker : Please let me finish my ruling. Therefore, if only one of the six motions is discussed and only one minister is condemned and censured by the House that will be—except as already stated, when the minister is attacked for his personal errors only—a condemnation of the ministry as a whole and not only of one individual minister.

Rai Bahadur Mr. Mukand Lal Puri : May we have the opinion of the Advocate-General on the point ?

Mr. Speaker : I know my duties and powers. (*Cheers*).

Rai Bahadur Mr. Mukand Lal Puri : What are your reasons for not following the Speaker of the Bengal Legislative Assembly ?

Mr. Speaker : Will the honourable member please wait and allow me to finish my ruling ? The reason why I suggested and still suggest that all the 6 motions may be discussed together but moved and voted upon separately is that the joint responsibility of all ministers is bound to be discussed under each motion.

Dr. Shaikh Muhammad Alam : That is anticipating criticism.

Mr. Speaker : Which is fully justified. Now as regards the Bengal Assembly ruling on which so much emphasis is being laid, I propose to read it to the honourable members of the House, who will find, I am sure, that that ruling supports my view to a great extent.

Diwan Chaman Lal : Where did these volumes come from ?

Mr. Speaker : The Secretary sent for them and got them in my presence.

The Honourable Premier of Bengal said :—

“ I need hardly tell the House that we are in the cabinet on the principle of joint responsibility.”

(Bengal Assembly Proceedings, Volume LIII, page 3.)

This statement of the Honourable Premier was accepted by the Honourable Speaker. (See page 6 of the said Volume.)

The Honourable Speaker of the Bengal Legislative Assembly held that every one of the ten motions, moved against each individual minister, shall be “ treated separately ”; but he did not hold that they shall not be discussed together. On the other hand he expressly ruled as follows :—

“ In view of the fact, however, that ten motions have been tabled, it is only fair that I should give an opportunity in one motion to discuss the general principle of joint responsibility. That I propose to do on the first motion. In other words, so far as the first motion is concerned, it will not be against any individual minister alone; but also on the general principle of joint responsibility, which affects the cabinet as a whole.”

It is clear from the above that the general principle of joint responsibility of the cabinet was ruled by the Bengal Speaker to be discussed only on one motion and not on all the ten motions; and I have already explained that rare cases excepted, responsibility of all ministers is collective and joint even for their individual and personal actions.

I do not only suggest the same thing but go a step further, that is to say, I suggest a joint discussion of all no-confidence motions. This is not at all inconsistent with the Bengal Assembly ruling. There the Honourable Speaker ruled that all no-confidence motions should be “ treated separately”. That is exactly my view. I do not suggest that all motions should be combined or congregated. I have expressly suggested that each motion should be moved separately and put to the vote of the House separately. All I have suggested further is that they should be “ discussed together”. Thus it is clear that according to my suggestion each motion shall be “ treated separately”; but all of them shall be ‘discussed together’. For the strong reasons, which I have given, I rule that each motion of no-confidence shall be moved and put to the vote of the House separately; but that all of them shall be discussed together.

Premier : I submit that the motion against myself may be taken up first and others may be discussed on it.

Dr. Gopi Chand Bhargava : I am not questioning your ruling, but under rule 40 when leave for moving a motion has been granted it is your duty to fix time for its discussion. There is no question of ruling. I would like you therefore to fix time for the discussion. Another submission that I have to make is that yesterday we debated a resolution that the House shall sit till they have finished the business of the day. Now what is the business for the day? It is only one motion and the other motions are yet to come when you would fix time for them. When you fix time then it would mean that this non-stop meeting would go on for as many days as are sufficient to finish the work in hand. Therefore I would request you now to fix the time for the discussion of this motion.

Mr. Speaker : The five no-confidence motions of which notices have been received to-day, and the one no-confidence motion of which notice was received yesterday, will be taken and discussed together.

Dr. Shaikh Muhammad Alam : At what time ?

Mr. Speaker : I have fixed no time yet.

Dr. Shaikh Muhammad Alam : One time for all the motions.

Mr. Speaker : Yes, one time.

Dr. Gopi Chand Bhargava : According to rule 40 the procedure is that after the Speaker has decided that the motion is in order, he shall read the motion to the Assembly and shall request those members who are in favour of leave being granted to rise in their places and if not less than 50 members rise accordingly, the Speaker shall intimate that leave is granted to the motion and it shall be taken up at such time as he may appoint. My submission is that we asked for leave for one motion and you read it and asked us to stand in our seats. The procedure after that lays down that you should have fixed time for its discussion and not that you should have taken up all the five motions together and fixed time for all of them. I submit that the time for the motion which was accepted yesterday has been fixed that if there is time left after the adjournment motion was discussed it would be discussed and it would have been discussed yesterday if there had been time enough and now you say that these five motions will be discussed together.

Mr. Speaker : I speak subject to correction. The fact is that the honourable Shaikh Karamat Ali's motion of confidence in the ministry was handed over to the Secretary at 1-20 P.M. yesterday and was placed as item No. 3 in the typed agenda for the day.

Dr. Gopi Chand Bhargava : I am not speaking about it.

Dr. Sir Gokul Chand Narang : I would crave the attention of the Honourable Premier to my submission. When he moved that motion yesterday that there should be a non-stop sitting, he had no idea that the business of the day would be multiplied. He, therefore, moved that motion and it was carried. Now that the business of the House, by the ruling that you have given, has been multiplied—

Mr. Speaker : In fairness he should give more time.

Dr. Sir Gokul Chand Narang : He should withdraw that motion and it should not be a non-stop sitting.

Premier : The House has decided.

Dr. Sir Gokul Chand Narang : It is open to the House to decide which means it is open to the Premier because the Honourable Premier is the House. (*Interruptions.*) He got up to say something.

Premier : I got up but since my honourable friends got up from the other side of the House I did not consider it proper to waste the time of the House.

Lala Deshbandhu Gupta : May I know what the Government wants? Are we expected to continue this as a non-stop sitting till to-morrow morning or even later ?

Mr. Speaker : That matter can be decided later, and the decision will depend on the progress which the House should make.

Rai Bahadur Mr. Mukand Lal Puri : I have no objection to a non-stop sitting for the whole week but it is only fair that the members should be told that there is going to be a non-stop sitting so that they may make their arrangements. There is uncertainty.

Premier : There is no uncertainty. It is going to be a non-stop sitting.

Dr. Gopi Chand Bhargava : We have already decided yesterday that we go on sitting till the work on the list of business of the day is finished. Now that there is to be discussion on all the six motions and one other motion, which I move next, this means that as long as these six motions and the seventh motion is not finished, we are not going to disperse. Is that the order ? Or at what stage will he be able to say that he will be able to amend the motion which is passed ?

Mr. Speaker : In view of the fact that so many new items have been placed on the agenda, the Premier will consider, I think, that more time is required. The non-stop meeting was to be held only for the disposal of items which were originally on to-day's agenda and not for the disposal of items which have to-day come on the agenda. I hope that the Premier will see to this.

Rai Bahadur Mr. Mukand Lal Puri : People have engagements. Should the whole House be placed in an uncertainty ? Members should know whether they have to alter their engagements for to-morrow or not. You should give that much facility.

Premier : I will give them every possible facility. When we met yesterday we had notice of six motions which included Shaikh Karamat Ali's motion. Five of them were late by a minute or two, and I knew that they would come up to-day. It was on that basis that I made the motion for sitting to commence at 12 noon to-day. We have already taken two hours in discussing the preliminaries which could have been disposed of in as many minutes. I am always prepared to accommodate my honourable friends. I consider that ordinarily four or five hours would be sufficient to discuss all these motions, but if my honourable friends want more time, we can sit up to 6, 7 or even 8 as it suits them. So far as I am concerned, they need have no consideration for my convenience. I am at their service and my friends here are at their service. We can sit up to 8 and if they want us to sit longer, we shall certainly do so. All these motions are identical and I expect that they will have been sufficiently discussed by the time we disperse. After seeing the progress of business for a few hours I may perhaps be in a position to make a motion for interruption.

Mr. Speaker : I hope that the Leader of the House will discuss this matter with the Leader of the Opposition as soon as possible.

Diwan Chaman Lall : May I rise on a point of order ? All this discussion is not only irrelevant but absolutely *ultra vires*. My honourable friend has not the authority to fix the time for the discussion of these matters, nor is the House the authority to fix the time.

Premier : It is already fixed.

Diwan Chaman Lall : The only person who has the authority to fix and appoint the necessary date for the discussion of these matters is yourself and nobody else.

Premier : He has already fixed it.

Diwan Chaman Lall : May I draw your attention to the relevant portion of rule 40 ?

Mr. Speaker : The honourable member is right and I have fixed to-day.

Diwan Chaman Lall : You have fixed to-day for all motions.

Mr. Speaker : Yes, all motions.

Diwan Chaman Lall : In view of the fact that this is a very important matter you should—

Mr. Speaker : I have not decided that they shall be finished to-day.

Diwan Chaman Lall : May I submit that you might fix it in consultation with the Honourable Leader of the Opposition following the precedent in the Bengal Council. The convenience of the Leader of the House as well as the Leader of the Opposition was taken into consideration there. I hope you will not fix to-day for the discussion of six motions of no-confidence against the ministers.

Mr. Speaker : I can fix time for starting discussion but not for completing it.

Diwan Chaman Lall : You will realize how stupid that discussion will be when a non-stop sitting is to take place.

Mr. Speaker : I assure the honourable member that his Leader and the Honourable Premier will come to some settlement.

Lala Deshbandhu Gupta : The Honourable Premier has stated just now that he had all the motions before him yesterday. I want to tell you that the statement made by the Premier is not correct. Perhaps he does not remember that there was no motion against him yesterday and he even acknowledged that fact. (*Uproar.*) This is an incorrect statement therefore to say that he had all the motions before him. //

MOTION OF CONFIDENCE IN MINISTRY.

(Shaikh Karamat Ali, at this stage, rose from his seat amidst cheers from Treasury Benches.)

Chaudhri Krishna Gopal Dutt : On a point of order. The motion to be moved by the honourable member (Shaikh Karamat Ali) is out of order because no rules of procedure can allow the admissibility of a vote of confidence in the Government. This is my point of order.

Munshi Hari Lal : I rise to a point of order. No motion of vote of confidence in the ministry can be moved. (*Interruption.*)
 If any reference is going to be made to the practice and

[Munshi Hari Lal.]

precedents in the House of Commons they are based on conventions of the House of Commons. Those conventions do not support this case. Those conventions are given at great length—

Mr. Speaker : I will not rely on any convention of the House of Commons.

Munshi Hari Lal : If the conventions of the House of Commons are not to be relied upon then there is absolutely no section of the Government of India Act on which the House rests, and no provision whatsoever which allow a vote of confidence to be moved. In the rules which have been made under the Government of India Act we have got absolutely no provision for the motion of vote of confidence. Leaving aside the conventions of the House of Commons, if you look to these two authorities, i.e., the Act and the Rules, they do not allow any vote of confidence motion to be brought up in the House.

Pandit Muni Lal Kalia : I take it that this motion has been moved under rule 126 of the rules of procedure. You will kindly read that rule. It is inapplicable so far as this motion is concerned. The wordings of the rule are :—

Save in so far as is otherwise provided by these rules or in any case in which a communication is to be made to the Governor under any provision of the Act or of these rules, no discussion of a matter of general public interest shall take place otherwise than on a resolution moved in accordance with the rules governing the moving of resolutions except with the consent of the Speaker.

There are two expressions in this rule which require your attention. The first is the opening word "save so far as provided by the rules" and the second is "except with the consent of the Speaker". The second expression used in this rule is governed by the expression used at the opening of this section, that is that the question of the consent of the Speaker arises when the thing is not otherwise provided in the Rules. But there is a specific provision made in the Rules. The question of consent of the Speaker does not arise. Such motions are governed by rule 40 of these rules which says that a motion expressing want of confidence, in, or disapproving the policy in a particular respect of a minister or the ministry as a whole, may be made. If you look on the present motion you will see that it is a counter-motion to the one contemplated in rule 40. The question of consent does not arise as there is a specific provision made and the positive provision is that a no-confidence motion is moved. You will ask what is to be done in the case where only a confidence motion is moved? The rules are deliberately silent because there was no occasion for such a motion. There is one occasion during the budget session, when the Government brings its demands. What is the budget : it is the index of the policy of the Government. Different items of the budget are put to the House and when accepted it means the House agrees with the policy of the Government. You remember that whenever any demand is rejected it is a defeat of the Government. It is a censure motion with regard to a particular demand. When the budget is passed in that case it means that the Government commands the confidence

of the majority. There are other occasions, during the year when supplementary estimates are put: there are occasions when demands are taken up. For that reason these rules are silent. Rule 40 reads like this—

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, subject to the following restrictions, namely—

It is not only unfair, not only unconstitutional, not only improper but an abuse of the power of the majority, if a consent is given in such a case. You can give your consent under certain conditions. If such a consent is given it is an attack on the rights of the minority. We want to discuss different ministers and their departments. May I ask, Sir, supposing this House is of opinion that they have no confidence in the Minister for Education. If only one of the ministers is condemned, the Premier may kick out that minister, the whole ministry need not resign nor a new ministry formed. It is unfair, therefore, that consent should be given. The question of consent does not arise. There is positive provision made. Therefore it is waste of time and it will be disregard of the rules. This motion should be ruled out of order on this and other grounds which have been placed before you. I want to say one thing more that an exception should be made. It is the question of the rights of the minority who want to discuss the policy of the Government. You have already held in this particular case that you are not going to follow the conventions of the House of Commons. Well and good. Even if you are inclined to follow those conventions we stand on better grounds, because those circumstances do not exist in the Punjab. I therefore urge you should not exercise your consent in a case like this.

Chaudhri Krishna Gopal Dutt : Sir, I have to ask you a question. You knew that there was already a no-confidence motion tabled against the Deputy Speaker and thereupon the Honourable Premier threw out a challenge to the Opposition to move a no-confidence motion against any particular member of the Cabinet or against the Government as a whole. Did you consult the Leader of the Opposition while giving permission to the Honourable Premier?

Mr. Speaker : No, I did not.

Mr. K. L. Gauba : Sir, I consider that this point of order has considerable force. I would draw your attention to the rules relating to resolutions. Rule 113 relates to the notice of a resolution. Rule 114 restricts the contents of resolutions. The resolution as framed is in the following form :—

“This House approves the policy of the ministry as a whole and expresses its full confidence in it.”

Now, rule 114 is to the following effect :—

“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.....”

I submit that so far as this motion is concerned, it is an omnibus motion of confidence in the entire ministry, it does not raise one definite matter for

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the consideration of the House. *((Hear, hear from the Opposition.))* Then, Sir, rule 115 is to the following effect :—

"(1) Every resolution shall be in the form of a specific recommendation addressed to the Government.

This rule read with rule 114, which I have just read out and, read with rule 126, relates merely to resolutions which are in the nature of recommendations to the Government. You have got rules or provisions with regard to a resolution to be moved by a private member which is covered by part (1) of the rule which I have just read out. You have also got a specific provision relating to no-confidence motions. You have got section 65 of the Government of India Act which relates to no-confidence motions in the Chair and the Deputy Speaker, etc. You have got rules relating to no-confidence motions against ministers. But you have got no rules regarding a confidence motion. If the intention of the legislature or this House had been otherwise, you would have a rule relating to a confidence motion in the ministry, if such a resolution was possible. Now, I submit that it is unusual in a motion to express confidence in the ministry because unless a motion of no-confidence is moved, it means that the Government of the day has the confidence of the House. What happens in the House of Commons is this. A motion of no-confidence is tabled by a member of the Opposition or even by a member of the Government. It happened recently that over Hitler negotiations, a motion of no-confidence was moved. If the adherents of the policy of the Government of the day desire to express their confidence in Mr. Chamberlain and in his policy ; they accordingly move an amendment to the motion of no-confidence and by that means express a vote of confidence.

I submit that so far as this particular motion of my honourable friend Shaikh Karamat Ali is concerned, it does not fall within the category of the specific and definite issue that is to be raised. The argument that might be pleaded is "Oh, confidence in the Government is a specific issue". The question of specific issue is whether the acts which the Government has committed or is said to have committed entitle it to the confidence of the House and the confidence of the country. I submit that my learned friend, who is going to move this particular motion, I am absolutely positive, is not going to advance the arguments that because the Government is responsible for such and such act, therefore, it is entitled to the confidence of the House. He is going to enlarge upon all the great and remarkable achievements of the Government that have been done by them in the course of the last two years, and it is those acts of the Government and that policy of the Government that will be argued on the floor of the House to-day. His motion raises substantially the issues covered by the six no-confidence motions that have been given notice of by this side of the House. Therefore, I submit that it cannot be possibly said by any stretch of argument or sense of reasoning that this motion relates to a definite matter upon which a resolution can be moved and upon which a recommendation under rule 115 can be made to the Government. Therefore, I submit that there is very great force in the objection and the resolution as framed is outside the scope of the rules as framed by this House.

Mr. Speaker : The matter is certainly definite.

Mr. K. L. Gauba : So far as no-confidence motions are concerned, it is clearly expressed in Rule 40 that a no-confidence motion may take two or three forms, viz.—

Dr. Gopi Chand Bhargava : My submission is that there is no provision in the rules under which a confidence motion can be moved. A reference may be made to rule 126, which reads thus :—

"Save in so far as is otherwise provided by these rules or in any case in which a communication is to be made to the Governor under any provision of the Act or of these rules, no discussion of a matter of general public interest shall take place otherwise than on a resolution moved in accordance with the rules governing the moving of resolutions except with the consent of the Speaker."

Now, Sir, we have got a definite rule, rule 40, under which we can discuss no-confidence motions. There is no provision for discussing a motion of confidence. Therefore it can be said, in so far as otherwise provided by these rules no discussion of a matter of general public interest shall take place by way of a resolution except with the consent of the Speaker. It means that where there is no specific provision for the discussion of a matter of general public interest and a resolution cannot be moved on that, the Speaker can give his consent for a motion to be made. We have got a specific rule for the discussion of confidence and no-confidence, because when we are discussing a motion of no-confidence the question of confidence does come in. If a no-confidence motion is moved, the defence will be put by the ministers themselves that what they have done is the right thing and therefore they deserve the confidence of the House. Therefore this matter of general public interest is such on which discussion can be raised and received according to the rule laid down in our Rules of Procedure. Therefore this matter of confidence on which a discussion can be raised cannot have your consent except to be discussed as provided in the rules.

The point is that no discussion can take place except on a resolution. It does not mean that as it has come on the agenda, therefore it has your consent. When you have to decide whether you can give your consent for the discussion if it has not already been given, I would submit that it should not be given and if it has been given for any reason then I would submit that it should be withdrawn.

I do not understand how this motion can come on the agenda to-day, or could have come yesterday. It is not an official resolution. It is a non-official resolution and I do not know whether after having given your consent to discussion it was conveyed to the Government that time is asked for the discussion of this motion and you have allowed discussion therefore this resolution be brought up to-day. It might be said that the other resolution is also a non-official resolution, but the fixing of time of that resolution lies with you and you fixed under rule 40 that it be taken up to-day. Therefore I submit that on that argument also this resolution should not be taken up to-day.

Then it might be said that in the British Parliament confidence motions are moved. As far as I understand, confidence motions are moved on two occasions. A confidence motion is moved if the Government is defeated on a trivial matter and it is not a matter of such importance that the cabinet

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should resign. It is then that a resolution is moved to the effect that the defeat is not of such importance and that the House has confidence in the cabinet.

Mr. Speaker : Can such a motion be moved in this House ?

Dr. Gopi Chand Bhargava : I am coming to that. Another confidence motion which is moved is of the type of confidence motion which was moved after Mr. Chamberlain had had a talk with Herr Hitler. There are times in the history of a nation or in the history of an Assembly or Parliament when on international matters the nation has to declare that they are united and the cabinet has got the confidence of the people. Or it may be that the House is so much divided and the nation is so much divided that some people say, as they said in England that Mr. Chamberlain was not acting in the interest of the country when he was negotiating with Herr Hitler and then they thought that they should satisfy the electorate that they have the confidence of the people and the confidence of a large majority. It is only on such occasions that a vote of confidence was moved. I beg to submit further that there is no standing order about the moving of confidence or no-confidence motions in the British Parliament. The only thing is convention and that convention is about no-confidence motions or it might be about confidence motions as well. About no-confidence motions it is likely that the Leader of the Opposition says : I want to move this motion of no-confidence and the Government should fix time for a full dress debate. That is the convention that has been established there, but this is not the convention in our Assembly. The Honourable the Premier was pleased to remark to-day that everybody on that side of the House is a responsible man and that every member on this side of the House is an irresponsible man, and therefore he thought

Premier : I never said that. I think my honourable friend is under a misapprehension. What I said was that the responsibility of the ministers cannot be shared by my honourable friends opposite.

Dr. Gopi Chand Bhargava : May I remind the honourable Premier that when he was saying that there is a collective responsibility, he said : I as a Leader of the Party command the confidence of the House and therefore I am responsible for everything, you are not responsible and you have no right to question whether we command the confidence of the majority or not.

My submission is that we are responsible people here and it is the duty of the Opposition to question whether the Ministry commands the confidence of the majority or not. The members of his party have not the right to question that. They cannot say that they have no-confidence in the ministry. If any member of the Ministerial Party says that he has no confidence in the ministry he has no business to remain in that party and when he is turned out he is no more a member of the Ministerialist Party. Therefore it is the right of the Opposition to question the actions of the cabinet of ministers whether they have the confidence of the House or not.

Therefore I submit that what happens in the House of Commons in England cannot apply to what happens here. Therefore while drawing your attention to rule 126 I would again submit that you should not give your consent or, if I may be permitted to say so, that it is expected that you will not give your consent to the discussion of a subject which can be discussed under the rules by a specific motion or by a resolution. If a thing cannot be discussed by resolution then you can give your consent for the discussion, but I would submit that you cannot in that way stop the discussion of no-confidence motions for the moving of which leave has been granted by this House. If a discussion on this is allowed, that would mean that whenever a motion is before the House, then either our motions are to be treated as amendments to that motion or they cannot be discussed or moved after the first motion has been passed. Supposing you were to take votes on the first motion and the House says that they have got perfect confidence in the ministry as a whole.

Then all these motions cannot be voted upon. Therefore it will be taking away the right which we have acquired from this House under the rules. Therefore if the first motion is voted upon and the House adopts it by a majority it means that all motions of no-confidence will be ruled out because you have already been pleased to rule that the discussion will be on the ministry as a whole on the principle of joint responsibility. If the motion of confidence is voted, then no motion of no-confidence against any single minister can be voted upon. I therefore submit that sufficient time should be given for the discussion of all those motions which have been permitted by you to be moved with the leave of the House. The right given to us by one hand should not be taken away by the other. I accordingly request that you will not allow this motion to be moved.

Diwan Chaman Lall : I wish to bring one point to your notice and it is this. It is under rule 126 that this matter is being proposed to be brought forward before the House. What does that rule contemplate ? It contemplates only formal motions. Suppose an *ex-President* of this legislature were to die. You will permit honourable members to move a motion of condolence. Suppose Princess Elizabeth were to get married. My Honourable friend, the Premier, would straight away rush to the floor of the House with a motion for sending a message of congratulation and you will permit that motion. This rule contemplates only such motions and nothing more. It does not contemplate substantive motions of the nature now before the House being moved. It never could have been the intention of this rule that you should permit such substantive motions as this. The opening words of rule 126, namely, 'save in so far as is otherwise provided by these rules' covers the case of no-confidence motions. If provision has been made for the bringing in of no-confidence motions, there is no provision for bringing a motion of the sort brought forward by my honourable friend, that is, a confidence motion. Further I wish you to look into the facts of the case. It was in respect to the challenge given by the Honourable Premier himself on the floor of the House and in reference to an incident which happened subsequently that that particular challenge was accepted by the Opposition and a no-confidence motion was given notice of. The Honourable Premier was also pleased to say that he was prepared to allow the discussion of the motion there and then. But immediately this challenge

[Diwan Chaman Lall.

is accepted, efforts are made by my honourable friend to put an end to the discussion which the Opposition wanted in reference to this matter. An attempt was made to destroy the effect of a no-confidence motion by asking Mr. Binda Saran to bring in a motion of no-confidence. But he could not be found on that day (*Cries of no, no*). I am glad if I am wrong, if L. Binda Saran denies giving notice of a no-confidence motion. But I am sure my honourable friend the Premier was looking forward to an opportunity to put forward a no-confidence motion. When he did not succeed in getting a member of the Opposition to put in a no-confidence motion, then he sets up one of his own men to get up and put in a confidence motion in order to anticipate the debate. I submit that this is absolutely out of order and unfair on the part of my honourable friend after having thrown the challenge to us to go back on it.

Mr. Speaker : What is the point ?

Diwan Chaman Lall : Having got to this stage you will realize that this is an attempt on the part of my honourable friend to stifle and throttle the debate and not to allow a free and unfettered debate in the manner in which the Opposition wants it and not in the manner in which my honourable friend opposite wants it. If he is prepared to give us the right to discuss the no-confidence motion he must also permit us to discuss it as we want to. But since he is not permitting us to do so and since he wants to throttle the debate and divert the actual aim and object of the debate, I submit that you should exercise your authority under rule 126 and not give your consent to the moving of that motion. I have got every reason to suggest that. We are quite prepared to meet my honourable friend openly. But my honourable friend who throws the challenge is not prepared to meet us openly in respect to that challenge.

The second point in reference to this matter is this. Not only are you not to give your consent to this motion, but this motion ought not to have appeared on the agenda. There is no reason why it should be on the agenda. I say that it is wrong and illegal to put it on the agenda. What does the rule contemplate ? It contemplates your previous consent to the discussion. It does not contemplate that merely because my honourable friend has given notice of the motion therefore it ought to appear on the agenda straightaway. The agenda is prepared according to rules. But nowhere is it laid down that this particular matter, the moment it is given notice of, should appear on the agenda as it did yesterday and again as it appears to-day. The proper procedure is for the honourable member to get up on the floor of the House, raise the matter and ask your consent for raising a discussion regarding that matter. The rule is perfectly simple and obvious. It says—

Save in so far as is otherwise provided by these rules or in any case in which a communication is to be made to the Governor under any provision of the Act or of these rules, no discussion of a matter of general public interest shall take place otherwise than on a resolution moved in accordance with the rules governing the moving of resolutions except with the consent of the Speaker.

That is all that the rule contemplates. Where is there any provision for its appearing on the agenda ? Where is the provision for its appearing of the list of business ? Where is the provision for asking for the consent

of the Honourable Speaker for it to appear on the agenda, for it to be brought before the House even before my honourable friend asks your permission for the discussion of this matter? I submit that not only from the technical point of view but equally from the point of view that an attempt is being made by my honourable friends opposite to divert the aim and object of the entire discussion, they are not being frank, they are not fair, they are not open, they are not straightforward in this matter, I submit that you should not give your consent to this particular motion.

Premier : May I say one word in this connection? I am afraid that the point of order of my honourable friend is not a point of order at all, but perhaps he wanted to make a preliminary flourish, I believe, in anticipation of what is coming next. But so far as this particular motion is concerned, my honourable friend has forgotten that I did not challenge, but requested the Opposition to bring a motion of no-confidence, and also stated that if they decided to bring a no-confidence motion, I will be prepared to give them time for the purpose. They did not accede to my request. I also said that if they were not prepared to accept my offer, I would try to get a motion moved in a different form so as to get a verdict of this House in order to satisfy the curiosity of my honourable friends opposite and a section of the press about stories of land slides of which we have been hearing and reading a lot. When I found that my friends opposite were not prepared to move a no-confidence motion I had to resort to this device and asked my honourable friend over there to give notice of his motion, so that the verdict of the House could be taken.

Diwan Chaman Lall : If that is the position, we have accepted it and he can now withdraw it.

Premier : My honourable friend said that I wanted to stifle discussion. I can assure my honourable friend that nothing can be farther from my mind. After the ruling of the Speaker that all these motions will be discussed together, there can be no question of stifling discussion.

Diwan Chaman Lall : My honourable friend knows very well what is meant by that.

Premier : My honourable friend has already laboured that point and made a reference to rule 126. He evidently ignored rule 113 which is germane and relevant to the point under discussion. Rule 113 says :

A member who wishes to move a resolution shall give not less than fifteen clear days' notice of his intention and shall submit, together with the notice, a copy of the resolution which he wishes to move :

Provided that the Speaker, with the consent of the Minister to whose department the resolution relates, may allow it to be entered on the list of business with shorter notice than fifteen days.

Your permission was sought and my permission also was sought and that is why the resolution appeared on the agenda. My honourable friend need have no worry with regard to the stifling of the debate. He will have the fullest possible latitude and he need not be afraid that this motion, if it is carried out, will prevent his motions being put to the vote. So far as this motion is concerned, it can be put to the vote after his motions are put to the House.

Lala Duni Chand : I maintain and I maintain confidently that when there is a provision in the rules for making a motion the counter or the reverse or the negative of that cannot be moved. Supposing there is an adjournment motion moved, is it open to another honourable member to propose a counter-motion and say that the House do not adjourn? Supposing there is a positive resolution moved, is it open to another member of this House to say, 'no' such and such thing should not be done? Therefore I request you to see that the House is entitled to a correct interpretation of the rules. On this occasion the correct interpretation of rule 40 is to be given and if this rule is not interpreted correctly, I should say it will be extremely unfair. Is not the House entitled to receive a decent and normal interpretation of the rules? If any other interpretation is put, it will be bare-facedly wrong.

Dr. Sir Gokul Chand Narang : May I make a request to you? I heard you say a short while ago that you do not mind which motion is taken up first and if you are still of the same opinion, then you can cut short the whole difficulty by taking up the motion of the Opposition first.

Mr. Speaker : Personally I have no objection.

Dr. Sir Gokul Chand Narang : Then you can get out of this difficulty by allowing the motion of the Opposition to be moved. I am told that the Honourable Premier has also no objection to this.

Mr. Speaker : The first point on which I wish to express my opinion is to what cases does rule 126 apply? I heard an honourable member say that when the negative of a certain thing is provided for in the rules, its positive cannot be moved and *vice versa*. The marginal note of rule 126 is "discussion of matters of general public interest otherwise than on resolutions". Thus it is clear that the rule relates to matters of general public interest. But there are three exceptions made by the rule itself. However, before proceeding further I would like to distinguish a resolution from a motion. "Resolution" is one thing and "motion" another. Rules are made for the moving and passing of resolutions; but no rules are made for motions. Motions may, no doubt, be made with regard to different subjects, for instance, in the case of the budget, in the case of Bills, in the case of adjournment motions and so forth; but they are entirely different from resolutions. Motions are expressions of opinion of this House on certain matters. To the general rule that every matter should be decided by a resolution there are three exceptions :—

- (1) where express provision is made for motions being moved on any matter whatsoever;
- (2) where communication is to be made to the Governor under any provision of the Act or these rules, for instance rule 142 which says that communications by means of motions may be submitted to the Governor;
- (3) where the Speaker consents to a certain matter being moved by means of a motion.

Thus it is clear that there is no restriction, as argued by the honourable Lala Duni Chand, that when there is a provision in the rules for making a motion, the negative of that cannot be moved.

Rai Bahadur Mr. Mukand Lal Puri : Please see Maxwell's Interpretation of Rules.

Mr. Speaker : Will the honourable member please quote the relevant passage ?

Rai Bahadur Mr. Mukand Lal Puri : I will get it.

Mr. Speaker : The honourable member should have got it in time. As to whether the motion of confidence in the ministry relates to a matter of general public interest, there can be no two opinions. Not only the atmosphere is charged; but I may say it is surcharged against the Unionist Party and the present ministry. Articles have appeared in the Press and speeches have been made from the public platform that the Assembly has no confidence in the Ministry and that no—confidence motions shall be moved against it at the earliest possible opportunity. Under these circumstances, I could not refuse to give my consent to the confidence motion. Had I received notices of no-confidence motions before I received notice of the confidence motion, I should have dealt with them without any hesitation or delay.

Diwan Chaman Lal : Did you receive one before hand ? That is exactly the point. Mr. Binda Saran's no-confidence motion, was it in your hand before ? I want you to make enquiries from the office, whether it received Binda Saran's no-confidence motion before the other motion was received or not. If this is so, this motion could not be placed on the agenda.

Secretary : No notice was received officially.

Mr. Speaker : That is a matter between the honourable member and the Secretary or the Secretary and Rai Bahadur Binda Saran. I did not receive any notice.

Diwan Chaman Lal : It is an important point of procedure. It may be that the notice was given and withdrawn, but we want to know what is officially given and what is un-officially given to the Secretary.

Secretary : The notice was not received by me as Secretary. It was delivered to me as "Abnasha Singh" by Rai Bahadur who asked me not to take official cognizance of it unless he intimated to me.

Mr. Speaker : Let me finish. (*Interruptions.*) There is not the slightest doubt in my mind that the confidence motion relates to a matter of general public interest and that I could not refuse to give my consent under rule 126.

Lala Duni Chand : Are you not reducing this rule to an absurdity ? (*Cries of order, order, from Ministerial benches.*)

Mr. Speaker : I may state for the information of the honourable members that before the creation of this Assembly rule 126 was the same in substance as it is to-day. The only difference is that in those days consent to a motion had to be given not only by the President of the Council, but also by the minister concerned. I may add that under the old regime very important matters of public interest formed the subject matter of motions under the then rule 126. I have got in my hand a volume containing proceedings of a motion of 1934, when Dr. Sir Gokul Chand was a minister. The motion is that in the opinion of this Council, the imposition of excise duty on sugar is prejudicial to the interests of sugar-cane growers, consumers of sugar and sugar manufacturers in the province.

[Mr. Speaker.]

If the honourable members will go through the printed proceedings, they will find that many such important motions were allowed under rule 126.

Dr. Sir Gokul Chand Narang : Sardar Habibullah's motion ?

Dr. Gopi Chand Bhargava : Will you please read the definition of a motion. A resolution means a motion for the purpose of discussing a matter of general public interest and here also it is a matter of general public interest on which a discussion can be raised. Therefore, it cannot include other motions.

Mr. Speaker : I think the honourable member was not present when Mr. Gauba read rule 114. A 'resolution' is always in the form of a recommendation to the Government, while a 'motion' is an expression of opinion on a certain matter.

Dr. Gopi Chand Bhargava : It is a matter of general public interest that can be discussed. No matter can be discussed except with the consent of the Speaker. Therefore it is only with respect to certain matters of general public interest for which no provision is made.

Mr. Speaker : Yes. It is only in the case of such motions that consent of the Speaker is required. One more point has been raised by Diwan Chaman Lall and others. Their contention is that under the rules the Speaker can give his consent only for the "discussion" of a matter of general public interest. It must be conceded that literally their contention appears to be sound. But, if accepted, the rule will become a dead letter. For the last 15 years the consent of the Speaker has been given on receipt of a notice and not at the discussion stage which can be never reached if the requisite consent is not given at the notice stage.

Premier : Hear, hear.

Mr. Speaker : As regards the motion of no-confidence being moved first personally I have no objection. I leave it to the Premier. I have fixed no time yet. Provision is made in rule 40 that if permission is given by fifty members of the House, the Speaker shall fix a day within ten days for the discussion of the motion. But no such provision exists in our rules with regard to motions for which consent is given by the Speaker under rule 126. In the Council days time for motions under rule 126 was fixed by Government and not by the President of the Council ; and there is no reason why that practice should not be followed.

Dr. Sir Gokul Chand Narang : That may be for ordinary things where the consent of the Speaker is required. There he may approach the Government and he may fix time. But for this kind of motion it is you and you alone who can fix the time and Diwan Chaman Lall argued rightly before you that—

Mr. Speaker : Under what law or rule ?

Dr. Sir Gokul Chand Narang : The motion is *ultra vires*. It is you who have to fix the time and neither the Premier nor this House. So, you must fix the time.

Mr. Speaker : But I have no authority.

Shaikh Karamat Ali : I beg to move—

That this House approves the policy of the Ministry.....

Mr. Speaker : According to rules the no-confidence motions shall be moved later ; but they may be discussed along with Shaikh Karamat Ali's motion.

Dr. Gopi Chand Bhargava : Supposing we were to decide that we do not want to be a party to that discussion because that will be a motion for praising their own views.

Mr. Speaker : Do not discuss the confidence motion. Discuss the no-confidence motions.

Dr. Gopi Chand Bhargava : When there is a motion before the House, shall we be called upon to take part in the discussion on that motion and put—

Mr. Speaker : No one can compel the honourable members to take part in a discussion.

Dr. Gopi Chand Bhargava : Then my submission is how could it be discussed. If there is a motion before the House it means we take part in the motion and put our point of view. That is all. Therefore, my submission is that supposing we were to decide that we do not want to take part in discussion of this motion, will we then be debarred when the time of moving our motion comes, from putting our point of view ?

Premier : Why not adopt the same procedure with regard to the amendments—that those who have given notice may be called upon to move them.

Diwan Chaman Lall : May I ask my honourable friend under what rule of procedure there can be two motions before the House ? Surely my honourable friend knows that it is not possible.

Premier : My honourable friend knows perfectly well that we have been discussing more than one motion almost every day.

Dr. Gopi Chand Bhargava : You have held that those motions of no-confidence are similar and, therefore, they will be discussed together. When they are all going to be discussed together shall we be called upon to take part in this motion of confidence. Supposing I do not take any part then will I be permitted to make a speech when I move my motion ?

Mr. Speaker : The honourable member shall be certainly entitled to make a speech without moving his motion.

Dr. Gopi Chand Bhargava : That is perfectly right. That is what is meant by taking part in discussion of one motion and placing the point of view regarding that special subject. That I do understand but my point is that supposing I do not take part in that discussion, I do not put any point of view regarding the confidence motion, will rules permit my placing my point of view when I am going to move my motion ?

Mr. Speaker : As, speaking generally, the subject matter of the confidence and no-confidence motions is inseparable, all these motions may be discussed together ; and when a no-confidence motion is moved, its mover shall not make any speech.

Dr. Gopi Chand Bhargava : I beg to inform you that as far as that motion of confidence is concerned, we do not want to be a party to it. Let those people praise their ministers themselves. We have got our own motions

[Dr. Gopi Chand Bhargava.]

of no-confidence. We have given notice of a motion of no-confidence under the rules and forestalling us they have given notice of a confidence motion. When this motion has been brought forward it means that the discussion on our motion is to be stifled like this. Therefore, I submit that if that is going to be so, we do not want to take part in this motion and if you do not permit us to move our motions after that and make a speech then of course we will have to see what we have to do at that time.

Premier : Why don't you do it now ?

Dr. Gopi Chand Bhargava : You cannot force us.

Sardar Sohan Singh Josh : The Premier said that he had broad shoulders and when we want preference to be given to our motion, he sticks to his guns and says that his motion should be taken up first. I do not understand whether his broad shoulders have become narrow or what has happened to them.

Premier : Is that a point of order ?

Chaudhri Muhammad Hassan : You were pleased to fix the time for the motion.

Mr. Speaker : May I suggest a solution of the difficulty ? The confidence motion of Shaikh Karamat Ali may be moved, discussed and voted upon separately from the no-confidence motions which may be taken up after its disposal.

Premier : If Shaikh Karamat Ali's motion is carried others would become *ultra vires* (hear, hear) (interruptions). I do not see any difficulty at all for the simple reason that my friend will move his motion which is a positive motion. Then the negative motion will be moved. You can discuss your own motions, there is nothing to stop you. One or all of your motions of which notice has been given can be voted upon at the end. For instance the no-confidence motion against me can be discussed and voted upon.

Dr. Gopi Chand Bhargava : I do not see any practical difficulty at all as far as discussion is concerned. As far as question of confidence is concerned it is taken for granted that as long as Government is there they command the confidence. Therefore the no-confidence motion is the real positive side.

Diwan Chaman Lall : May I draw your attention to the fact that this is a very serious matter that has arisen on the floor of the House and requires very careful consideration. You will realize what the aim and object of this motion is. The aim and object of this motion is this that he will take it to the division and after it has been voted upon he expects that all the other motions of which we have given notice will be out of order.

Premier : So far as the question of voting is concerned I have already offered that this motion can be put last. My honourable friend's motion can be put first.

Mr. Speaker : Shaikh Karamat Ali's motion is that this House approves of the policy of the Ministry as a whole ; while the no-confidence motions are against the individual ministers. I am, therefore, of the opinion that these shall be in order whether the Shaikh Sahib's confidence motion is carried or lost. (Hear, hear).

Diwan Chaman Lall : I am most grateful to you for clarifying the position and making my honourable friend the Premier now to resile from his original position. We are here to assert certain rights. I ask my honourable friend to have a little patience : we have plenty of patience in this matter. My honourable friend's move is perfectly clear. The object he had in mind originally is only to prevent us from going to the vote. He says it should be put to the vote last. May I ask how it is possible to put it last ? You move it first but you vote last : under what procedure ? I take it that whatever my honourable friend the Premier wants in the matter of procedure he can get on the spur of the moment. No particular rule is to be found in this book according to which he acts.

Mr. Speaker : Shaikh Karamat Ali's confidence motion shall not become out of order and shall remain unaffected even if the no-confidence motions against the individual ministers are passed by the House.

Diwan Chaman Lall : They can move their motion afterwards at any time.

Mr. Speaker : But there is the question of priority.

Diwan Chaman Lall : I am coming to the question of priority. No priority has been given to the motion. My answer is that we asked a little while ago about the motion of Lala Binda Saran of which notice had been given. We are prepared to admit that a non-official notice was given. A trick has been played by my honourable friend. (*Interruptions*). My honourable friend now says that he received the notice in a non-official capacity. The Secretary does not exist in a non-official capacity if it is given to the Secretary. If the notice was given to the office that is an official notice.

Mr. Speaker : That has nothing to do with the motion now before the House.

Diwan Chaman Lall : It has everything to do with the motion. How can you deny that ? The notice was given to the Secretary not in a non-official capacity. He had notice in the office : he had notice in the Chamber and he had notice as Secretary in writing addressed to nobody else but to the Secretary. If it was so done then how can any person say that this official notice should be converted into a non-official notice : my honourable friend is committing a contempt of the House and of your office—

Khan Bahadur Nawab Muzaffar Khan : It is an insinuation.

Diwan Chaman Lall : It is not an insinuation : it is a fact. My honourable friend was not here at the moment. If this is the attitude, then there is only one thing to do and that is—

Premier : If my honourable friends want to walk out why do you not allow them to do so ?

Secretary : I have permission of the Honourable Speaker to make one submission in support of my contention that the notice was not handed over to the Secretary. If the notice had been handed over to the Secretary, it was the duty of the honourable member, who handed over the notice, to ask for leave after the question hour, according to rule 40.

Diwan Chaman Lall : He may or may not.

Secretary : That also supports my contention that the notice was not handed over to the Secretary.

Dr. Gopi Chand Bhargava : Unless he was called by you, how could he ask for leave ?

Secretary : He was not called upon because he had not given any notice as required under the rules.

Diwan Chaman Lall : There is no question whether he was called upon or not, but the notice was handed over to the Secretary. The first trick did not succeed and therefore the other trick has been played. It is scandalous. (*Cries of order, order.*)

Lala Deshbandhu Gupta : May I know whether the notice was handed over to Sardar Abnasha Singh or to the Secretary in his official capacity. If it was in his official capacity, then why was it not brought to your notice ?

Mr. Speaker : Where is the notice ? (*Great noise*).

Secretary : It is beside the issue.

Diwan Chaman Lall : It is not beside the issue. I want that the notice should be produced before the House.

Mr. Speaker : Rai Bahadur Binda Saran is not here. otherwise he would have made the position clear.

Diwan Chaman Lall : It is the privilege of the members to ask for that notice.

(*Honourable members :* Here is a witness).

Mr. Speaker : Witness of what ? (*Loud noise*).

(*At this stage Mr. Deo Raj Sethi was heard saying something in Urdu amidst loud noises and cries of hear, hear from the Opposition.*)

Diwan Chaman Lall : Ask the Secretary to read out the notice. Mr. Sethi says that Mr. Binda Saran told him that he had given notice of a no-confidence motion both to the Secretary and to the Premier.

Secretary : The Secretary has received no notice.

(*At this stage Shaikh Karamat Ali rose to move his motion amidst great uproar.*)

Chaudhri Muhammad Hassan : On a point of order. (*Cries of order, order.*) I am rising on a point of order. Is it open to the servant of the House to keep the paper with him or receive any paper unofficially ?

Mr. Speaker : I disallow any discussion on that point of order.

Chaudhri Muhammad Hassan : It is a very important point of order.

Mr. Speaker : But I refuse to allow any discussion on it.

Chaudhri Muhammad Hassan : (*Amidst great noise*) Sir, I rise on a point of order.

Mr. Speaker : That matter cannot be allowed to be discussed any further.

Chaudhri Muhammad Hassan : I want to ask a question through you.

Mr. Speaker : Not at this stage.

Lala Deshbandhu Gupta : On a point of order. It is a different point of order.

Mr. Speaker : All right.

Lala Deshbandhu Gupta : I can very well sympathise with you. There are moments when there is a struggle between one's head and heart and this may be the case with you now. My point of order is this. There are two motions before you and it is for the Chair to decide in the interest of proper discussion, which motion should be taken up first. If the confidence motion which is sought to be moved by my honourable friend, Shaikh Karamat Ali, is taken up first and is disposed of first, certainly the discussion on the other motion will be prejudiced and will be devoid of reality.

Mr. Speaker : That is not a point of order. But I have already ruled that either the confidence motion may be moved first or the no-confidence motions. In my opinion this will make no difference. But Shaikh Karamat Ali's motion has got priority.

Lala Deshbandhu Gupta : Do you or do you not agree that the discussion on the other motion will be prejudiced ?

(At this stage there was great uproar in the House and Shaikh Karamat Ali again rose to move his motion amidst cries of order, order from the Opposition).

Mr. Speaker : I have decided that Shaikh Karamat Ali may move his motion.

Chaudhri Muhammad Hassan : I rise on a point of order not with regard to this matter.

Mr. Speaker : I am afraid the honourable member will again discuss the same matter.

Chaudhri Muhammad Hassan : How do you know that ?

Mr. Speaker : I request the honourable member to resume his seat.

Chaudhri Muhammad Hassan : I am rising on a point of order.

Mr. Speaker : Please resume your seat.

Chaudhri Krishna Gopal Dutt : You have no authority to prevent an honourable member from raising a point of order. *(Cries of order, order from the Treasury benches.)*

Chaudhri Muhammad Hassan : Sir, I am rising on a point of order.

Mr. Speaker : If the honourable member persists further, I am afraid I shall have to deal with him according to rules. I have decided that Shaikh Karamat Ali may move his motion. As the time of the House is being wasted, I request the honourable members to give their points of orders, if any, in writing.

Chaudhri Krishna Gopal Dutt : That is not the proper method.

Mr. Speaker : I cannot allow any further discussion on that matter.

Chaudhri Krishna Gopal Dutt : Is there any authority for the procedure you propose to adopt.

Mr. Speaker : I have given my decision.

(At this stage Chaudhri Kartar Singh rose on a point of order amidst great uproar and cries of order, order from all sides of the House).

Mr. Speaker : I cannot hear any point of order. My decision is given. Shaikh Karamat Ali is going to move his motion. *(Great uproar).* If the honourable members continue to obstruct, the responsibility for lowering the dignity of the House and the Chair shall be theirs.

(At this stage Shaikh Karamat Ali again rose to move his motion amidst loud noise and there were cries of order, order from the Opposition).

Mr. Speaker : I once more request the honourable members not to make noise. I am not going to allow any further discussion on the order in which motions are to be moved. I appeal to the Leader of the Opposition to stop disorder.

Dr. Gopi Chand Bhargava : Sir, the only point—

Mr. Speaker : I have decided that Shaikh Karamat Ali will move his motion.

Dr. Gopi Chand Bhargava : We are bound by your ruling, but the thing is that members on this side of the House have some doubt about this matter. They think that you ordered yesterday that this no-confidence motion would be taken up not after this confidence motion but before it. You ordered yesterday that when the business of the day was finished, and the adjournment motion also discussed, the question of no-confidence motion would be taken up. Yesterday this question of confidence motion was not moved. Perhaps it was not considered desirable to move it. Therefore when this resolution was not moved, this resolution of want of confidence should be given priority and taken up first.

Mr. Speaker : What was done yesterday has been stated already. There were three items on the agenda. The first was the Badshahi Mosque Cess Bill. The Second was the Electricity Bill. The third was this confidence motion of Shaikh Karamat Ali.

Dr. Sir Gokul Chand Narang : Had this motion been on the agenda yesterday you would have called him before allowing the adjournment motion to be moved. You had ordered when the question of fixing the time for the discussion of the adjournment motion was raised that it would be taken up after the business of the day would be over. If this motion was then a part of the business of the day, you would have certainly called upon him to move this motion. You would not have allowed the adjournment motion to be moved before his motion was disposed of. It shows that his motion was not part of the business yesterday.

Mr. Speaker : There were three items on yesterday's agenda. The first two relating to the Badshahi Mosque Cess Bill and the Electricity Bill were disposed of. Shaikh Karamat Ali's confidence motion was the third. But when I received notices of four more no-confidence motions, I got up and said I do not propose to take up the third item to-day, as it is closely connected with the no-confidence motions and, therefore, shall be taken up along with them". *(Opposition. No, no.). (Ministerialists : Yes, yes.).*

Premier : Your memory has obviously failed you. Are you now challenging the Speaker's statement.

Dr. Sir Gokul Chand Narang : I am not challenging the Speaker's statement. I did not know, I did not hear him as I was not present throughout. However, I never challenged his statement.

Diwan Chaman Lal : Whatever you say, Mr. Speaker, we will take it to be correct. Whether it was heard by anyone on this side or not, whether it was taken down or not, we will take your statement as correct.

Lala Bhim Sen Sachar : The point is that you said yesterday that if after the adjournment motion there was time, then this no-confidence motion would be taken up.

Mr. Speaker : I changed my mind when four more no-confidence motions were received.

Dr. Gopi Chand Bhargava : You said that if there was time after the discussion of the adjournment motion, then the motion of no-confidence would be taken up. That is what you said yesterday, and therefore it is natural for us to conclude that the matter before the House was the primary matter.

Mr. Speaker : But I put it off for the reasons I have given.

Lala Deshbandhu Gupta : The grounds for changing your mind did not arise in the course of the day. As a matter of fact you had the motions already before you, and therefore when you ruled that these motions were there and that this motion would be taken up after the business of the day, certainly there was no further element to necessitate changing your mind.

Mr. Speaker : I acted according to my lights.

Lala Deshbandhu Gupta : On a point of order, Sir. Mr. Speaker, you have held that so far as the motion of my friend Shaikh Karamat Ali is concerned it is for the Leader of the House to fix the time for discussion, and so far as the no-confidence motion is concerned it is for you to fix the time. You had fixed the time for the no-confidence motion. Does the Leader of the House claim priority over the time fixed by you? The Leader of the House had not fixed the time, yesterday, except that the motion was included in the agenda but the sponsor of the motion did not move it then.

Mr. Speaker : I may further inform the honourable members that the change in question was made by me after consulting the Leader of the House.

Lala Deshbandhu Gupta : I want to submit most respectfully one point for your consideration. If you will consider the implications of the decision given by you, you will realise that if that practice is followed, it will defeat the very purpose of tabling a motion of no-confidence as Government can always forestall such motions by giving notice of a confidence motion.

Mr. Speaker : That is a hypothetical matter.

Sardar Sampuran Singh : I want you to fix the time for the other motion.

Mr. Speaker : I cannot fix it, as I do not know how much time the confidence motion will take. (*Uproar*).

(*At this stage members of the Opposition excepting Chaudhri Muhammad Hassan walked out of the Chamber*).

Shaikh Karamat Ali (Nankana Sahib, Muhammadan, Rural) (*Urdu*) :

I move—

That this House approves the policy of the Ministry as a whole and expresses its full confidence in it.

Sir, I was just now saying to myself, "After all why are my honourable friends on the other side of the House apprehensive of my motion being discussed." It has been reached after a great difficulty and after a good deal of opposition that my motion shall be discussed first and now when my friends could be made to listen to what I had to say, I feel like quoting the verse :

Lae us but ko iltija kar ke

Kufr tuta Khuda Khuda kar ke.

Mr. Speaker : Please do not be personal.

Shaikh Karamat Ali : I am not personal at all. I only meant to say that my honourable friends of the Opposition ought to have accepted your ruling and your order in a sporting spirit. It is just possible that they may find some enlightenment from my speech if they care to listen to it. My friends had given currency to all sorts of rumours about the Ministry. They tried to create this impression that the Ministry was tottering to its fall and that they will be able to beat it hollow in the coming contest over a no-confidence motion. They were complacently hoping that such an empty talk as this would mislead the intelligentsia of the province and that they would be able to successfully hoodwink the public. But now the truth must have dawned on their minds and they must have realised that the Ministry was as firmly placed in its position as ever and there was no danger of its coming to end.

Sir, we have all heard, read and seen that in this world only the good and virtuous are called upon to stand their trials. These trials are generally of two types. First those which come from high and secondly those which the virtuous have to face at the hands of the people among whom they live. But whatever the type of the trial may be, it is directed only against those who are of proven merit, morally or socially. The trials are meant only for those whose actions are admirable and whose conduct is unimpeachable. Trials are never ordained in the case of those whose actions and conduct are not worthy of a scrutiny. (*Hear, hear*). And even if a trial is held in the case of such people, its results are not enviable for people to follow.

I am reminded at this time of the first day of April, 1937, when we first met in our old Chamber. That was the first day of the life of the present Ministry. A trial was ordained from on high on the very first day when this Ministry took office. An unprecedented hailstorm laid waste the crops.

of several districts in the province. It was a great calamity but the Ministry rose to the occasion. It acted just as was expected from a responsible Ministry. You know that the visitation from above was made at a time, when the Ministry was only an infant but it gave proof of the vigour of youth and ripe experience of old age in rising up to the occasion. It acted with promptness and certainty. The prompt relief which it gave will go down as an unprecedented example in the history of red-tapism. No sooner did the news of the hailstorm and its devastating effects was received than the Minister in charge and the Commissioner hastened to the scene and ordered prompt relief to be given. Those people who rush to the press with all sorts of assumed grievances against the Ministry that it does not afford adequate relief in *abiana*, land revenue, etc., should keep in view this instance of the solicitude of the Ministry for the helpless zamindars. I have just referred to red-tapism. My reason for referring to it is that it is generally believed that the Government realises its dues with promptness but is very slow in the matter of giving something from its own pocket. The requisition for a sum of money has to pass through many hands before the payment can be expected to be made. But in the case in point our Ministry crossed all bounds of red-tapism and gave immediate relief to the needy. Is not that action of the Ministry deserving of all praise? It not only spent lakhs of rupees on giving relief to the people whose crops were damaged, but what is more important is the fact that it provided relief in such a way that up to this time not a single complaint has been heard of in this connection.

Then, the later part of the year 1938 and the beginning of the present year saw a famine of unprecedented magnitude in Hissar and neighbouring districts. This famine brought in its train great misery and desolation. Rains failed for a long time and as a result of this, crops failed miserably. Not a blade of grass was visible on the ground and not a leaf on the trees. What did the Government do? The money which it distributed among the famine-stricken people comes to a figure of 69,00,000 of rupees. The money which was distributed by way of *tacavi* loans or was given by way of remissions, etc., comes to 26 lakhs of rupees. The total amount spent on relief in the famine-stricken area thus is equal to no less a figure than 97 lakhs. Now it is up to the honourable members of this House to ponder over the fact as to how the Ministry fared in its trial which was ordained by Heaven. The Ministry has not given proof of its sympathy for the distressed people merely in words but in deeds.

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

They have stood the successive tests of heavenly calamities with the greatest possible stamina and courage. They have undergone all these adverse trials with great endurance and fortitude. It is a matter of great satisfaction to all concerned that the Honourable Sir Sikander Hyat-Khan's Government has done all what a popular and stable Government is expected to do. In fact the Punjab Government has faced the calamities that befell the province with an undaunted courage and why should it not have succeeded when the watch word of the leader can be summed up in the language of the late Sir Muhammad Iqbal as :

باطل سے دُفعہ والے اسے آسان نہیں ہے
سو بار کر چکا ہے تو امتحان ہمارا

[Shaikh Karamat Ali.]

It gives me a great pleasure to remark that our popular Government was not perturbed in the least under such adverse and trying circumstances which had a great strain on the State Exchequer. The Honourable Sir Sikander Hyat-Khan and his learned colleagues, I am sure, are fully alive to the idea that should they fail to afford timely relief to the poor and famished people they are sure to incur the wrath of Almighty God, and no amount of untimely penitence is likely to expiate their sins. I feel proud to declare that during the short tenure of its office the Punjab Government has wrought unparalleled and unprecedented miracles in promptly meeting all such emergencies. It has scored over all other provinces in respect of the working of the various beneficent departments under it. I submit, Sir, without fear of contradiction that no other provincial Government can reach even the shadow of the remarkable achievements that our present Government have made during as short a period as 2 years. In support of my assertions I shall try to compare the splendid work done by Sir Sikander Hyat-Khan's Government with that of other Congress governments. But the trouble is that my honourable friends opposite have staged a walk-out and there is no one on the opposite benches to hear my submissions. I happen to be at my best only when I find myself in their presence.

Chaudhri Muhammad Hassan : I am present here.

Shaikh Karamat Ali : But at present you are sitting here only in the capacity of a reporter and not of a member. (*Laughter*). I was submitting, Sir, that this Government has done wonders in every sphere of its activities. These remarkable achievements of our Government are shining and glowing like the big orb of Heaven, and if any unfortunate person is shutting his eyes to all this it is no fault of ours. The Honourable Ministers have not only taken prompt action on every such occasion but have also created a Special Development Fund, during the first year of their office, they earmarked a sum of 55 lakhs of rupees in the first budget presented by them in 1937. The object in creating this fund is to do an extensive work for the welfare and uplift of the rural classes of the province. In this sphere also our ministry gave a lead to other governments. The creation of such a fund was entirely an original idea. It had never entered into the heads of the ministers of other provinces. Although attempts are being made by other governments to create similar funds for their respective provinces yet it cannot be denied that the credit for its creation absolutely goes to the originators of this scheme. The vantage point in this respect which our ministers have is this that all of them belong to a hard-pressed community. They understand the difficulties of the poor and destitute people. They have tender hearts in their bosoms. They feel pain at the miseries of others. And that is why they are always prepared to look after the needs and requirements of the poor people. They have spent several lakhs of rupees for the benefit of the poor agriculturists of the Punjab. But it is remarkable on their part that they have done all this without having recourse to new taxes.

Chaudhri Muhammad Hassan : No, not that. The remarkable thing on their part is that they receive fat salaries.

Shaikh Karamat Ali : Sir, this has reminded me of the well-known saying about *tehi* and *kohlu*. But in reply to his remarks I would only

say : سوال از آسمان جواب از رسپمان

In a nutshell our Government has done its best for combating the famine and drought. It gave remissions worth lakhs of rupees. It granted *taccavi* loans to needy persons. It started relief work for the benefit of the famished people. It created the Special Development Fund for the welfare of the rural community. But it is indeed gratifying to note that our ministry had done all this without resorting to any fresh taxation. The Honourable Ministers have steered the finances of the province with a great foresight and prudence. Thus all of them deserve our hearty congratulations on rendering these singular services to the province. (*Cheers*).

Sir, I am a practising lawyer and as such I have a weakness like all my other fellow lawyers to sing my own praises. It is a fact that by minimising one's merit or income just by way of humility a pleader is likely to sustain a set back in his income. I am free to admit that self-depreciation is highly injurious to one's prosperity in this profession. Once he shows any sign of humility, take it from me, he is doomed for good. Thus being a lawyer I too resort to self-praise and proudly submit that it was indeed our support and backing that strengthened the hands of our ministers to do all these praiseworthy and notable things. It was the solidarity of the party that gave an impetus to the ministry. Without being supported by us it was practically impossible for the Government to do anything of the sort.

Now, Sir, I would like to say a few words for the benefit of our Honourable Ministers. It is often said that the present Government is in fact a zamindara Government, and the argument that is always advanced in support of this assertion is that most of the honourable members who are supporting the Government do belong to the agricultural classes. But when one comes to know that even the Opposition party keeps in its fold several agriculturists, he begins to doubt the validity of such assertions. So, it is the bounden duty of a government which claims the epithet of a zamindara government for itself, to make endeavours to win them over. I, in the capacity of a non-agriculturist, do like to admit that the zamindars of to-day have become very much timid and shy on account of the constant oppression to which they have been subjected by the previous governments and the money-lending classes. Even to-day in spite of being at the helm of affairs they dare not take any drastic measure in respect of certain matters. Our Honourable Ministers also belong to the same class of people. Although they have done a lot to ameliorate the condition of the backward classes yet they have failed to bring forward any measure by which the Ministry could judge the genuineness of an alliance of the few agriculturists at present with the Opposition. Our Honourable Ministers should chalk out a special programme by which we could test the *bona fides* of those agriculturist members who adorn the opposite benches. It would have been better if the Government had dealt with the problem of taxing the urban classes, so that by thus raising the money they could have effected reduction in land revenue and *abiana*. In fact this manner of legislation must have served

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the purpose of killing two birds with one stone. I would like to make it

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clear that up till now I have been saying things in parables. But now I would like to elucidate my point. If we look to the economic condition of the zamindars we would find that it has become so very bad that they are not capable of bearing the load of any more taxes. They are literally groaning under the heavy load of taxes and the next straw would certainly break the camel's back. It is fortunate that this zamindar Government have come into power and have saved them from sheer destruction and ruin. If unfortunately this party had not come into power I may submit even heavens had decided to put unheard of loads on them.

Now coming to another point I may submit that there were two kinds of ills which were literally eating up the poor and down-trodden zamindars and were reducing them to abject poverty when fortunately for them this Government assumed power and rescued them. The first of them was the waterlogging and the second was the *thur*. As soon as this Government assumed office they took this question earnestly in their hand. The result of their efforts has been that *thur*-stricken lands have been reclaimed and its eradication is still being carried on with great earnestness. They have also started Canal Drainage Schemes in order to reclaim the waterlogged areas. As I have already pointed out the only people who were rich were those who were non-agriculturists. Although I am a non-agriculturist but as far as the facts are concerned it would be sheer cowardice if I conceal them. I would therefore submit that if this Government had adopted such an attitude that taxes should have been levied only on those people who had the capacity and means to bear them then it would have proved very useful for the zamindars. If they had adopted such an attitude of levying taxes on the urbanity, then I would have seen how some of the agriculturist members of this House could have managed to sit side by side with the non-agriculturist capitalists. Those of them who are now siding with them would never have done that.

Besides, I may point out that the zamindar members of the Opposition are not far-seeing enough as to distinguish between their friends and foes. In fact they have not thought about the future. I am definitely of the opinion that only that person succeeds in the field of politics who knows the ins and outs of the problems confronting the society. Only that person can succeed who can separate the chaff from the grain and who can beforehand know what class of people can benefit him most. He should prejudice his well-wishers who can very well look after his interests. In this respect I may point out that my agriculturist friends who are now sitting on the Opposition benches have not been far-seeing enough to select the right party which could befriend them. If they had been a little far-seeing they would have found out at once the people who were the real well-wishers of the agriculturists, and who had at heart the betterment of the *kisans*. If they had done that they would have found out the heart that felt for the poor zamindars and that was anxious to eradicate his ills and troubles. (*Hear, hear*). In this connection I may point out that since the time that this Government have assumed power they have done much for the zamindars and they have acted very sympathetically towards them.

My friends of the Opposition declare in season and out of season that the Punjab Government had done nothing uptill now. They had been making wild allegations and levelling severe criticism against the Ministry. They have been agitating in the press and have carried on a very atrocious kind of propaganda against my learned friends over here. But the fact of the matter is that they cannot produce a single evidence or example by which they can prove that any other Ministry in India has done any better work than our Ministry. We have repeated this challenge on the floor of the House again and again but they dare not accept it. I know that to say that this thing has not been done and that thing has not been done is a sort of mere criticism. But I may submit that when they bring such wild allegations they should also try to see what this Ministry is doing and what have they done uptill now. We do not deny that land revenue and *abiana* should be reduced but all these things will be done at their proper time. The Punjab Government do not claim to possess a magic wand or an Alladdin's lamp to work this miracle over night. They are not blind to these facts. On the other hand they are alive to the needs of the zamindars and the needful will be done betimes.

Now Sir, I wish to point out what is the standard by which we can judge that this Ministry has done very satisfactory work during their tenure of two years. In fact this Government have done very good work for the betterment of the poor zamindars. The main principle which any Government should bear in mind is that when they do anything they should see that their actions and achievements benefit the majority of the population. Now let us see what is that greatest number for which they have done anything which entitles them to this praise and congratulations. In my opinion they have tried to improve the hard lot of the greatest number of this province. What is that standard by which we can judge them? That standard is the old one and that is that they should keep in view the greatest good of the greatest number. This standard is not an invention of our own. But it is an old one. It holds true to-day in the same manner as it held true in the olden times. In my opinion 80 to 90 per cent. population of this province consists of villagers who mainly depend for their livelihood on land. The Ministry which enacts laws solely for the benefit of these 80 to 90 per cent population, which is carrying on the administration of the country for their benefit, and which is toiling day in and day out to better and improve their conditions deserves to be called a *zamindara* Ministry. As a matter of fact the work that they are doing is useful for the majority of this province. In other words I can say that they are doing their best to do greatest good for the greatest number. My honourable friends who sit on the Opposition benches and who are not present at this time in the House, are not fully aware of the state of affairs. This Government is doing a lot for 90 per cent population of this province. There is not a single Government which has done so much as has been done by this Government. In order to elucidate this point I would recount some of its achievements. I would begin the story from the Restitution of Mortgages Act. But before I say some thing I would like to point out that it were the Britishers who first of all realized that the zamindar of the Punjab was fast disappearing and his economic condition was going from bad to worse and that his lands were being taken over by other hands for no consideration

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practically. So they passed the Land Alienation Act in 1901. In this connection I may point out that the credit for this thing should also go to my honourable friend Sir Chhotu Ram. Before assuming office my honourable friend had worked much for the amelioration of the hard lot of the poor zamindars whose lands were being taken away from them for paltry sums which they borrowed from the *sahukars*. The *bania* not aware of the fact that a day would come when he would have to answer for his acts of depredation, not aware of the fact that he would have to reap the bitter fruits of his fraudulent practices, and not knowing that there was any God, was bent upon destroying the zamindar root and branch. As I have already submitted, the English people were the first who turned their attention to this alarming state of affairs and in fact they placed that famous Act on the Statute Book in the year 1901. It was provided in the Act that the lands of the zamindars could not be transferred to any non-agriculturist save in the manner provided in the Act. But in order to defeat the very object of this Act non-agriculturists tried to evolve out a scheme which was known by the name of *benami*. I may submit that in evolving out this fraudulent practice the whole fault did not lie with the non-agriculturists, but my friends the agriculturists joined hands with the non-agriculturists to give effect to this fraudulent practice. Without their help this practice could not have been successfully carried on. But this Government who have at heart the welfare of the zamindar, have passed 3 amendments which have proved very useful for them. I am confident that in a very short space of time this curse of *benami* would be eradicated from the Punjab. One of the amendments is that the property, bullocks, milch cattle and a particular amount of corn which was sufficient for the maintenance of the judgment-debtor and his family for one year could not be auctioned in the execution of a decree. Previously all these things were auctioned in the execution of decrees. I, therefore, submit that the Benami Act has really proved a boon to the zamindars and for that the Ministry deserves our sincere and warm commendation. After this the Restitution of Mortgaged Lands Act deserves mention. The principle underlying this Act is a wholesome one. It provides that those mortgaged lands in the case of which the value of the benefits enjoyed by the mortgagee equal or exceed twice the amount of the principal sum originally advanced under the mortgage, shall be restored to the possession of the mortgagor. After the legislation of this Act, the Registration of Money-lenders Act was brought on the Statute Book. This Act caused great consternation among the non-zamindar classes. They held meetings and conferences to condemn the Ministry and thus raised a great hue and cry over it. Besides, they characterised such enactments as 'Black enactments', and as a result of these agrarian laws some of the non-zamindar members of the ministerial party severed their connection with it and crossed the floor of the House and joined the Opposition ranks. The non-zamindars, especially the money-lending classes considered this Act as an encroachment upon their rights and a restriction on their liberty to do business. But I assert that all these accusations were baseless and unfounded. The Act aims at controlling money-lending transactions and to check malpractices on the part of dishonest money-lenders. It is also in the interests of honest money-lenders that the

profession should be purged of dishonest members whose methods of exaction create a feeling of suspicion and hostility against the profession as a whole. The Act requires the lenders to get themselves registered. Obviously the honest lender has no fear to entertain about it. After this enactment, the Marketing of Agricultural Produce Act, by virtue of which the growers will be entitled to have full value of their commodities, was passed by this Ministry. Besides, the much awaited Punjab Panchayat Bill has already been introduced in the House and committed to the Select Committee. The enforcement of this Bill will infuse a spirit of genuine local self-government in the rural people. The Bill aims at preventing the zamindars from indulging in internecine litigation. I have enumerated only a few commendable deeds of our Ministry. Now I take up the Agriculture Department which is under the able guidance of Chaudhri Sir Chhotu Ram. The department has introduced improved varieties of seeds, with the result that the produce per acre has increased by a maund or two. This means that if the zamindars take to using the improved seeds, there will be an increase of lakhs of maunds in the produce of staple commodities of the Punjab. Naturally this enhancement in the yield of crops will improve the economic condition of the zamindars also. Besides, an experiment is being carried on by this department, which when adopted by the zamindars will enormously add to their wealth. It is to the effect that the land is cultivated according to the quantity of water it receives for irrigation purposes and then only that crop is sown which is most suited to it. The other experiment undertaken by the department in regard to the livestock is that efforts have been and are being made to improve the breed of livestock and increase the yield of milk by the milch animals.

Now I turn my attention to the Department of Industries. This department, too, is under the charge of our illustrious Minister for Development. Since the time our Ministry took office, they have endeavoured to subsidise and encourage cottage and other industries, to the great benefit of the people of the Punjab. Then our Ministry has established a Research Institute, the like of which is rarely found in other provinces of India. The House will be interested to know that miracles of great magnitude, which we used to hear or read in mythologies, can be wrought in these days also. The greatest engineering-cum-irrigation miracle which our Ministry has been able to accomplish is that of the Haveli Project. Previously the irrigation experts had estimated that a project of the nature of the Haveli Project will cost rupees five crores and 86 lakhs and it will take four years to accomplish. But our Ministry has brought about its completion within two years and has effected a saving of rupees 186 lakhs in the total expenditure. The project which has been put into operation since the 1st April, 1939, will result in prosperity of the zamindars, as a million acres of arid land will be brought under cultivation. So far as Bhakra Dam is concerned the Government have deputed two of its experts to America to study and acquaint themselves with the technique of the latest types of Dams. Thal Project will be taken in hand shortly and consequently uncultivable and arid lands will be transformed into flourishing fields and thriving gardens.

Now I may be permitted to make a mention of the Darling Committee Report. It has already been submitted to and is under the consideration of the Government. We have every hope that Government will accept

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its recommendations and carry them into effect. But I would like to make a submission about the proposal of reduction of land revenue. My friends are aware that almost 75 per cent zamindars are such as pay Rs. five or less as land revenue. If they are totally exempted from its payment, it will not prove to be of any benefit to them. That is the gain accruing to a zamindar on account of this exemption is almost nil, because when calculations are made, the relief comes to an anna per mensem per family. But on the other hand Government will be robbed of lakhs of rupees, which amount she is utilising to provide them with modern amenities and other facilities in different spheres of life. Hence the question of reduction of land revenue is a superficial one and is a cheap sort of weapon in the hands of our opponents who are using it for propaganda purposes and to achieve their selfish ends. I am, therefore, of the opinion that my zamindar friends should not harass our Ministry by persisting in the demand for reduction in the land revenue. They will be well advised not to allow themselves to be used as tools in the hands of our opponents. The real question lies in the fact that the purchasing power of the zamindar should be enhanced.

The Government has also given its due consideration to the question of increasing the purchasing capacity of zamindars. This is clear from the enactment of those Bills which were passed at Simla last year. Those Acts have been made for the benefit of zamindars. The main object of those Acts is to increase the income of zamindars. When their income is increased, they would naturally be able to get good seed and consequently good produce. I am of the opinion that when the producing capacity of the zamindars of this province is increased, he would not stand in need of any remission say 5 per cent or so. The Government have realised the needs of the zamindar and that is why they are laying stress on increasing the producing and purchasing capacity of zamindars. Everybody is aware of the fact that grain was very dear during the last war. But never a complaint was made to that effect. The reason was this that the purchasing capacity was sufficiently strong. I, therefore, submit that in case the purchasing capacity is strengthened, I do not think this shadowy remission will be of as much use as it is being stressed upon.

Now I take up the question of unemployment which is one of the most important questions. The Punjab Government has taken suitable steps in order to eradicate this evil from the province. The Premier has very kindly appointed Unemployment Boards and called for different experts from other places in order to find the best and the most suitable remedy for it. Almost every aspect of this matter, I would say, has been thoroughly considered by the Government. This shows that the Government is very much inclined to take serious steps to stop the growing volume of unemployment in the province.

Now I may be permitted to say a word or two in regard to Administration which is one of the hardest trial a Government comes across. In this respect I would like to refer to an article published in *Leader*, a newspaper of the United Provinces in which it has been stated that the Premier of the United Provinces intends to pay more attention towards the suppression of crimes which are increasing day by day in that province where riots

have gone beyond limits. You are aware of those riots which have taken place at Lucknow, Cawnpur and other places also and you are also aware of the fact that we people of this province enjoy sound and undisturbed sleep. We feel we are safer than before. The credit for it goes to the Government. All those communal feelings which are held responsible for revenge, malice and hatred are being suppressed by the skilful efforts of the Honourable Premier. We do feel that our rights, privileges and claims are in safer hands and therefore the province has set its sail on the ocean of prosperity.

I see that the Opposition frequently indulges in a gossip about corruption. In regard to this complaint of the Opposition, I submit that mostly the public rather than Government are responsible for corruption. It is public that persuade officers to take bribery, and this is the most unfortunate thing for officers that temptation is offered by public itself. I want to give assurance that most of the Police officers have started behaving better than before in this respect. They are honest. As far as corruption is concerned, I would say that those officers are men after all and in case they are persuaded their honesty may stagger. It is now perfectly clear that the people should also be held as responsible as the Government. I, therefore, hold that so far as public do not come forward to co-operate with the Government to eradicate this vice nothing can be done in this respect. And even Penal Code or the coercive measures of the Government cannot achieve the real goal. I want to point out that so long as good and evil exist side by side, this evil must remain, although a real effort can be made to work comparative elimination. Good and evil go hand in hand in this world. It is, therefore, impossible to eradicate evil absolutely from the province. Anyhow Anti-Corruption Department has done a good deal in decreasing corruption in various departments and we should hope for the best. I think that I should persuade myself in giving this credit to the Government for this act. Let me also submit that that day is not far off when the Punjab Government would triumphantly declare that it is only the Punjab Government who have properly solved this problem of corruption. The Government has also appointed an officer of experience and proclaimed integrity, as corruption officer to deal with cases of corruption in the province.

In order to refer to other achievements of the present Ministry I would now take up two other departments. Firstly, let me take Education. In this department I would say the Government has done all that is possible. As far as Education Department is concerned there is nothing which can be said without facts or which can be coined. However even the Opposition can bear me out that a provision has been made in the budget for the establishment of primary schools and the appointment of new staff. The Honourable Minister has also paid special attention towards the training of womenfolk. Senior vernacular and Junior Vernacular classes have been opened in various places for the training of women of rural areas. Previously Senior Vernacular and Junior Vernacular women of urban areas did not like to go to villages. The Minister for Education, therefore, has opened a Training School for rural women at Sharakpur, District Sheikhpura. I feel most grateful to the Minister of Education for taking this auspicious step in the district to which I belong. After this I want to draw your attention to

[Shaikh Karamat Ali]

the fact that a special stress has been laid on Domestic Science. Now may I ask that honourable member who is sitting as the sole representative of the Opposition on those benches whether he is aware of the fact that the Punjab Education Bill was introduced in this House as soon as the present Ministry came into power and that had been referred to a Select Committee? And does he also know that a certain member from the Opposition who appeared to be very keen in taking part into the discussion of that Bill could not do so because he was very busy as usual with his side affairs connected with England and who in my opinion did not deserve taking part into the discussion, but stood up in his seat the other day and asked that the Bill should have been recommitted to the same Select Committee? To cater to his wishes the Bill was so recommitted. Does it not indicate the manifold activities of the Minister of Education? I think, I should very briefly tell the House what that Bill wants to achieve. Firstly there would be five classes instead of four and the age of boys would be 12 years instead of 10 years. Junior Vernacular and Senior Vernacular classes would be totally overhauled. One thing which I think would be considered as one of the miracles of this Ministry was the appointment of the Syllabus Revision Committee. What has this committee done? Different schemes of grave importance were laid before that committee. What are those schemes? A rough sketch of those schemes has come into the hands of the public. Those schemes are—

- (1) The Wardha Scheme,
- (2) Noor Elahi Committee Report, and
- (3) The Vidya Mandir Scheme.

All these schemes are comprehensive and they have been put before the committee.

I may remind you, Mr. Deputy Speaker, that when the Punjab Education Bill was under discussion Mr. Krishna Gopal Dutt admitted this fact that the clauses of that Bill were really useful. Then again, Sir, the Honourable Minister for Education has started a campaign against illiteracy. This is no doubt a great movement to stamp out illiteracy and the consequent evils from the province. As many as 36,000 persons who were not conversant with even the alphabet, can now read and write and that has been due to the efforts made by the professors, teachers and even students in this connection. Not only this. This campaign is being carried on within the walls of jails. As you know, Sir, it is ignorance that is in most cases responsible for the commission of crime. If literacy increases the number of crime is sure to go down. These activities of the Education Department have been extended even to police lines. Besides, training schools for teachers have been opened in rural areas. Then I would say a few words about medical relief. Medical conferences are held and recommendations made by them are duly acted upon. The Honourable Minister for Education has issued orders to the effect that doctors working at the tahsil headquarters should visit villages thrice in a week within a radius of five miles from their headquarters. Eighty-three subsidised doctors have been appointed for this purpose. X-Ray arrangements have been made and a plant has been erected in the Mayo Hospital at the cost of one lac of rupees

It is proposed to make similar arrangements at the district headquarters. Well, Sir, with these few observations that I have made I have tried to show to the best of my ability that the achievements to the credit of this Ministry are unprecedented and are without a parallel in any province of India. (Hear, hear). Therefore, those who raise a voice of protest against this Ministry or bring them in disrepute with the people or create feelings of discontent and dissatisfaction against them would be guilty of ingratitude which is the worst of all moral crimes. To throw mud upon others or minimise their capabilities is most objectionable. When the present Ministry are doing very well it is our duty to lend them our whole-hearted support. I, therefore, feel that we should one and all declare that we have full confidence in the present Ministry.

Mr. Deputy Speaker : Motion moved is—

That this House approves the policy of the Ministry as a whole and expresses its full confidence in it.

Tika Jagjit Singh Bedi (Montgomery East, Sikh Rural) (*Urdu*) : Sir, the elaborate and comprehensive speech of my learned friend who has just resumed his seat has covered almost the whole ground. However, I would like to say one or two things. Before this, whenever the Opposition criticised the Ministry for having done little for the public good we used to retort that this Ministry had not in their possession the "Alladin's Magic Lamp" to work wonders within a short space of time. But to-day after hearing my learned friend's speech about the achievements of the present Ministry I have begun to feel that they must have had that magic lamp in their possession or else they would not have been able to do what they had done during the last two years or so. Then again, Sir, our Government is a *zamindara* government. But this does not mean that they are unmindful of the interests of non-zamindars. In fact the zamindar is the backbone of the country and the prosperity of the province depends upon his happiness. He toils to the advantage of all of us. It is therefore that this Government have made a programme to improve his condition. If this programme is carried out to the full I am sure the down-trodden zamindar will soon be relieved of his miseries. He will receive education and his brain will develop. He will get medical relief and his physical condition will improve. The agrarian laws passed by this Ministry are intended to improve his financial condition. If these laws are duly enforced he will be well-off financially very soon. His condition will thus improve financially, socially and physically. I do not want to take much time of the House and therefore resume my seat, and support the motion.

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

Chaudhri Suraj Mal (Hansi, General, Rural) (*Urdu*) : Sir, I rise to associate myself with the remarks made by my honourable friends who have preceded me. I am the representative of that district the name of which is frequently and repeatedly uttered on the floor of this House. I feel it my duty to express my gratitude for the beneficent work which the present Government has done in that *ilaga*. I have heard it from old and aged people of my district that this time the nature and extent of the relief which the present Government has offered to the famished people of my district was unheard of before. Famine and dearth are not new things to my *ilaga*. But the severity of the present famine has assumed an unprecedented magnitude. However, the measures adopted by the

[Chaudhri Suraj Mal]

Government for combating this drought and famine are entirely satisfactory. When people from the neighbouring States come to our district and see with their own eyes the arrangements made by our benevolent Government to cope with the famine they are obliged to say that the present Government has substantiated its assertions of being a *zamindar* government by its deeds and actions. Had the Government failed to come in time to our rescue the whole rural population of our district would have been entirely annihilated by this time. It was the timely help that in fact saved the famous Hissar breed from being blotted out of existence for want of fodder. The Government has opened concentration centres at various places where 15 to 20 thousands of cows are being daily fed at the expense of the State. This was undoubtedly the most effective measure that has ever been taken on such occasions, and I am sure the like of it is nowhere to be found in the annals of our Indian history. When the Honourable Premier accompanied by the Honourable Chaudhri Sir Chhotu Ram paid a visit to our *ilaga* they strongly felt the need of maintaining and preserving the milch animals. They were of the opinion that without a sufficient quantity of milk the famished people could not withstand the severity of this famine and drought. Thus they were pleased to decide the grant of *tacavi* for the maintenance of cows and buffaloes. And it is a matter of gratification that lakhs of rupees have so far been distributed in the form of *tacavis*. Besides the Government started test works for giving relief to the sufferers. It is an undeniable fact that about one lakh persons have been employed on these works. It has been estimated that more than 50 thousands of rupees are being daily spent on these relief works. In short the Government granted relief to the people of my *ilaga* at the time when it was needed most. I feel inclined to submit again that had the Government failed to help them in time they would have torn one another to pieces in the abject state of poverty and hunger. And under such distressing circumstances it would have been impossible for our honourable critics on the opposite benches to remain in their district so peacefully as they do at present. Thus due to these remarkable and splendid achievements and several other of the kind the Government of the day rightly deserves the fullest support and backing from all sections of the House. With these words, Sir, I whole-heartedly support the motion of confidence moved by my honourable friend Shaikh Karamat Ali. (*Cheers*).

Mr. Speaker : The question is—

That the question be now put.

The motion was carried.

Mr. Speaker : The question is—

That this House approves the policy of the Ministry as a whole and expresses its full confidence in it.

The Assembly divided : Ayes 107 ; Noes nil.

AYES.

Abdul Hamid Khan, Sufi.

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.
 Allah Bakhsh Khan, Khan Bahadur Nawab Malik.
 Amjad Ali Shah, Sayed.
 Anant Ram, Chaudhri.
 Ashiq Hussain, Captain.
 Badar Mohy-ud-Din Qadri, Mian.
 Balwant Singh, Sardar.
 Barkat Ali, Malik.
 Bhagwant Singh, Rai.
 Chhotu Ram, The Honourable Chaudhri Sir.
 Dasaundha Singh, Sardar.
 Dina Nath, Captain.
 Faiz Muhammad Khan, Rai.
 Faiz Muhammad, Shaikh.
 Faqir Hussain Khan, Chaudhri.
 Farman Ali Khan, Subedar-Major Raja.
 Fateh Jang Singh, 2nd-Lieut. Bhai.
 Fateh Khan, Khan Sahib Raja.
 Fateh Muhammad, 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, Khan Bahadur Maulvi.
 Ghulam Qadir Khan, Khan Bahadur.
 Gopal Singh (American), Sardar.
 Gurbachan Singh, Sardar Sahib Sardar.
 Habib Ullah Khan, Malik.
 Haibat Khan Daha, Khan.
 Hans Raj, Bhagat.
 Hari Chand, Rai Sahib Rai.
 Harnam Singh, Captain Sodhi.
 Het Ram, Rai Sahib Chaudhri.
 Indar Singh, Sardar.
 Jafar Ali Khan, M.
 Jagjit Singh Bedi, Tikka.
 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 Amin, Khan Sahib Shaikh.
 Muhammad Ashraf, Chaudhri.
 Muhammad Azam Khan, Sardar.
 Muhammad Faiyaz Ali Khan, Nawabzada.
 Muhammad Hayat Khan Noon, Nawab Malik Sir.
 Muhammad Hussain, Chaudhri.
 Muhammad Jamal Khan Leghari, Nawab Sir.
 Muhammad Nawaz Khan, Major Sardar.
 Muhammad Qasim, Chaudhri.
 Muhammad Raza Shah Jeelani, Makhdumzada Haji Sayed.
 Muhammad Saadat Ali Khan, Khan Bahadur Khan.
 Muhammad Sadiq, Shaikh.
 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.
 Muhammad Yusaf Khan, Khan.
 Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
 Muzaffar Ali Khan Qizilbash, Sardar.
 Muzaffar Khan, Khan Bahadur Captain Malik.
 Muzaffar Khan, Khan Bahadur, Nawab.
 Nasir-ud-Din, Chaudhri.
 Nasir-ud-Din Shah, Pir.
 Nasrullah Khan, Rana.
 Naunihal Singh Mann, Lieutenant Sardar.

Nawazish Ali Shah, Sayed.
 Nur Ahmad Khan, Khan Sahib Mian.
 Pir Muhammad, Khan Sahib Chaudhri.
 Pohop Singh, Rao.
 Prem Singh, Chaudhri.
 Pritam Singh Siddhu, Sardar.
 Ranpat Singh, Chaudhri.
 Riasat Ali, Khan Bahadur Chaudhri.
 Ripudaman Singh, Thakur.
 Roberts, Sir William.
 Sahib Dad Khan, Khan Sahib Chaudhri.
 Shahadat Khan, Khan Sahib Rai.
 Shah Nawaz, Mrs. J. A.

Shah Nawaz Khan, Nawab Sir.
 Sham Lal, Rai Bahadur Chaudhri.
 Sikander Hyat-Khan, The Honourable Major Sir.
 Singha, Diwan Bahadur S. P.
 Sohan Lal, Rai Sahib Lala.
 Sultan Mahmood Hotiana, Mian.
 Sumer Singh, Chaudhri.
 Sundar Singh Majithia, The Honourable Dr. Sir.
 Suraj Mal, Chaudhri.
 Talib Hussain Khan, Khan.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sardar.

NOES.

Nil.

Chaudhri Muhammad Hassan : Have the Ministers also voted ?
(An honourable member : Why not ? Can they not show confidence in themselves ?)

Mr. Speaker : I do not know whether they have voted or not.

MOTION OF NO-CONFIDENCE IN MINISTER FOR EDUCATION.

Chaudhri Muhammad Hassan (Ludhiana, Muhammadan, Rural)
(Urdu) : I beg to move—

That this House expresses want of confidence in the Honourable Minister for Education, Mian Abdul Haye.

Sir, I have listened to the speech made by my friend Shaikh Karamat Ali in support of his motion. I shall, therefore, like to make a few observations with regard to the encomiums which he thought fit to shower upon the Ministry.

5 P.M.

I will now touch only the no-confidence motion and in this connection I would request the House to take into consideration the declaration made by the Honourable Minister for Education two years back. Then we may be able to decide whether he has acted up to his declared policy and also whether or not he deserves our confidence on the strength of what he has done during the past two years. I would refer him to the speech made by him in July, 1937 which he commenced with reciting the following verses :—

داستان درد کی لمبی ہے کہیں کی توجہ سے
 ہو ہی جاتا ہے مصیبت میں پرایا اپنا
 مہنگے - - - راہ اخوت کی نکال

نہ تو اپنا ہوا اپنا نہ پرایا اپنا

At that time he made that speech in a very humble tone and expressed himself in a manner befitting a mendicant.

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

But let us now see how far he himself has been able to serve his own people. The very first example in this connection is that of the Ranchi Hospital for which he has made a contribution of Rs. 39,000. That hospital is meant for European lunatics, and this donation or contribution shows the solicitude of our Minister for the Whiteman—his master. He was very anxious to please the Englishman but the latter is too clever to be taken in by him. If the Minister spends some money for the benefit of Europeans, the Englishman will only take it as a homage from a vassal. Thus by depriving his own people of Rs. 39,000 which he has spent on the Whiteman he has made the verses recited by him absolutely applicable to himself, i.e. :

نہ تو اپنا ہوا اپنا نہ میرا اپنا

He was also pleased to say at that time that he and his colleagues would welcome any criticism from the Opposition because that helps the Government of the day in taking stock of its activities and modifying them whenever it is necessary to do so, in the interests of the Government. He said "I would make bold to say that the Treasury benches believe that a strong Opposition, candid and honest criticism, bold and sometimes merciless criticism is a helping hand and the Government is ready to seize." This is what he said two years ago but now the Minister and the Government have become intoxicated with power and they have proved by their actions that they have no regard whatever for the Opposition and its suggestions. But they should know that the Opposition is not here to please the Government or to gain personal favours. They are not anxious even for the honour and respectability attached to the membership of this House. They are here to do their duty by their voters and public at large.

Now, as regards the hailstorms, the famine and other calamities that visited this province in the very first year of the assumption of office by this Government, I would like to mention an incident relating to the time of the Great Caliph Omer. Once when a severe famine visited the land in his time the Caliph was making a round incognito in order to see how his people were faring, he saw that in a certain tent an old woman had put a kettle full of water on the hearth and the children were feeling jubilant under the idea that she was cooking some food for them. The Caliph was pleased in the idea that there was at least one tent where he found some contentment and jubilation. So he entered the tent to talk to the old woman but when he came to know the truth he wept bitterly and declared that all those calamities had befallen the country on account of his own sins. Our Government should learn a lesson from this incident. It is verily the result of the sins of omission and commission on the part of the Government that our province has been visited with Divine wrath in the form of hailstorms, famine and failure of crops. My honourable friends Shaikh Karamat Ali and Raja Ghazanfar Ali Khan and also other Shia brothers may not have read of this incident but all the Sunni Mussalmans are aware of that. Anyway you should know what the great Caliph said and understand that the sins of the Government really bring a curse on the people.

[Chandhri Muhammad Hassan]

As far as the question of medical relief is concerned I may submit that no rural dispensaries have been opened by this Government. It is known to every one that during the space of two years my friends have not opened even a single rural dispensary in five districts, namely, Ferozepore, Hoshiarpur, Ludhiana, Jullundur and Kangra. I am thankful to my honourable friend Pandit Bhagat Ram Sharma that he has provided this information to me that since the time this Government have assumed office they have not opened even a single rural dispensary in the Kangra district. And if any of the members wishes to know about Hoshiarpur, he may kindly ask Sardar Hari Singh. He will supply the necessary information. As far as the Jullundur district is concerned my honourable friend Mian Abdur Rab can throw a flood of light. If any dispensaries are established they can serve very useful purpose. But since this Government have assumed power they have not paid any attention towards this thing. I may submit that they have failed to fulfil the need of the people in this respect. As I have stated above if they have failed to open any dispensary in the above-mentioned districts, they must have opened them in other districts like Rawalpindi, Multan, Lahore, etc., etc. This is my conjecture only. But it appears to be wrong. If any of my friends wishes to have some information about this thing, he can put a question to the Honourable Minister of Education and he will tell him that in the so-called favoured districts only two rural dispensaries have been opened.

Now Sir, coming to another point I wish to bring home to the Honourable Minister of Education that all the medical officers who are working under him have become very corrupt. At present I am saying things about the medical officers and I will take up the case of the officers of the Education Department at a later stage. I will simply recount those things which have happened in my district. It is a matter of great regret, Mr. Deputy Speaker, that you cannot express your opinion in this respect because you are occupying the Chair. But I may point out that the medical officers of my district are so very corrupt that it is very difficult to find their counter part in any other district. But what is the reason for it? I will explain it just now by giving an example from my own personal experience.

Previously I always thought over the matter but I could not get at the real cause for this corruption. But once the Civil Surgeon gave a tea-party and he invited me as well. When I reached there I found that many other Government officers were also present there. From that I concluded that the tea-party was being given in honour of some Minister. I, therefore, thanked the host and came back saying that we the Congress members were not permitted by our party to participate in such like parties. The party was held and finished. But what happened afterwards. That very Civil Surgeon issued to all the rural dispensaries orders to the effect that if any medical certificate was to be given to any person, it should be countersigned by the Civil Surgeon and then only it would be regarded as legal one. It was not to be issued at all without the countersignature of the Civil Surgeon. I know of thousands of persons who had to get their signatures countersigned by the Civil Surgeon. I have the names of hundreds of persons even with me who were asked to get their medical certificates countersigned by the Civil Surgeon. The fact of the matter is that the Civil Surgeon had spent

something like Rs. 150 or Rs. 200 on the tea-party of the Honourable the Education Minister. He had recourse to this device in order to get back his amount. From this it should not be construed that the Honourable Minister of Education asked him to adopt that method. But I am only pointing out that he behaves in a manner by which the officers of the Medical Department are encouraged to rob the public with both hands.

Now I will take up the case of the Education Department. Unfortunately I am a member of the district board, and my honourable friend the Deputy Speaker is not a member of that board. I raised a very relevant point of order about the education of the district, but the President disallowed my point of order. I may point out that such like things happen here as well. When we raise such points of order here and there in the board they are disallowed and we are not allowed to have our say.

So far as the question of driving out illiteracy is concerned I tabled a question. The answer given was that the Government have established centres from where illiteracy campaigns would be started and the Honourable Minister of Education further stated that if the members of the Opposition were prepared to lend their helping hand, that would be readily accepted. I may submit that we are prepared to lend this helping hand, provided my friends over there do not use these illiteracy campaigns for making their own propaganda.

Sir, you are fully aware of the fact that the expenses that are incurred on the hospitals of Lahore and Amritsar alone are equal to the expenses that are incurred on 83 rural dispensaries and hospitals. Even in the presence of such a hard fact my friends say that they are the well wishers of the zamindars. My friends should bear in mind that nine tenths of the population of this province consists of rural people and only one tenth are those who live in the cities. But I may point out that most of the amenities are provided to the urbanites while the actual state of affairs is this that the funds are provided by the rural people. If the Government had levied taxes on the rich people, traders and the industrialists in order to decrease the burden of the poor zamindars, I would have understood that the Government have some sympathy for the poor and down-trodden class of people. But I may point out that they have not an iota of sympathy for the poor zamindar. They have sympathy for themselves and for their officers only.

Besides, my honourable friends are fully aware of the fact that private family wards are also provided in the big Government hospitals. It is said that these private family wards are only meant for such people as are rich enough to bear the expenses. In my opinion either the officers of the higher services or only rich people are admitted in these wards. Such wards are not meant for the poor people of the province. Moreover the doctor who is in charge of that ward realizes a fee of Rs. 32 before he allows anybody to be admitted in that ward. Whoever pays him that sum is allowed to reside in that ward. If this is not corruption, then may I know what is the definition of the word corruption? In short I may point out that the acceptance of illegal gratifications has become the rule of the day. These things are going on under the very nose of the Honourable Minister, but he does not care to move his little finger to put a stop to this state of affairs.

[Chaudhri Muhammad Hassan]

At this stage I am reminded of an incident and I would like to describe it for the information of the honourable members. My honourable friend Chaudhri Ali Akbar once came to me and told me that he had a business with the Assistant Director, and therefore he requested me to accompany him. On the way he told me that he and some other members of the public wished to open a school at Sujampur. And he stated that they would themselves bear the expenses and the building would also be their own and they simply wanted to have the permission of the Government to open a school at that place. We saw the Assistant Director and we talked with him in Urdu. Although he was an Indian he failed to understand our point of view. But when we explained to him that the funds were our own and the building was also our own and that we only wanted the permission of the Government, he then got up and looked up a book and told us that that affair was the concern of the University. We then went to see the Registrar, Mr. Ishwar Dass and Mr. Singha. But we could not see them both. Mr. Singha was present in his room but he did not give us any time. At last we came back and Chaudhri Ali Akbar said that such were the members of the Unionist Party who could not even give us a few minutes. I told him that this is the behaviour of the officers of the Education Department. If he happened to see any Commissioner or any other police officer he would have realized the exact metal of which these persons were made of.

Again Sir, when we ask whether the Honourable Minister goes on tour, the question is answered in the affirmative. When we ask how much allowance he has received, we are told that he has received Rs. 2,500 for one month, Rs. 1,800 for the second month and so on and so forth. Let me point out that the Honourable Minister simply goes on tour for the sake of pleasure and for making money and nothing more. When he and his companions assumed office they declared that they were zamindars and their's was a *zamindara* ministry and that their main object was to improve and better the condition of the zamindars. But may I know whether this is the way in which they are bettering the condition of the poor people? I may also submit that the Honourable Minister of Education does not behave properly with the members of his own party. It is said that once a few members of the Unionist Party wanted to see him in the lobby, but he quickly went to his room and shut the door of his room against them. I am personally not aware as to what particular Minister behaved in this manner, but according to the current information he was the Honourable Minister of Education. I know that there are certain members of the Unionist Party who are truth loving people and they generally speak out the truth. Such is the behaviour of the Honourable Minister whose conduct is now before the House. I may point out that if the Minister behaves in this manner, then the public servants have the liberty to do anything they like. Actually the result is that every officer who is working under his department regards himself as a second Pharaoh. They do not think themselves to be public servants, although they call themselves to be such. I may submit that once I went to the office of the Director and I found that a deputation consisting of 150 members was sitting outside his room. On my inquiry they told me that they were waiting on the Director, but they have not been given any opportunity to see him. May I ask why he should see them? He.

draws Rs. 1,800 per mensem. He will only see those persons who invite him to tea or to a dinner. In a nutshell I may submit that my friends over there are neither the well wishers of the zamindars, nor of the traders nor of anybody else. They have become Ministers for the sake of lining their own feather. They are their own well-wishers and not of anybody else.

It will be interesting for the House to know that a sum of Rs. 39,000 is paid annually to the European Mental Hospital, Ranchi. Now, Sir, with this huge sum, which is being utilised for no useful purpose, a number of dispensaries can be opened in the rural areas for providing medical relief to the poverty-stricken people residing there. May I ask what the Honourable Minister has done for his own constituency or for the Jullundur division? Not a single rural dispensary has been started there during the past two years of his ministership.

Again, Sir, I draw your attention to the grant of Rs. 94,500 made to Dr. Browne's Female Hospital at Ludhiana. I may mention an incident which took place in this hospital.

Sardar Ajit Singh : On a point of order, Sir. Now that the Honourable Premier has returned to the House, may I ask him, through you, as to why he has not brought the members of his party with him? Do I take it from the empty ministerial benches, that they have not the courage to face the music?

Mr. Deputy Speaker : Order, order.

Sardar Sampuran Singh : May I suggest that the paid members of the ministerial party should at least attend and listen to the criticism that is being levelled against one of their colleagues.

Chaudhri Muhammad Hassan : Sir, I was going to mention an incident which occurred in Dr. Browne's Hospital. A person named Pyare Lal has alleged that a male baby born to his wife in that hospital mysteriously changed its sex. In the municipal records it is shown to be a boy but the Hospital authorities certify that a girl was born. It is also alleged that by some manipulations babies are sold in that Hospital. I hope the Honourable Minister would take steps to discourage this practice.

Minister for Education : Sir, I must protest against this insinuation. Does he mean to say that Dr. Browne has opened this institution to carry on this trade of selling children? It is a very uncharitable remark against a lady who has done enormous service to this country.

Chaudhri Muhammad Hassan : I have given you the information. You should draw your own conclusions. The working of that hospital is inefficient. Are you now satisfied? I have not made any insinuation against Dr. Browne. I have merely stated that an incident of this nature took place in her hospital. Now Pyare Lal submitted a representation to the Honourable Minister for Education, requesting him to enquire into the matter. That application has been lying in the office of the Minister for more than a month, but he has not taken the trouble to hold an inquiry into the allegation. The difficulty is that he has neither time for looking into the troubles of the poor nor any sympathy for them. He is content with leading a comfortable life for himself (*Hear, hear*). Travelling allowances and tea parties are the only feature of his regime. Again,

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he is prepared to pay to Dr. Browne Rs. 94,500—a sum with which 10 rural dispensaries can be opened. But he would not do a thing of this kind, because it would bring credit to him and for the matter of that to the Government. It will not be out of place to mention here that Dr. Browne specialises in missionary work of proselytism. I see that the Honourable Minister is frowning at me that I am criticising a lady. But I may tell him that whatever I say, I say with the fullest responsibility. (*Cheers*).

Again, Sir, I may point out that corruption is rampant in the Education Department. If we bring to the notice of the Honourable Minister that certain officers of his department are corrupt, the action he takes against them is that he transfers them from that place, and there the matter ends. I am of the opinion that the delinquents should be severely dealt with, and exemplary punishment should be awarded to them.

Premier : But who connives at their misdeeds? My honourable friend has many friends among them.

Chaudhri Muhammad Hassan : My honourable friend is mistaken there. If the Honourable Minister connives at them, it is not because of me, but because of his relations with them. (*Cheers*). Sir, I was submitting that the Honourable Ministers have not the moral courage to ask the officials of their departments, to desist from accepting illegal gratification. The reason is not far to seek. These officials carry on a lot of propaganda in favour of the Ministers. Consequently Ministers find it difficult, rather they feel diffident, to admonish them not to be corrupt. I feel constrained to remark that if the present Government differs from their predecessor, the distinction lies in the complexion, as old bureaucratic ways of official life in the province are kept in tact.

They want zamindars not to come to them because they annoy them for nothing and their grievances cause them headache. Why? Does it lie in the mouth of the Premier to say so who claims his Ministry as a *zamindara* Ministry? Is it desirable for the Ministry to decline to hear any grievance brought to them by a non-zamindar on this lame excuse that he himself is not a zamindar and therefore he cannot plead the cause of zamindars. I ask them, is there any rhyme and reason in this putting off a non-zamindar who comes to state the grievances of zamindars? It seems to be very ridiculous that a propaganda is being done to the effect that the present Government is a Government of zamindars and the Ministers are servants of zamindars. But whenever a grievance is taken to them they shrink like anything and give evasive answers in regard to redressing that grievance of zamindars.

We requested them to decrease chahi rates by 20 per cent. but how regrettable it is that not even 10 per cent. rates have been decreased by this so-called *zamindara* Government. Why has this request not been complied with? Is it because the Ministers are servants of zamindars? Does it not indicate that their propaganda of this type is mere exploitation of poor peasantry of this province and there is not an iota of truth in saying that the Ministers are zamindar's servants. In making a passing remark regarding the failure of this Ministry, I would also like to submit a word or so about the Darling Committee Report. Evidence has been taken and the

report has been under consideration for the last two years. Does it not bring a bad name to this idle Ministry, which seems to have sworn to do nothing serious, substantial and solid for the benefit of zamindars? The Government, I would say, would not do anything beneficial for the starving peasantry and also would not let anybody else do it.

To cut short my speech I would submit that the present Ministry is not serious enough to feel the needs of the province. They know one thing, namely, how to feed the big bellies of their well-wishers and old friends and as far as starvation, unemployment and education of the province is concerned they are good for nothing. The Government claims credit for establishing Anti-Corruption Department as if it has accomplished something marvellous and even unusual. I could have persuaded myself in giving some credit to the Government for this act, but when I find that the person selected to hold charge of the department is one in whose time at Ludhiana corruption was rampant, all my spirits are benumbed and I shudder to think of the fate that the department is very likely to meet. It will be of some interest to the House to learn that this officer has very wrong notions about him and he has come to believe that he perhaps belongs to a race of white-people although, he is like all of us a *kala* man and I really wonder how he, working among *kala* men, will be able to acquit himself well of the duties entrusted to him. I should think that this selection has been made not so much as to eradicate corruption as to accommodate a man who was on friendly terms with those in power and who has been entertaining these persons in power whenever they chanced to go to the place to which he was posted. It is I believe to give this man a special pay because perhaps he could not be appointed as Deputy Inspector-General, that this post has been offered to him. Otherwise he was quite unfit for it. That is how favours are done to the favourites of the Government. I think the Government should be ashamed of it, when they say that they have done this and they have done that. We cannot do anything but laugh at their boast.

Now, let me invite your attention to Public Health Department. I would say with all the force at my command that corruption is also rampant in this department. I give you an ordinary instance in this respect. Whenever we chance to meet the medical officer of our district, we ask him just by the way where he had gone on tour during that period. He says: "Who are you to ask me this question? It is up to the Honourable Minister to know who gives me travelling allowance wherever I go on tour. You have got nothing to do with it." It was just a passing remark. In this connection I would also like to refer to I. M. S. officers. The fact of the matter is that there are 17 sanctioned posts of I. M. S. officers in all. But our Minister has got 36 I. M. S. officers in the province. May I know why is it so? The statement given by the Honourable Minister on the 22nd June would bear me out that I am not incorrect in saying that there are 17 posts of I. M. S. officers sanctioned by the Secretary of State for India. Can he deny this statement now on the floor of this House?

Sardar Sampuran Singh : May I request the Deputy Speaker that he should see that the Minister himself at least against whom this motion is moved should be present in the House?

Premier : Why at least ?

Chaudhri Krishna Gopal Dutt : The Minister in charge of a department must be in his seat and if he is not in his seat then it is your duty to send for him.

Mr. Deputy Speaker : It does not lie in the power of the Speaker to enforce the presence of any Minister.

Premier : I may point out to my honourable friend that the Parliamentary Secretary concerned is here and is listening to the dignified speech of my honourable friend.

Sardar Sampuran Singh : The speech may be dignified or undignified but it is certainly very undignified that the Minister in charge who is being attacked should be absent. The Parliamentary Secretary is different from a Minister.

Chaudhri Muhammad Hassan : All right, Sir, let the Minister of Education remain outside the House because I am afraid he cannot stand the trenchant criticism being made on his department. Let him sleep outside. Unfortunately we are not in power here in this House otherwise they must have heard what we have to say. If by the grace of God we come here in this House in majority those Ministers who are now idly sitting on those opposite benches will have to hear us. However, I was submitting that 36 I. M. S. officers are posted under this Ministry while the sanction made by the Secretary of State is of 17 posts in all. I believe the Punjab Government is quite aware of what has been done in Madras. The Madras Ministry has decreased the high salaries of I. C. S. and I. P. S. officers. But it is lamentable, I would say, that the present Government of the Punjab has not got the courage to follow suit. If the late Sir Fazl-i-Husain were alive he would have done so at once. I hold that the high salaried service men are leading lives of luxury and ease and wasting their money on cinemas but are not doing any useful work for the people of the province. It is our Government, I would say, which has made them luxurious and easy-going like themselves. As a matter of fact the Education Department is a serious department and it should be immune from the evil of corruption. What is done in this department is as objectionable as what is done in other departments. Corruption is also rampant in this department. If we look to the gradation list which I have got with me, it is clear that every ease and comfort and favour is given to high grades but as far as low grades are concerned their scale is most objectionable and immoral, I would say, because the low grade people cannot even pull on reasonably if not nicely. I remember a person who applied to the Director of Education for extension of service for one year but he was given extension of two years because he was one of the favourites of the Government. I would further submit that the Government should give training to children, youngmen and teachers, the nation builders of to-morrow, in such a way that they may be nationalised. We are aware of the fact that the Honourable Premier has often stated that he is doing his best in order to eradicate this evil of communal feeling from the province. But we see nothing serious is being done in that respect. We are therefore of the opinion that the present Government is not going to fulfil the promises and pledges which they have made to the people of this province. I doubt it whether they

would be able to materialise those pledges, during this period of 5 years. And I am sure that the achievement of nationalising the province has not been put in store for them. It would be somebody else, I do not say from this side of the House, he may be from that side of the House who would win laurels in this respect. (*Interruptions*).

I do not understand what the Government mean by making this noise in the House by disturbing me with interruptions every now and then. I would request the Honourable Premier according to whose wishes we have moved this no-confidence motion against the Ministers to hear me patiently. I understand why they are trying to interrupt me. They do not want me to criticise every department trenchantly.

Raja Ghazanfar Ali Khan : I do not want to interrupt my honourable friend, but may I invite your attention to rule 118 which lays down the length of speeches? The honourable member has already spoken for more than 40 minutes.

Lala Deshbandhu Gupta : There is no time limit for speeches on a no-confidence motion.

Premier : How can my honourable friend say that there is no limit to a speech?

Raja Ghazanfar Ali Khan : Please refer to rule 118.

Chaudhri Krishna Gopal Dutt : That relates to a resolution and not to a motion.

Premier : What is it that he has moved?

Chaudhri Krishna Gopal Dutt : It is a motion and not a resolution. Mr. Speaker says there is a difference between a resolution and a motion.

Chaudhri Muhammad Hassan : Rule 118 does not apply.

Mr. Deputy Speaker : Strictly speaking, this rule applies only to resolutions. But I would suggest that it rests with the House to fix a time limit. If the time limit is not fixed, it will be very difficult to go through the whole business.

Chaudhri Krishna Gopal Dutt : There is no rule under which you can limit the time.

Mr. Deputy Speaker : It rests with the House.

Chaudhri Krishna Gopal Dutt : No.

Premier : On a point of order. I again draw your attention to rule 118. It says:—

“No speech on a resolution except with the permission of the Speaker, shall exceed fifteen minutes in duration:

Provided that the mover of a resolution when moving the same and the minister to whose department the resolution relates, when speaking for the first time, may speak for thirty minutes, or for such longer time as the Speaker may permit.”

So it is within your discretion. Since there is a larger number of members on both sides of the House who would like to speak, I suggest that the rule should be adhered to, except where the mover of the resolution is concerned, he might be given half an hour.

Chaudhri Krishna Gopal Dutt : You have given your ruling that this is not a resolution.

Mr. Deputy Speaker : Some time limit shall have to be fixed later.

Chaudhri Muhammad Hassan (Urdu) : I was submitting that corruption was very rampant in the Medical Department. I would say it is unworthy of the Government, which takes pride in claiming to be the first democratic Government.

May I now refer to the Indian Medical Council. It consists of two bodies; non-official body and official body. As far as official body is concerned there are seven elected members and the number of nominated members is more than the number of elected members. May I ask the Honourable Minister of Education the reason of this? Should I not charge him for all this unholy game? It is perfectly clear from this irregularity that the reason of appointing more nominated members is this that at the time of emergency votes may be taken from nominated members in order to empower the Ministry to do favours to Imperial Service officers.

Minister for Education : You say that all non-I. M. S. officers are corrupt because I take tea with them and they become corrupt.

Chaudhri Muhammad Hassan : I do not say that all are corrupt.

Minister for Education : The gentleman concerned was a non-I. M. S. officer.

Chaudhri Muhammad Hassan : You should know who is corrupt in your department. I have no responsibility in the matter.

The Honourable Minister has not cared to see that when professors working in the college are in the pay of Government and are also in charge of the X-Ray Department how are they entitled to receive fees from patients who come there to be treated in a public hospital. When they are Government servants why should they be allowed to practise privately? I, for one, cannot understand the logic of it. I wonder why Government cannot understand this little thing. On this analogy would you also permit the police officers to carry on private business? If not, why have you created this exception in the case of these doctors?

Minister for Education : Better do not talk of that.

Chaudhri Muhammad Hassan : Will you please speak loudly so that I may hear you and give a reply? I cannot understand why the doctor in charge of the new X-Ray department should be permitted to use Government apparatus.

Parliamentary Secretary (Mrs. J. A. Shah Nawaz) : Let me inform the honourable member that the said doctor did not get permission. I wish he could get that permission and that he had been allowed to collaborate in the case, but he was only permitted to see the patient for a number of times.

Chaudhri Muhammad Hassan : I accept the statement of the honourable lady member. The Honourable Minister is in the habit of saying "do not talk rot". (*Voices : Order, order.*) But why after all, an exception has been created in his case? Why did he get permission two or three

times? There is still another point that I want to make and that is, why are the services of private practitioners not utilised? My friends over there very often refer us to foreign countries like England and America. I also refer them to those countries. There the services of private practitioners are availed of by Government on a large scale. The reason why this is not being done in this country appears to me to be that the authorities do not want to start a competition between their doctors and the private practitioners. Again it has been said that 88 new dispensaries have been opened. But the expenditure being incurred on them is far less than that incurred on two hospitals one at Lahore and one at Amritsar. It has been said that people come to these dispensaries in large numbers for treatment and 90 per cent. of them are zamindars. (*Shaukh Muhammad Sadiq*: Yes, that is a fact). I ask my friend if he has ever visited these dispensaries and made enquiries.

Mr. Deputy Speaker: Please speak to the motion.

Chaudhri Muhammad Hassan: Well Sir, I now want to say a few words about the indigenous system of medicine.

Mr. Deputy Speaker: May I remind the honourable member that he has had 50 minutes? I would request him to finish his speech within 10 minutes or I shall have to take the sense of the House whether a time limit should be placed or not.

Dr. Sir Gokul Chand Narang: On a point of order. I want to know whether you are going to take action under any particular law or rule or simply to expedite the decision or termination of the debate by some other means. What I would like to point out is that your statement that you would take the sense of the House and then fix the time, if analysed, would mean this that you want the opinion of those who do not want to hear this side to decide that there should be no debate because the sense of the House means the sense of the majority. It is the right of the minority to have its say when it has got an opportunity and has got a legal right to have its say. I hope that you will realise that the sense of the House means the opinion of the majority. You are going to ask them whether this gentleman should speak for 5 minutes, or 10 minutes or 20 minutes. You cannot expect that they would say that he should go on for as long as he likes.

Mr. Deputy Speaker: The honourable member has had 50 minutes already.

Dr. Sir Gokul Chand Narang: What does it matter? He can have 500 minutes.

Mr. Deputy Speaker: I cannot allow the honourable member to go on endlessly. Some time limit shall have to be fixed later.

Chaudhri Muhammad Hassan: I have already submitted that although the Government has been in power for the last 2 years yet it has singularly failed to set up any chemical laboratory for the purposes of analysing and testing the medicines that are being imported at present in the country. There is a general complaint against the sale of alloyed and stale medicines. How strange it is that even up till now the Government has not made any efforts whatsoever to ascertain whether the medicines that are being prepared in India are more efficacious than those which are

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being manufactured by foreign countries. Besides, we have often demanded the enactment of an anti-quackery measure but the Government does not seem disposed to accede to this moderate and reasonable demand of ours. It has always tried to shelve it by saying that the proper time for taking such steps has not come as yet. At present you are sure to find at least one quack in every village. It is no longer a secret now that activities of these quacks have proved a source of danger to the health and life of the patients. It has therefore become necessary to discourage quackery at any cost. But it is a pity that this demand of ours has proved a cry in the wilderness.

Again, the Education Ministry brought forward a Primary Education Bill but it unnecessarily slept over it for more than a year. At first the Government referred this Bill to a Select Committee for making necessary changes and amendments therein but when it came to know that the committee has not amended it according to the sweet wishes of the Government it re-committed this Bill to the same select committee.

Premier : Yes, but on your motion for re-committal.

Chaudhri Muhammad Hassan : No, the proposal that was made by the Honourable Leader of the Opposition sought to obtain its speedy enactment. He wanted to dispose of the Bill at once. He had suggested to the Government to start considering the Bill clause by clause. It was the Government itself which was not prepared to pass it into law during the present session.

Sir, I have reasons to believe that the Honourable Minister of Education is not taking any interest worth the name in liquidating illiteracy in the province. On the contrary, steps are being taken which are definitely prejudicial to the growth of education in the rural areas. It is highly undesirable on the part of the Government to sacrifice education at the altar of party ends. Schools are being started simply with a view to enlist the support of the honourable members in whose *Naqas* such a beneficial step has been taken. But it is a fact that several schools have been closed in my constituency under the plea that funds did not permit their existence.

The Honourable Minister of Education is undoubtedly a haughty, proud and stiff-necked person and the result is that his subordinates have also contracted from him the habit of treating public men arrogantly like him. It was high time that he learnt how to accord better treatment to the public but it is a pity that he has not improved his behaviour even in as long a period as two years. This shows that he is incapable of mending his ways. In short this arrogance and stiff-neckedness on the part of the Honourable Minister has in fact prompted us to bring forward this vote of no-confidence against him.

He was an eminent and leading lawyer of the Punjab High Court Bar and that is why the Honourable Premier was so kind as to confer upon him the ministry of education. But he is very weak in memory. He cannot recollect a thing which took place only day before yesterday. Let me submit by way of an illustration that when Diwan Chaman Lal asked him as to whether he had remarked in the course of his budget speech made in 1937 that he could not tolerate the existence of denominational institutions

in the province he replied in the negative. Just as Honourable Nawab Fazal Ali was pleased to say *لعل الله على الكاذبين* similarly I also submit that "May God's curse be visited on the liar." Now, Sir, I would try to show as to who is a liar here. Yesterday when the Honourable Minister of Education was asked as to whether he received any representation in connection with the Gujrat College he gave an evasive reply to the effect that the Government had come to the decision of closing it. Now let me inform him that I have got the copy of the memorial which was presented to the Government. It was signed by 23 respectable zamindars of the district. One of them is K. S. Mohammad Zaman Khan, the second one is the Vice-President of the Gujrat Municipal Committee, the third one is a resident of Mangowal and so on and so forth. These zamindars are not in favour of closing that college. (*A voice*: They are not zamindars.) I am free to admit that they are not big landlords nor agriculturist money-lenders but this much I am sure that they are agriculturists in the truest sense of the word.

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

I may tell you Sir that it is the considered policy of the present Government to benefit only big and resourceful zamindars. We have reasons to believe that the Government has decided to close the Gujrat college simply with a view to please somebody and that it was not disposed to incur his anger and displeasure.

Khan Bahadur Nawab Chaudhri Fazl Ali Khan: He is making a mis-statement pure and simple.

Shaikh Muhammad Sadiq: The resolution was passed by the Municipal Committee and not by the District Board.

Chaudhri Muhammad Hassan: Very well Sir, I take it that the resolution was passed by the municipal committee. But is there no agriculturist member in the Municipal Committee? Are not the signatories of the memorial statutory agriculturists?

Khan Bahadur Nawab Malik Allah Bakhsh Khan Tiwana (*sitting*): None of them is a statutory agriculturist.

Chaudhri Muhammad Hassan: Please take the trouble of standing, if you like to say anything. Is not Khan Sahib Muhammad Zaman an agriculturist? (*A voice*: No.). Then what about Khan Bahadur Ghulam Muhammad?

Khan Bahadur Nawab Chaudhri Fazal Ali Khan: He is not an agriculturist. He is complaining because the Principal of the College who is also one of his near relatives is being transferred from Gujrat.

Chaudhri Muhammad Hassan: I am free to admit that they are not agriculturists of the kind who are stamped with the official seal.

Khan Bahadur Mian Mushtaq Ahmad Gurmani: The resolution must have been passed by the local Congress committee if not by the district board or the municipal Committee as has been pointed out by certain honourable members.

Chaudhri Muhammad Hassan : Let us see what the Honourable Minister says in the matter. He must have received the memorial.

C. P. M.

Sir, I have read out certain names and now my honourable friends on the other side have raised another objection that the gentlemen whom I have mentioned are not zamindars. But all of them have military service to their credit and all of them belong to martial races. May I ask my honourable friend the Premier what he has done for those members of the martial races? It has been said that since there was small number of people belonging to martial races, this case was not considered.

Lala Harnam Das : It has been pointed out on the other side, Sir, that the reason why Gujrat College was closed down is that it was not possible for zamindars to benefit from it. May I ask whether this Government exists only for zamindars and not for others?

Mr. Speaker : The honourable member has been speaking for more than an hour.

Chaudhri Muhammad Hassan : There is no time limit to speeches in respect to this motion.

Mr. Speaker : Yes. But the honourable member is expected to speak for a reasonable length of time.

Sardar Sampuran Singh : May I point out that the fixing of time limit with the consent of the House would mean fixing time limit by the Leader of the House?

Premier : That is mere repetition.

Sardar Sampuran Singh : Yes, it may be repetition. If you want to allow a full debate on this motion, then you should not place us at the mercy of the party whom we are attacking. Moreover, it has always been the practice of this House to allow the mover of a motion unlimited time to speak without being interrupted.

Mr. Speaker : But the honourable member had already spoken for one hour.

Sardar Sampuran Singh : One hour is not much.

Premier : May I respectfully submit that you may be pleased to take the sense of the House as to whether you should follow rule 118. Though that deals with resolutions, it gives you fullest discretion and latitude to give more time to a speaker if you consider it necessary or desirable.

Sardar Sampuran Singh : I submit that rule 118 does not apply to the present case.

An honourable member : The mover of the motion must be allowed at least two hours.

Mr. Speaker : Rule 118 deals with resolutions. The present motion is on a different footing from resolutions and therefore some differentiation must be observed.

Premier : But that rule gives you fullest latitude to allow speeches for a longer duration if you consider it desirable.

Mr. Speaker : Yes. It gives me sufficient power ; but I do propose to take the sense of the House as to whether I may adopt that rule for regulating the duration of speeches on the present motion.

Diwan Chaman Lall : May I say a word with regard to that question ? This is the first time that a motion of no-confidence is being discussed on the floor of the House. There are actually no rules laying down the procedure to be adopted for regulating the duration of speeches. This is entirely a matter to be settled between the Leader of the House and the Leader of the Opposition. I suggest that at this stage it would be unwise to lay down any rule restricting the duration of speeches. As soon as the Leader of the House and the Leader of the Opposition have come to an agreement on this point we shall abide by the decision arrived at by them. Till they come to an agreement there should be no limitation to the duration of speeches. A no-confidence motion is of such a nature that it will range over a wide field and speeches must inevitably be long.

Mr. Speaker : But there must be some time limit.

Diwan Chaman Lall : I dare say it will not be difficult for the Leader of the House to meet the Leader of the Opposition and decide the matter by mutual agreement. It is likely that this debate may go up to Monday and there will be sufficient time meanwhile for the Leader of the House to come to an agreement with the Leader of the Opposition.

Mr. Speaker : Now that the Leader of the Opposition is absent why should not the Leader of the House and the Deputy Leader of the Opposition meet and come to some understanding ?

Diwan Chaman Lall : I am quite willing, but the Leader of the Opposition is downstairs and so the Leader of the House may talk over the matter with him. The suggestion which I place now before you is with the full concurrence of my Leader. Until that talk is over this debate may go on without any time limit to speeches.

Premier : As pointed out by Dr. Sir Gokul Chand Narang in a side remark the matter may be left to the good sense of the honourable members.

Dr. Sir Gokul Chand Narang : The law of relevancy is a sufficient safeguard.

Premier : But that is not always true in the case of some members of this House.

Chaudhri Muhammad Hassan : I was saying that if this matter is to be left to the good sense of the member delivering his speech, the principle should apply to this side as well as to that side of the House.

A Retrenchment Committee was appointed by Government in 1931 and it expressed an opinion strongly against the extravagance in the departments. This opinion was expressed in 1931 when less money was spent in this connection, but now the expenditure has greatly increased and therefore the above opinion applies with much greater force. Now my question is whether the Minister has done anything to put a check on this extravagance. The reply cannot be anything but a big "No." He has not raised his little finger to stop this waste of public money because he is not interested

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in the matter at all and therefore he cannot find any time to attend to such a matter. What he is interested in is continuous propaganda and that pastime leaves him no time to spare for his public duties. Again, Sir, you will be surprised to see that the Minister who is so munificent and liberal when the I. M. S. and such other services are concerned has done nothing whatever to encourage *hakims* and *vaids* trained in the Tibbia College, Delhi, the Islamia College and the D. A. V. College, Lahore. These people can understand the language of the people and are fully conversant with the requirements and ailments of the people. But the Minister has never thought of increasing the grants to these institutions nor has he taken any other steps to encourage *hakims* and *vaids* trained there. All his attention is reserved for the institutions run by the White missionaries whose primary objective is religious propaganda and not medical education. Again, I draw your attention to the meagreness of medical relief in rural areas of the province. In this connection I would like to read an extract from this pamphlet entitled Medical Relief in the Punjab. It says :—

The area of British Punjab (99,265 square miles) is nearly equal to that of the United Kingdom (94,208 square miles). The population of the United Kingdom is very nearly double that of the British Punjab (46,077,000). There are 59,010 registered medical practitioners in Great Britain of whom 6,000 are women. This means that in England there is one registered medical practitioner for every 750 people, while in the Punjab we have one for every 6,900 inhabitants. This disproportion is not so marked when medical men available to the urban population alone are considered.

Tika Jagjit Singh Bedi : What is the position as compared with the Congress provinces ?

Chaudhri Muhammad Hassan : I am making comparison with the United Kingdom because my honourable friends opposite are more interested in England than in India. Moreover, I want to make it clear how much ahead of us is the Government of the United Kingdom in giving medical relief to the people. The reason for this is that the Government there is a popular and national government in the real sense of the word. But my friend over there was pleased to ask me to compare our provinces with the Congress provinces. Now, Sir, may I ask whether this is really an argument—

Khan Bahadur Mian Mushtaq Ahmad Gurmani : Not at all.

Chaudhri Muhammad Hassan : Let my honourable friend stand up and have his say. I am prepared to give way.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : I said that it is really no argument because there is no comparison between our province and other provinces.

Chaudhri Muhammad Hassan : The meagreness of medical relief to rural areas is a conclusive proof of the fact that the Minister has no sympathy with the zamindars. He is only interested in aiding the institutions run by his masters. There is no gainsaying the fact that for the zamindars these institutions are as good as useless because they are meant to benefit the Whitemen or the rich and influential people like the Ministers. Of course I do not mean to say that the benefit is illegitimate.

Minister for Education : That kind of benefit is derived by you and your friends.

Chaudhri Muhammad Hassan : Yes, people judge others by themselves and our Ministers are by no means an exception to the rule. I have never indulged in any corrupt practice. And what is more, such practices are always being indulged by those who possess power and influence.

Then I come to the Public Health. A circular was issued to the effect that rural dispensaries should be inspected and supervised by civil surgeons and not by the medical officers of health. Now, Sir, it is well known that the hands of civil surgeons are always too full with their own work to perform any extra duty. But our Minister is so enamoured of civil surgeons and I. M. S. people that he cannot but entrust the work to them. The reason why he has not entrusted this duty to the health officers is that perhaps they are not prepared to work according to his wishes.

Again, our Minister is very fond of advertising his interest in female education. In this connection he quoted the Holy Prophet saying that one should be prepared to go in search of education even to the farthest end of the world. But let us take an example of his practical interest in female education. A Girls College is run here by one Miss Gerry to which a grant-in-aid has been given. The number of students in the college is no more than 80 and since there is a stipulation that this institution should show good results to deserve the grant-in-aid, Miss Gerry always detains even good students in order to show satisfactory results. Many a time complaints have been made in this connection but the Minister is not interested in the career of the students. He simply wants to say a certain thing to take credit on the floor of the House and his purpose is served. In this connection I must launch my protest against Muslim girls taking part in dramatic performances. I once put a question to the Minister in this regard but he said that he was not prepared to express his personal opinion thereon. My submission is that as Minister it is his duty to distinguish between good and evil and to interfere whenever necessary. I hope and trust that all the Muslim members will agree with me that it is not desirable to allow *purdah* girls to take part in these performances.

Nawab Sir Shah Nawaz Khan : You had better give this advice to the parents of the girl students.

Chaudhri Muhammad Hassan : In my opinion you and your ministry are the parents. That is why I am offering this advice to you.

With regard to our education I will also mention that the present system of education does not meet the requirements of rural areas. All the attention is exhausted on the Arts faculty with the result that unemployment has increased to an appalling extent and many a graduate has been forced to commit suicide. No attention is being paid to industries and industrial education. I am a member of the Board of Industries, and as such my experience has been anything but pleasant. The rule for giving aid to an industry is that the Director can sanction up to Rs. 5,000 and for more than that amount the Minister has to be approached. I wish to bring it to the notice of the Honourable Minister for Education or of the Minister for Development to whom it may concern, that as far as rural areas are concerned no such relief has been provided to them. If he institutes enquiries he will

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know that there are many places where less than Rs. 5,000 grant-in-aid is given. In my opinion the Director of Industries should be instructed to place all such instances before the said Board so that the Honourable Minister should also come to know of the real state of affairs.

Besides, I may point out that no attention is being paid to the providing of industrial education in the province. In my opinion the Government have not provided industrial education to the people because they think that by so doing people would become politically awake and would know what is good and bad for them. And that they would also know as to who is their real helper and well-wisher. This is the reason that has led them to ignore this all important subject. To my mind the Honourable Minister against whom I have moved this non-confidence motion really deserves this and I would expect every honourable member of this House to vote with me.

Now, Sir, if you look to the Education Department you will find that there are two kinds of officers working in it. There are some who belong to the senior services. There are others who belong to the subordinate services. I have in my possession their gradation list. And if you study this list you will find that the grade of pay of the subordinate services is Rs. 65—5—80. There are other senior services whose grade of pay is Rs. 450—700—1,000—1,800. The allowances which they receive are quite separate from their pay. As compared to the teachers they do not do as much work as the poor junior servants have to put in. But in spite of the fact the poor teachers are always afraid of these officers lest they might cashier them. In my opinion these top heavy services in the Education Department are really a tyranny which is being perpetrated on the population of the Punjab. The Honourable Minister of Education has done nothing to reduce this burden. Whenever we ask him about this he always gives some such reply that the matter was under the consideration of the Government. In my opinion the present ministry is simply marking time in order to complete their tenure. They are waiting that when their tenure is completed they may again go to the electorate and tell them that they did this or that thing for them. The Honourable Minister of Education has completely failed to do his duty and in fact he has done nothing to alleviate the educational thirst of the masses.

Minister for Education : May I interrupt my honourable friend to say that the average salary of the teacher in the Punjab in the lowest range is the highest in India barring one province? (*Hear, hear*).

Chaudhri Muhammad Hassan : But why does the Honourable Minister compare the condition of the Punjab with United Provinces and Central Provinces or even Bombay? Why does he not compare the condition of the Punjab with the conditions prevailing in England? And why does he not take a lesson from those people? In England the officers of the Education Department are not paid so very high salaries as we pay to our servants here in the Punjab. There Nationalist Governments are ruling and they are paying only reasonable salaries to their public servants. As a matter of fact as compared with the professors of the Punjab the professors of that country are receiving much lower salaries. Besides, what is the work

that is being done by these people who receive so very fat salaries ? The work which they do is as follows. Whenever the Honourable Education Minister goes on tour these officers issue instructions to the teachers of the *ilaga* concerned to bring the boys of the ages of 10 to 16 and make them stand on both sides of the roads in order to welcome the Minister. My honourable friend stated the other day that a circular has been issued prohibiting this. But I may submit that it is his duty to see that if anywhere he finds that inspectors or other officers are not doing their duties he should interfere and tell them their duty. I may also point out that even after the issuing of your circular such receptions have been held. I do not say that such receptions should not be held occasionally but I see that this has become a rule. Whenever any officer goes such receptions are held. The Minister goes on tour so very often and the students always go to receive him. This means that no attention is being paid to education and teachers are always on the look out to make these receptions very successful so that they should be regarded as able and capable teachers. They try to make these receptions successful ones, lest they may not be regarded as inefficient. The result is that they spend every ounce of their energy in making these receptions successful. It cannot be urged that they take part willingly in the receptions. This question does not arise at all. But they have to take part. It is a matter of coincidence that allegations of a similar nature can be levelled against the Honourable the Minister of Development as well. A meeting was held in the Jallunder district in which many teachers of the Department of Industries were also present. I put a question to him and asked him whether any teachers of the Industries Department took part in the meeting. He admitted it. With all this my friends say that Government servants should not take part in politics. And our Finance Minister also says that politics is a subject which only a few people can understand and he does not like that everybody should take part in it. In my opinion the participation of every body in the lectures of a particular party is called taking part in politics. This is being done by the teachers inasmuch as they held receptions and participate in the meetings of the Unionist Party and do their best to make them a success. If they say that this is not politics may I know then what is politics ? My friends are doing a great disservice to the country inasmuch as they are trying to teach them wrong politics. On the other hand it was the duty of my friends over there to have tried to teach the boys correct and sane politics which should prove useful for the country, for the nation and for the posterity as well. My friends have done nothing to further this end. Their actions have been quite contrary to this. The previous Government also acted on the same principles which has been followed by my friends. It is a thousand pities that our Indian Ministers and the Minister of Education in particular, although he is a lawyer and has been prospering on the money of the poor villagers have done nothing to benefit them. Uptill now he has done nothing to alleviate their hard lot and not a single rural *ilaga* has benefited on his account. My honourable friends over there have only lip sympathy for the zamindars, but their actions prove otherwise. As a matter of fact the Minister of Education could have done much during these two years of his official life. But he had done nothing either on the side of Medical Relief, Public Health or Education. I regret to say that not only the Minister but even the Parliamentary

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Secretary, who is a zamindar, and represents the zamindars and fortunately she is a lady, has not done anything for the women folk of the rural areas, about which she can rise up and take pride that during the short space of two years she has done this thing or that useful thing for them. There was a time when the fees of the zamindar children were remitted in the primary classes of Government schools. But to-day even this much is not done. We have urged that if you cannot do this you should even remit the land revenue of the zamindars who have not the capacity to pay them. But generally my friends showed their inability to do so on the grounds that they will lose 4 crores of rupees. But I may point out that they can do it provided they have the will to do it. Do not keep 4 Financial Commissioners. What is the reason for keeping 3 Deputy Inspectors-General? Just reduce their number and you will have enough money at your disposal. But I may submit that my friends are not prepared to do it because it will not serve their purpose. The Government of my friends cannot do anything save spending the money of the poor so very recklessly and mercilessly. May I know the reason why you have not paid any attention to these things? Their failure to do these things has compelled us to move this no-confidence motion against them in order to tell them and the House in plain words that they have done nothing for the welfare and betterment of the public at large.

Besides, the Honourable Minister of Education takes his seat in the House and adopts such a posture that it looks as if he is not even prepared to listen to anything. As a matter of fact our cry proves a cry in the wilderness. Our appeals, our requests and our suggestions fall flat on his ears.

Minister for Education: If there is anything useful, I certainly hear it and make a note of it.

Chaudhri Muhammad Hassan: I know that according to the Honourable Minister of Education the definition of the word "useful" is quite a different one.

Now, Sir, so far as the word 'useful' is concerned, the Honourable Minister for Education construes its meaning as what is only advantageous to him or his four or five colleagues and none else. Perhaps he thinks that anything which aims at reducing his emoluments, is not useful. But on the contrary we regard everything useful if it proves beneficial to the poverty stricken peasantry of the province. We feel it our bounden duty to put forward useful suggestions to the Honourable Minister, in regard to the betterment of the masses. It is up to him to accept them or reject them. But I must say that he should not spurn useful proposals merely on the ground that they emanate from the opposition. I know full well that plain facts stated by the Opposition are not palatable to him. But I assure him that whatever we say, we say with sincerity of purpose. We are not accustomed to indulge in tall talks and express lip sympathies like the Honourable Minister. What I want to emphasise is that he should try to grasp all useful suggestions from whatever quarter they are offered, because the ultimate aim of yours as well as ours is the amelioration of the down trodden masses. I wish when the Honourable Minister goes on tour, he should, instead of wasting his valuable

time in party propaganda, endeavour to acquaint himself with the ills of the masses and find out remedies therefor. But I feel constrained to remark that the inefficiency and corruption rampant in the departments under his charge, indicate that the Minister pays no heed to the suggestions put forward by others for setting matters right. I, therefore, say that he should not lose sight of the fact that the day of reckoning is not far off.

Premier : Where will you be on that day ?

Chaudhri Krishna Gopal Dutt : He will be in a jungle while you will be in hell. (*Laughter*).

Chaudhri Muhammad Hassan : I shall be at a place which will decidedly be better than yours. I will not be exaggerating things if I say—

وہاں آپکا کلا ہوگا اور ہمارے ری ہوگی

(*Laughter and cheers*).

Mr. Speaker : I cannot allow a dialogue. Please address the Chair.

Chaudhri Muhammad Hassan : The Premier interrupted me. Sir, I was going to submit that the Honourable Minister for Education has taken it into his head that Sikander Government will last for ever, but he forgets the historical fact that even the regime of Sikander the Great could not last long. He should not treat the useful suggestions put forward by the opposition with contempt and disdainful indifference. If he does so, he will be indirectly flouting the wishes of the masses whom we claim to represent here. The peasantry, then, is bound to take the view that the present Government is a coterie of luxury loving crafty persons who care more for their own selfish ends than for others. What I am driving at is that the Government should endeavour to redeem their pledges held out to the electorate. They should set up an example of self-sacrifice by voluntarily parting with a certain amount of their salaries. They may offer this amount to be utilised for the purpose of providing education, medical relief and sanitary facilities to the rural people. But the difficulty is that the Honourable Ministers do not translate their professions into actions. They say one thing and do another. This is really a sorry state of affairs. They draw their fat salaries out of the hard earned money of the zamindars, but the pity of it is that they have done nothing worth the name for their welfare. They have not proved true to their salt. May be, Mian Mushtaq Ahmad Gurmani is not indebted to the zamindars. But there is no gainsaying the fact that the Honourable Premier is fully indebted to them. He is, however, not true to his salt.

Minister for Education : But he is not indebted to the non-zamindars.

Chaudhri Muhammad Hassan : He is certainly indebted to them although he does not mind not proving true to his salt. (*Laughter*).

I was submitting that this Government ate the salt of zamindars and non-zamindars without discrimination. The Government digest the salt of non-zamindars and as far as the salt of zamindar is concerned, I would at least say that they are not true to their salt. It is for this reason

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that we are putting these charges against the present Ministry. I believe that the attitude which the Government have adopted would not bear fruit in the long run. I think, I should also submit here that this Government tries to keep the zamindars ignorant of facts and figures. As far as medical relief, Education and Public Health are concerned on which I have laid much stress in my speech, I would say, that our province has lagged behind other provinces of India. It is because of this fact that we have moved this no-confidence motion against the Minister of Education. Before I resume my seat I would strongly submit that it is the foremost duty of the present government to see that the promises and pledges which they have made to their constituents are properly fulfilled. Hence I propose this no-confidence motion against the Minister for Education and commend it to the House with all the emphasis at my command.

Mr. Speaker : The motion moved is —

This House expresses want of confidence in the Honourable Minister for Education,
Mian Abdul Haye.

There are five other motions against other Ministers. Those motions also will be discussed along with this motion.

Chaudhri Muhammad Hassan : You have not allowed me to speak on the motion against other Ministers.

Mr. Speaker : The honourable member has said something about every Minister.

Chaudhri Muhammad Hassan : Your predecessor stopped me : he stopped me in the middle of my speech.

Premier : My honourable friend roamed over a wide field. He referred to the Public Works Department and he also referred to the Honourable Minister for Development and some of my departments.

2nd Lieut. Bhai Fateh Jang Singh (South-East, Sikh, Rural) : Sir, after what one has heard there is no end to the amazement at the speech of the honourable mover of this no-confidence motion. From what one saw in the press one could gather that there was great anxiety and serious consideration and thinking, specially if one looked at the columns of the newspaper edited by an honourable member of this House, one could have seen that some of the members passed many restless sleepless nights and some of the honourable members had to call the aid of doctors in the small hours of the morning. When we examined him it happened to be a political doctor and not the real doctor. No genuine arguments have so far been advanced by my honourable friend the mover of this resolution. I can say this much from my little experience that the more fortunately situated people who have idle minds have always ample opportunities of sitting down and thinking out plans and schemes, ways and means which lead them nowhere and which lead the country nowhere and who on the other hand are the cause of serious delusions in the minds of the public and weigh very heavily on the advance of the country or the province. Ample opportunity was afforded during this session on the general discussion of the budget. The policy of the Government was discussed at length by the learned critics of the

Opposition but even then I failed to grasp anything which was real criticism of the budget. I take it that the reason for that was that they could not catch hold of the Government or did not find any loophole to do so and criticise them. Sometimes habit becomes a second nature and in fact I can easily say that in this House it is a most unfortunate thing that some of us, at least, a certain section of the House, has got into the habit of criticising every move of the Government whether it is right or wrong without paying any heed, and without going into details and without trying to find out whether they are reasonable or unreasonable (*hear, hear*). To quote the words of a very eminent thinker and philosopher who says :—

It must not be forgotten that the heterogeneous elements which have subordinated themselves to a dominant party have only done so with their conscious wills, the spirit of that party to which they belong lives on in their instincts and inner compulsions. The effect of this on a nation, culture or state is that there is always slumbering beneath the surface—— as in Congress High Command—— a spirit of resistance to the ruling caste which may at any moment be awakened and mobilised against the controlling principal by any enemy external or internal.

This is very important and I would like to bring to the notice of the mover of this no-confidence motion—

That the minority party is most apt to be won over by the external enemy of the country than the party in power.

Sir, a battery of arguments have been advanced suggesting that the Unionist Party and its members are the agents of the foreigners, are the agents of Englishmen and are the agents of the Europeans. But this learned thinker and philosopher says that this habit of culturing heterogeneous element in the minority party is most apt to be won over by the external enemy of the country than is the party in power.

Dr. Sir Gokul Chand Narang : Who is this philosopher ?

2nd. Lieut. Bhai Fateh Jang Singh : I am talking of European conditions and comparing England with India and the Punjab as well.

Dr. Sir Gokul Chand Narang : Who is that philosopher ?

2nd. Lieut. Bhai Fateh Jang Singh : He is Professor Barnes, the scientist (*laughter*). Referring back to the unfortunate incident of this morning you will easily see that this unfortunate incident wasted nearly four hours of this House, if I may say so without transacting any business. They may think that they were well spent. I am of the opinion that these four hours were not well spent and should not have been utilised in that way. That incident of this morning will bear testimony to the words of this eminent thinker who said that the minority party is more apt to be won over by the external enemies because they have a grudge against the ruling party and that grudge and vengeance was amply displayed this morning. (*An honourable member :* We see it every day). Yes, but this morning's incident must be fresh in the memory of my honourable friends. Education in itself is the most important subject and I am inclined to say that education is the mainstay or the pivot around which nations are built. I would like to say that during my time as a member of this House I have heard with regret the remarks of certain members and certain sections of the Opposition accusing the ministerial party and the Government of not being independent and not contributing towards the independence of India as a whole. I

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would like to say that education—I might be accused of repetition—is the pivot round which a nation is built and I would try to explain how the Unionist Party and its Education Minister in particular has succeeded in at least climbing a few steps in that direction.

I would like to draw your attention again to this book of Professor Barnes. What I mean by nation is exactly what is written in this book, word by word. He says :—

A country does not consist merely of territory and soil, climate and vegetation, industry and transport. Man as inhabitant subject or citizen is also an integral part of it; indeed it is he who gives context and meaning. The statistical relations between man and his country are summed up in the notion of population, but the spiritual relation between them expresses itself in the symbolic word Nation.

I take it that the Ministry is responsible for the up-keep and upbringing of all this. We are here concerned with nation building element, the first and the foremost duty of every Indian today, and I presume, of our future generation. We still stand in need of a free and independent nation. Let us see what this Government is going to do towards achieving that end and particularly education. I am of the opinion that education in itself is such a thing that is responsible for everything, for the Houses of Parliament, for this House, for ministries, for law and order, for every portfolio, for teaching in schools and for everything. Without education we would not be able to do anything. In the case of education, I would like to point out—and I am not going in details or figures—what our province has done towards that goal on which depends the independence of the whole of India, and what part the Honourable Education Minister in the Education of this province has played? If you go through the figures you will find that tremendous increase has been made in the education of women. The new expenditure of this year offers several new posts for women, new inspectresses of schools, new library for Women's College, new staff for the Amritsar College and so on and so forth. I take it that the woman plays a tremendous part in the up-bringing of the children and future generation of the country. The Government has done everything in its power in this limited period of 2 years to impart a right type of education to women and mothers of this province, I say, the mothers of our future generations, so that they would be able to bring up their children, it may be women, it may be men, it may be boys and it may be girls—with independent views and prepare them for a big fight which is ahead of us and which, I am of opinion, will not terminate with *Satyagraha* and will not terminate without anything less than bloodshed. A fight is ahead of us and we have got to prepare for that and we have got to have an independent army. It is the woman alone who has influence over children, over husbands, over brothers and over other relatives. If you look back to the old age of Rajputs, you will find that the Rajput race only became brave and conqueror because the women were at their back and they were brave. They always compelled them to go to war and told them that the honour of a Rajput depends on facing the enemy and not running away from the field and living in home. Let us not shirk from facing realities as they are to-day.

Dr. Sir Gokul Chand Narang : Is there any vote of censure against women?

2nd. Lieut. Bhai Fateh Jang Singh : It is a vote in favour of women and what the Government is doing to bring them to that pitch so that the particular influence, under which they work, would be of a right type. There is another thing which may seem strange, but I am of opinion that the women of the country are more patriotic in certain ways than the men are. The influence of a woman is not a hidden thing. She has a tremendous influence, specially the influence of a foreign women over a man would be greater still because she has an opportunity and possibility of an education in which her sisters in this country lack. I am inclined to believe that the Government has now started a formula of its education on the lines on which it shall stop the influence of foreign women. By foreign women, I mean, it may be wives of certain Indians, it may be school mistresses or it may be missionaries from other countries or it may be women in other capacity. I mean all women in this country in whatever capacity they may be here. I am talking of general influence. Let us see how we get rid of it and what the Government has done to try to get away from that influence? Even Mr. Gandhi, the highest of all the influences in India was surprised to find the capability of the Punjabee women and a series of articles and exchanges of letters which took place a month ago between the students of Lahore and Mr. Gandhi speak for themselves that an advance of a right type is shown in this province. We have every hope to pursue that policy with the vigour which is being shown by the Government. No heed should be paid to these uncalled for and useless motions. We have every hope to prosper and see that our country is turned into one of independence and one of self reliance. (*Hear, hear*).

Now, taking the point of joint responsibility, I will myself, for a minute, take another line and that is of agrarian legislations which the Government has been able to bring forward, and in spite of tremendous opposition, has been able to get through. Let us see how these legislations have been discussed at length. I am sorry to find that in certain places, where I went on a visit, I was told, even the names of certain sections which are connected with this House—I do not say members of this House, but certain sections of this House are connected with that particular element—the members of that particular type of element or that particular view point go round about and deliberately misinterpret those laws and tell the people that the Government has created discrimination where there is no discrimination. (*Hear, hear*).

Another thing for which I will crave your indulgence is this that the Government—I can say with every emphasis at my command—that the Government here are a team of silent workers. (*Hear, hear*). I can say from my own experience that if in the case of an individual a report is made to the Government, an enquiry at once is started to remedy his grievances and if they are legitimate they are at once remedied and if they are illegitimate the individual goes disappointed. (*Hear, hear*). On the other hand what do we hear from the Opposition? I am here referring to a speech of an honourable member of this House published in the "Tribune", dated 2nd February, 1939. It starts: we shall enrol 20,000 members. I take it that a certain member of this House who is a representative of the Labour Party and who was presiding over a meeting—

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I would not like to be personal but as he happens to be connected in a very prominent manner with the Opposition I will have to bring him in and this is what he said :—

“ If you workers enrol 20,000 members and paying members—
mind you, money first, second and last

“ Then we shall consider the advisability of representing your case to Government.”

Do you mean to say that if there are 5,000 starving people they do not deserve their case to be referred to Government ? Do you mean to say that you will not refer their case to Government unless there are 20,000 members ? This is something which is beyond me and which is beyond our Government. I can give you proofs where Government has remedied individual cases.

Then my friend the mover of this motion brought in corruption. He did say and quite rightly that the most abused department in this connection is the Police Department. I again refer you to the same author whom I quoted before. In a little paragraph in the matter of recruitment, it may be army, it may be police, it may be the judiciary, it may be the executive, it may be anything, he says:—

Valuable as training is in the end that is to say under severe and prolonged strain what tells most is the spirit of the individual human being.

If the Government has thought of a little discrimination in selecting their services which the honourable members did not exactly say, there is ground for supporting his motion to say that the Government is creating discrimination between the agriculturists and the non-agriculturists. Past history, that is past practice of ages will tell us that this discrimination did not exist in the name of the agriculturists but it did exist as a discrimination between a certain section of the community or a certain section of the population. I would say that by nature some people are pacifists and some are born fighters. Do you want to have your police manned by pacifists who will not face a charging mob composed of hooligans ? Do you want your police force to be manned by pacifists who will take to their heels and leave the helpless people at the mercy of the hooligans ? That would be a very undesirable and inexcusable thing to do. Government has to solve the problem of unemployment and has to employ the right type of people. Government tried to enlist the scheduled castes in the police service. I would not like to go into the details. They are painful. If you look up the reply that Government gave to a question on the subject you will be surprised, and you will come to the same conclusion as the Government did, that they were not yet suited for that job. Perhaps at a later date when the old qualities of their race or class which they have inherited for generations past have gone out of them and a new spirit is infused into them, then Government may be able to employ them. Therefore this discrimination in our services is bound to be there. Government has to bear in mind many more things than my friends think. They think that the period of the life of Government is the life of the Assembly. That may be so, though I believe it is not right, but in spite of that the Government of a country which has taken a joint responsibility has got to see ages ahead and has to train people as long as they are in their charge to become useful at the time of necessity.

Again I am referring to an unfortunate incident. It is again the discrimination in the services which has made me refer to this incident. This House is a representative body and is supposed to be the cream of the whole province, if I may put it that way. The cream of the whole province is so unmanageable that you to-day had to send for a glass of water to regain your voice and were exhausted yourself after 4½ hours. What can we expect from the curd or from the skimmed milk out of which this cream has come? (*Laughter*). It is the bounden duty of this Government to enforce disciplinary measures which may enable them to deal with situations if any of that type do arise but which I hope will not arise.

Another thing. Referring to the police, I am of the opinion that the police is becoming more efficient but very much disheartened as well. Who is responsible for this disheartening of the police? If they shirk their duty it is certainly not the fault of the members of the Ministerialist Party. I am sorry, but it is the members of the Opposition who without any rhyme or reason embark on criticising the police without bearing in mind the facts and figures and the limitations within which the police force works. If they pay a little more attention and care to the working of the police force they would come to the conclusion—

Lala Duni Chand : Is that the verdict of your constituency about the police?

2nd. Lieut. Bhai Fateh Jang Singh : Not the verdict of my constituency, but I am sure that my constituency agrees with me in what I say and therefore it is not for me to go and take the verdict of my constituency whenever I come to this House. If they find that there is anything wrong with me they tell me and they tell me rightly and not wrongly.

Diwan Chaman Lall : They will, next time.

2nd. Lieut. Bhai Fateh Jang Singh : I was referring to the police force. My honourable friend jumped up. He is a lawyer and probably he has had some bitter experience of the police when he tried to deal with his witnesses and so he has formed a different opinion. On the other hand, if the police were as meek as my honourable friends opposite would want it to be, I presume that every member of this House would go to a police station and bring pressure on the police and make them do whatever he liked. This is not desirable. We do not want this to be done and speaking for the members on this side I can say that we will be the last to try and influence their liberty of action. We want the Government to put certain restrictions in the way of members not to try and influence the judiciary and the police.

Diwan Chaman Lall : Ask the Pir of Makhad.

Premier : Ask Mian Abdul Aziz.

2nd. Lieut. Bhai Fateh Jang Singh : Once again I come to the Ministry of Health and Education. What do we see in the past health records? If I am not wrong, an appeal was made some days ago to my friends opposite to play cricket with a straight bat and then they did not know what cricket was. What I am trying to tell them is about athletics. The Punjab can boast of the best athletes in India, and it is the Education Department which can be rightly accredited for the athletes which the Punjab has produced.

[2nd.-Lieut. Bhai Fateh Jang Singh.]

You take the all-India records. You take the Asiatic games. You take the Olympic games all the world over. You will find that the representatives of the Indian teams have been Punjabees—Punjabis who have been produced by the school and the University of the province and not produced by schools and universities across the borders.

It is the Punjabis that have gained a name in the world. It is the duty of Government to see that the Punjab is able to defend itself in every walk of life, either in the play field or in the Assembly Chamber. A man may be well versed in using an unwieldy and elusive tongue, but when he comes to the field of sport, when he comes to an understanding of the question of abilities he will be a miserable failure. Let us not judge the standard of the Punjab from what we see here. Let us all be above all party prejudices and see what the Punjab University and Punjab schools have done to turn out good sportsmen. You take the case of cricket, swimming or any other sport, you will find that Punjab has been leading or at least has been in the line of the first three everywhere. All the credit goes to the Education Department and the Department of Health which provides for physical training being imparted to our Punjabis. What ground then have you got to say that the Minister of Education has failed in his duty?

Let us now come to the general policy of Government. How often has Government tried to save the time of this House and thus save the money of the people, the money of the poor peasants? I take it that Rs. 20 a minute is being spent and therefore the longer the session, the greater the expense. Has not Government tried to save money by sitting late hours? Has not Government tried to finish the business in one day what in the ordinary course would have taken two days? Honourable members have come forward with the argument that the Ministers get Rs. 3,000 a month and have not done anything to save the money of the province. But was not a big row started yesterday when the Honourable Premier suggested that the House should meet at 12 to-day? Why was that started? Because some people could not miss their fees at courts and at the same time did not want to lose their allowance here. They wanted to gain in two ways. And yet the Government is criticised for not being able to save money and for not practising economy. Somebody referred to certain conventions of the House of Parliament. But may I ask whether there is no convention or rule there that silence should be observed when somebody is speaking? Mere courtesy and good manners require that a member speaking should be listened to without interruption. But here we see every moment a speaker being interrupted and thus the time of the House wasted in order that the Opposition may gain another day. Is the Government responsible for that?

Coming to education and hospitals I may draw the attention of honourable members to this Volume of New Expenditure for the year 1939-40. They will find that numerous items of new expenditure have been contemplated in the matter of education, for imparting better kind of education, in spite of the big unfortunate famine in Hissar for which the Government is spending money ruthlessly. Then again, under the Head Medical you will find that Government is providing for radium, ex-rays and nurses for

district headquarters hospitals and part time public medical practitioners and so on. One honourable member said that ever since this Government came into power there has been this calamity of famine in the province. May I ask, whether it is not a fact, whether it cannot be said with equal degree of correctness that ever since the Congress Government came into power in the United Provinces that province has been visited by a greater calamity, namely floods about 85 lakhs of people have become homeless and destitute. That is not the way of arguing the case. It is merely a child's argument.

Coming back to my honourable friend from Ludhiana who sponsored this uncalled for motion, he said that Government had done nothing for the zamindars in the medical line. I am glad he did not say that Government had done nothing at all for the zamindars. I am glad he conceded that Government had done something by way of the agrarian legislations. I may point out that the Government has done a tremendous lot to the zamindars at the cost of nobody. Let me tell my honourable friends who participated in the non-zamindar conference at Amritsar and who decided not to lend money to the zamindar, let me tell them that the zamindars will pull themselves through and it will be the non-agriculturists who will have to come forward with loans to the zamindars even though the latter may not need them. The non-agriculturists' money will have to go abegging. I would therefore advise them to take wiser counsels. Somebody said that we are coursing for a greater evil. But he is under a misapprehension. It is the other side that is creating greater evil for the community and constituencies which they claim to represent. I am sure that Government will stand by its promises and pull the zamindars through and drag them out of the threats. The zamindars will be made to score higher in the eyes of every one, I may say of the whole world whose eyes are focussed at present on the proceedings of this Assembly. Our friends when they turn to the newspapers and see what happened this morning will change their opinion.

My honourable friend, the mover of this motion made an unconvincing remark and said that somebody went to the Honourable Minister for Education, but the Minister silently went to his room without seeing this gentleman. He did not say what that gentleman wanted to see the Minister for. Probably he must have gone to the Minister for some unreasonable favour. (*Interruption*). I am told that it is not correct. But for argument's sake let us assume that the gentleman wanted the Minister to show him partiality in regard to certain matter. It is probable that the Minister did not want to show him a cold shoulder and at the same time did not want to tell him to his face, as decency requires, that he was not prepared to grant his unreasonable demands. In that case the Hon'ble Minister's action deserves appreciation. We must not abuse our position as M. L. As. to take individual cases to his notice.

Then an attack was made on Dr. Browne of the Ludhiana hospital. She is a lady who had done everything for the women of Ludhiana. She has been training nurses of this province and has secured the best appreciation of foreigners. It may be that a boy was substituted for a girl or a girl substituted for a boy but how can it be contended that this was done with the approval of Dr. Browne or the approval of the Honourable Minister? Further, does not my friend know of several instances where these things

[2nd Lieut. Bhai Fateh Jang Singh,]

have happened outside the control of the Ministry ? I can quote several instances where fictitious children have been born. (*Cheers*). Is the Government responsible for that ? It is your own countrymen who are responsible for all this. Therefore, I appeal to my honourable friends not to criticise the conduct of that very noble lady who has done so much for the province.

Is it fair or is it reasonable for my honourable friends to come here and criticise instead of paying tribute to the great work which that lady has done for India and for the Punjab in particular ? My honourable friend professes that he and his party have tremendous influence. That means that they are in contact with masses and those masses listen to them. If so, why do they not go out and tell them that such things should not happen and that they should restrict themselves to their duties, instead of coming to this Assembly and trying to cast uncalled for blame on a lady who has done so much for the country ?

Another thing that I wanted to say is this. My honourable friend has talked of corruption. Every time he talks of corruption. I have learnt about corruption as a great learned scholar who happens to be a professor of Military Science in Berlin has said. The eyes of the whole world are now focussed on Berlin. It is through his science that Germany has become a powerful nation. My honourable friends are trembling in their shoes in excitement when I am saying this. Is it not our moral duty not to offer a bribe ? How many cases can my honourable friends quote where people refused to give bribe when it was demanded ? Can they quote one instance where the big stalwart fellow demanded a bribe and people did not offer him ? It is a different matter to prove it or not to prove it.

Then my honourable friend referred to Chahi rates. I am again surprised to see that my honourable friend forgot that the Government has its limitations and the Government on the one hand has spent tremendous lot of money in the Revenue Department. Take the Thal Project and the Bhakra Dam Project. Some of our engineers have embarked on a voyage for training in America. All this costs money. I might have been inclined to agree with my honourable friend if he had said that the Government has been most lenient in the matter of imposing fiscal measures. Even the petrol tax which the Government has proposed is the lightest among all the taxes in India. I might have been inclined to agree with my honourable friend if he had said that the Government should not allow the urbanites to go scot free without contributing anything to the provincial exchequer. But I am sure that the Government will see to it and not allow the urbanite to go free. Let the Government make him pay at least as much as, if not more than, what the zamindar pays to the Government. This will be the principal test of the friends of the zamindar. It will be known whether they are the friends of the zamindar or we. If a Bill of that nature to tax the urbanites is brought forward, it will be a test in itself, a concrete and true test, of the friendship which they profess they have towards the zamindar and the real sympathy which they say they have towards the zamindars. Now what is the position of the zamindar ? He pays one-fourth of his assets.

as land revenue. What is the position of the urbanite ? He may be earning Rs. 1,999-15-9 a year and yet he does not pay anything to the Government, but a zamindar who earns Rs. 5 has to pay. The urbanite is allowed to go scot free without paying anything to the exchequer of the province. And yet he enjoys all the amenities which have been provided by the money of the zamindar. Still those honourable members representing that section of the population of the province go round and claim themselves to be the benefactors of the zamindars, while those zamindars who toil day and night and day after day, know nothing about the true state of affairs. But I have no doubt that the zamindars also realise the true state of affairs and they are quite convinced that we are their true friends and not they.

Another point which the honourable mover has said is that the Government is lenient. I accuse the Government of being lenient in the matter of taxing the urbanite who deserves to be taxed even higher than the zamindar and I hope that the Government will see to this and then it will be known quite clearly whether the sympathies which my honourable friends profess towards the zamindars are real or artificial.

My honourable friend was also referring to certain medical dispensaries. He asked what right has a doctor, who is in charge of the X-ray department, to charge fees. I am inclined to believe my honourable friend in this respect. But my honourable friend should remember the doctor in charge of the X-ray department is not a whole time servant. He is only a part time servant. He has got certain fixed hours of office work during which he carries on his official work. But there are patients who will not be content with that. There are patients who want the doctor to sacrifice his social time. That time is not the time of the Government for which he is paid. Patients want that he should wait on them two or three times a day and that being so, is there no justification if the doctor charged fees for utilising his social time for them ? He is giving time to them from his own time. He is not giving them time from out of the Government time. But if he sacrifices the time of the Government or works to the detriment of the Government then I have every hope that the Honourable Minister for Education being keen and zealous guardian of the interests of the public will see to it that such a doctor is brought to his senses and to the realisation of his responsibilities. The Honourable Minister will not allow such unjustifiable things to be done in his department.

Another thing that surprised me is this. If I am not wrong, on the budget discussions, both during the general discussion and on the discussion on the demands for grants, some honourable members were in favour of encouraging private medical practitioners to be in charge of Government hospitals. I presume that they still hold on to that contention ? Is it so ? If they still stick to that opinion, all that I would say is this. The private practitioners having no responsibility whatever, knowing full well that the whole responsibility lies on the paid staff if anything goes wrong, will work in the hospital in a haphazard manner and the patients whom he will treat there will be in 9 cases out of 10 his private patients.

(At this stage Mr. Speaker left the chair which was occupied by Mr. Deputy Speaker).

[2nd Lieut. Bhai Fateh Jang Singh.]

Only those people should treat the starving villagers of the province on whom the Government has a check. Do you want to encourage that irresponsible persons should go haphazardly to the people and play with their lives? Again referring to the Medical Department you will find that out of the Special Development Fund over a lakh and forty-five thousand had been spent and this amount has been increased to 210 lakhs. That means the Government is doing something. Then do you mean to say that the Honourable Minister for Education is not worthy of confidence? Referring again to the rural sanitation I would like to say that rural sanitation is the mother of health and culture and that is why the Government has sanctioned liberal sums of money for sanitation of the village. A passing reference was made to the private practitioners in this province and a comparison was made with England. Why do our honourable friends compare with the European countries, why do not they compare the conditions with the Congress ministries who are far behind ours (*hear, hear*). Congress ministries are behind us by lengths and lengths and they have got to cover as much ground as we have in these two years and we have established a great lead and I only think that they will be able to come up to our standard in a decade (*hear, hear*). Then a remark was made about the Lahore Women's College and it was said that the Principal of the College has got into the habit of detaining students of certain classes. May I know if the results are out? If I am not mistaken results are published only for the 2nd and the fourth year classes, and it is the general practice everywhere that if certain students are not upto a certain standard in their house examinations they are debarred from sitting in the University examinations. It is no good encouraging people who have not yet reached a minimum standard of ability to go to the University examinations. Then my honourable friend said that the Director of Industries was empowered to grant loans for industrial purposes up to a maximum of Rs. 5,000 and that applications for higher loans had to be made to the Minister. He tried to hint that this power vested in the Minister could easily be misused. There is sitting on the Opposition benches a very small and living monument of the misuse of this power. He is a zamindar and when occasion arises he votes with the zamindars—is it a fact that loans lent to him are a misuse of the power? Then it was said that whenever the Honourable Minister goes out into the countryside illuminations are made on the roads. Is it a crime to show cordiality towards your guests? Is it a bad thing to show your good will towards a person who comes to your town? If any honourable member of this House happens to come to my town and I extend to him a courtesy, is that a crime?

Diwan Chaman Lall: Which is your town?

2nd.-Lieut. Bhai Fateh Jang Singh: I think he knows it very well. I have tried to answer all the futile points raised by my honourable friend and I would not take any more of the valuable time of the House in meeting them. Even though the mover studied the case against the Honourable Minister with the greatest care and caution, he has not been able to state any strong point against the Minister because the case for the Minister is strong enough. With these words I sum up and appeal to the House that they would not take leave of their better judgment and that they

would exhibit the true commonsense of a Punjabi and vote effectively for the Minister and not in favour of the motion against him (*cheers and hear, hear from the Treasury benches*).

Mr. Deputy Speaker : I would first call upon those honourable members who have been given leave to move motions of no-confidence. (Diwan Chaman Lall was then called upon to speak).

Diwan Chaman Lall : May I draw your attention to the fact that I do not desire at this stage to anticipate the debate upon the second motion? There are other honourable members who are prepared to contribute to the debate when there are only 20 minutes left and I submit that they should be allowed to speak and this particular motion should be finished and then I should be allowed to take up the next time.

Mr. Deputy Speaker : All the no-confidence motions are being discussed together and it has been the practice of the House that when several motions are being discussed together first of all those honourable members that have given notice of motions are called upon to speak.

Diwan Chaman Lall : Apparently that principle your predecessor in Chair has not followed. As it is, the honourable member here has spoken but he had no motion standing against his name. The debate is with reference to the first motion and there are other honourable members who desire to speak on this particular motion.

Premier : My honourable friend was not here when the Honourable Speaker declared that all the motions were to be discussed together. If he does not want to speak now, he can direct one of the other honourable members to speak on their motions. I know the galleries are not full to-day, but you can start to-day and go on till tomorrow.

Diwan Chaman Lall : It is exactly what my honourable friends behind me are doing. They are going to take up my honourable friend the Leader of the House's suggestions.

Premier : All the five motions are going to be discussed together, so if my honourable friend does not want or does not feel it convenient to speak now, he can ask others to speak.

Diwan Chaman Lall : May I submit that there is no question of these people speaking. They are entitled to speak if they are allowed to move their particular motion. That procedure is not being followed. Therefore, since the debate has been thrown open, any honourable member can get up and make a speech.

Premier : I do not agree with that view for the simple reason that it might—(*Interruptions*). They must be given preference and if they do not wish to speak, then other members should get a look.

Diwan Chaman Lall : It is not a question of their not wanting to speak. The time when they will speak is left entirely to them. If my honourable friend had accepted the suggestion which the honourable Leader of the Opposition made this morning regarding which there was so much stir and excitement in this House, it would have been all right, but since that proposition has not been accepted and no individual motions are being made one after the other, the debate is thrown open regarding all the motions and any honourable member who gets the eye of the Deputy Speaker or the Speaker, as the case may be, is entitled to speak.

Premier : My honourable friend was not here when the Speaker said that he would call those members first who had given notice of the motions. I have discussed with the Leader of the Opposition that we should so arrange that the speeches should be timed from Monday. We have arranged that there should be time limit on speeches.

Diwan Chaman Lall : I do not know anything about it.

Premier : If he wants he can start his speech now and he can continue on the next day.

Diwan Chaman Lall : There is some unnecessary misunderstanding in regard to this matter. The proposition before the House is the general discussion of all the motions. No single motion is being put before the House. All the motions will be put before the House. Since that is the proposition, the entire subject is open to debate to every member and there is no question of asking me in preference or anybody else in preference. If there is an honourable member behind me who is desirous of speaking on the subject, then he should be allowed to speak on that particular subject and when they have exhausted that particular subject, we shall go on to the next one.

Premier : I agree with my honourable friend. Perhaps I did not make myself clear. I was trying to explain to my honourable friend opposite that I have—(*Interruptions*). Will you let me finish ?

Dr. Sir Gokul Chand Narang : It is irregular that this dialogue should go on between two members. It is for you, Mr. Deputy Speaker, to decide who is to speak and who is not to speak.

Mr. Deputy Speaker : I have already decided it.

Premier : I was trying to explain that the Leader of the Opposition and I have after discussion come to the conclusion that there should be time limit for speeches on Monday.

Dr. Sir Gokul Chand Narang : This is a different thing.

Diwan Chaman Lall : I am grateful to my honourable friend for telling us exactly what he is wanting to suggest as far as the debate on Monday is concerned. I take it that if it is agreed, and I hope it will not be agreed, that this debate should be limited, then each one of us will be bound by the limitation and I plead no exception to the rules. But I do submit that this is a matter which will be decided when we meet on Monday. For to-day there is no limitation and for to-day there is no arrangement that only those members are going to be called upon to speak in whose names the motions stand and even if I were now to start the speech on the motion which stands in my name, what guarantee is there that on Monday the limitation, if it is imposed, will not be imposed against me ? I cannot be exempted from that limitation merely by the factum of my getting up to speak to-day at 7-45 on this point. Therefore, I submit that you should call Sardar Hari Singh to get up and begin his speech on this point.

Mr. Deputy Speaker : If the honourable member does not want to speak, then one of the other four honourable members who want to move their motions of no-confidence might speak. But if none of them wants to speak now, I call upon Sardar Hari Singh to speak.

Sardar Hari Singh (Kangra and Northern Hoshiarpur, Sikh, Rural) :
Mr. Deputy Speaker, after my friend Chaudhri Muhammad Hassan

had spoken on his motion of no-confidence against the Honourable Minister of Education and drawn up a strong indictment against his department and against his policy as Education Minister and his other activities outside the House, I should have thought that the honourable member from Hissar who rose to speak after him would reply to the charges levelled by my friend the mover of the motion against the Education Minister, but I was sorely disappointed to hear his speech. If I may say so, most of his speech was a standard study in irrelevancy. But, Mr. Deputy Speaker, from the repeated cheers that his speech evoked from the ministerial benches at intervals, I may safely conclude that my honourable friend, who is not here at the present time, has qualified himself for the next vacancy of a Parliamentary Secretary, (*Hear, hear*) (*Laughter*) and I would strongly recommend his claims for a seat in the Cabinet if my honourable friend Sir Sundar Singh Majithia goes on sick leave.

The Honourable Dr. Sir Sundar Singh Majithia : Thank you. (*Laughter*).

Sardar Hari Singh : We read in history that the old Roman Emperors had court bards to sing their praises. The Mughal Kings and old Hindu rulers had also got bards of the same nature and after hearing the oration of my honourable friend I must say that that race of old bards is not yet extinct.

I now come up to the subject of the debate. I may at the very outset enter a strong caveat against my friend the Minister of Education leaving the House for more than fifteen minutes when he was under the fire of criticism by the mover of the motion and also enter a strong protest against the Leader of the House in canvassing and asking a large number of members on that side of the House to leave the House when we opened the debate. Our arguments here are not addressed to the Ministers. They are mainly addressed and directed to the simple minded, and ignorant, I hope they will forgive me for the use of the word 'ignorant', Unionist members from the countryside whom we want to convince and assure that if they give us thirty votes to-day we can bring down this Ministry of the camp followers of John Bull for ever. (*Hear, hear*). This is a Ministry in whose hands their destiny is not safe and in whose hands the fate of this province is never safe.

Premier : But not a Russian hear.

Diwan Chaman Lall : Which the British lion is hugging to-day. (*Laughter*).

Chaudhri Krishna Gopal Dutt : Whose forefathers were swinging their tails from one tree to the other (*Laughter*).

Sardar Hari Singh : It is to be regretted that the real significance of this debate has been taken away by, I should say, very unfair means by the Leader of the House by bringing a mock confidence motion followed by a mock closure motion and that followed by a mock division (*Hear, hear*) and now, after the whole of that mock and farcical show, they sit there light-heartedly smiling, laughing, taunting and twitting us, entrenched behind a comfortable majority as they feel. If this no-confidence motion were to come up for discussion at the very beginning, he would not be so light-hearted, he would not be so jocular, he would not be so taunting as he now is,

[Sardar Hari Singh.]

but he would have been serious-minded, he would have been sitting there thinking, pondering seriously in his seat and listening to us with respect, with seriousness and attention, and he would not be treating us so contemptuously, he would not be treating the House and the Chair so contemptuously as he is doing now but for his mock show. Now I come to the motion moved by Chaudhri Muhammad Hassan. I shall confine my remarks to the Education Department. For a few minutes let me take you back over the last two years' activities of my friend as Education Minister. Let us look back over the progress he has made during the last two years in the matter of educational advancement of the province (An honourable member: The Minister is sleeping). My friend says the Minister is sleeping: no he is listening with rapt attention. I can say without fear of contradiction that my friends' whole career of two years as Education Minister is littered with broken promises, unredeemed pledges and assurances forgotten. Mr. Deputy Speaker, let me remind you and let me read out to you the promises he made on the floor of the House. In the course of the debate on the Department of Education held at Simla during the first budget session he said and Mr. Maqbool Mahmood, whom we miss very much now-a-days, said on behalf of Government that the Government regard the overhauling of the educational system of the province as a very urgent matter. That was the first remark made by him: it was an important statement made by him that the Government were very anxious to reorganise and reconstruct the educational system of this province. Now may I ask my friend not to engage in conversation with the Resident Secretary of the Unionist Party and to listen to me. May I ask him to answer my question? Has he taken any step, and if so what, to reconstruct the educational system of the province? What has he done to bring the educational system of the province in consonance with the needs of the times, in consonance with the spirit of the times, and in consonance with the life of the people of this province. What has he done?

Minister for Education: Ask Chaudhri Krishna Gopal Dutt.

Sardar Hari Singh: Has my friend abdicated in favour of Chaudhri Krishna Gopal Dutt?

Minister for Education: I may remind him of what my friend Chaudhri Krishna Gopal Dutt the other day said about the report of the Syllabus Revision Committee.

Sardar Hari Singh: My friend reminds me of the report of the Syllabus Revision Committee. He may as well remind me of the report of the Hartog Committee, and the Calcutta University Committee and the report of the Anderson Committee. The Anderson Committee was appointed in the year 1931 and brought out its report in 1933 recommending the organisation of the educational system of the province: and yet these recommendations have not after a period of six years been implemented by my friend.

Premier: My honourable friend need not be impatient. After these recommendations had been made unfortunately a doubt arose as to whether we had jurisdiction to legislate regarding matters concerning the University.

That doubt I hope will be removed by the Parliament. One of the amendments now before the Parliament is meant to rectify the position. It is for that reason that we have not been able to bring forward any Bill with regard to University matters.

Sardar Hari Singh : My honourable friend the Premier, who is a very able debator otherwise, without knowing the contents of the recommendations of the Punjab University Enquiry Committee refers me to the amendment of the Government of India Act in the House of Commons.

Premier : Oh ; oh.

Sardar Hari Singh : He says, Oh, oh. I hold in my hand a paper on which I have taken down the main recommendations of the Committee. My friend says, wait till the Government of India Act is amended by the House of Commons before he implements these recommendations. One of the most important recommendations is that vernacular should be made the medium of instruction throughout the secondary course. May I ask him whether the implementing of the recommendations requires an amendment of the Government of India Act ?

Premier : Certainly, my friend has obviously not studied the question.

Sardar Hari Singh : One of the recommendations of the Enquiry Committee was that the technical and craft schools should be increased in number and improved in quality. Does my honourable friend require an amendment of the Government of India Act before he can increase the number and quality of these schools ? I wait for an answer.

Premier : My honourable friend is fully aware that that matter is already under consideration and some steps have already been taken.

INTERRUPTION OF BUSINESS.

Premier : I am sorry to interrupt my honourable friend but I think I must make a formal motion for interruption of business at this stage. I move—

That the Business of the House be interrupted now ; that the Assembly do meet on Monday, the 24th April, 1939, at 11 A.M., of the clock, that there be no questions and that the sitting of that day be adjourned on the completion of the business.

Mr. Deputy Speaker : The motion moved is—

That the business of the House be interrupted now ; that the Assembly do meet on Monday, the 24th April, 1939, at 11 A.M., of the clock, that there be no questions and that the sitting of that day be adjourned on the completion of the business.

Diwan Chaman Lall : May I know if my honourable friend has settled this in consultation with the Leader of the Opposition ?

Premier : Yes.

Mr. Deputy Speaker : The question is—

That the business of the House be interrupted now ; that the Assembly do meet on Monday, the 24th April, 1939, at 11 A.M., of the clock, that there be no questions and that the sitting of that day be adjourned on the completion of the business.

The motion was carried.

The Assembly then adjourned till 11 a.m. on Monday, 24th April, 1939.

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PUNJAB LEGISLATIVE ASSEMBLY.

FIFTH SESSION OF THE 1st PUNJAB LEGISLATIVE ASSEMBLY

Monday, 24th April, 1939.

*The Assembly met in the Assembly Chamber at 11 a.m. of the clock.
Mr. Speaker in the Chair.*

STATEMENT LAID ON THE TABLE.

DAMAGE DONE BY HAILSTORM.

Minister for Revenue : Sir, with your permission I lay on the table a statement showing damage done by hailstorm.

Hailstorms in Rabi, 1939.

It is well known that misfortunes never come alone and it pains me to acquaint the House in this brief statement of the damage done by the recent hailstorms, which have visited the various districts of the province this year from time to time. An account of these visitations has already been published in the *Press Communiqués*, dated the 4th March, 1939, and the 17th March, 1939.

Government, however, in accordance with their set policy of affording immediate relief to the affected areas issued general instructions sometime ago. After the very first visitation of hailstorm, the attention of the officers concerned of both the Revenue and Canal Departments was invited to the standing instructions for allaying the hardships of the zamindars of the affected areas. Briefly these instructions are:—

- (i) Soon after the receipt of the report of the occurrence of hailstorm causing damage to crops over considerable tracts of the country, an officer not below the rank of Assistant Collector, 1st grade, is deputed to inspect the affected area and if, in his opinion, the damage caused is serious, a special *girdawari* is immediately ordered. This first inspection should, if possible, be made by the Collector himself. The assessment of the damage to crops is not left entirely to the discretion of the patwari, and each entry in the *khasra* prepared by him should be carefully attested by field inspection and by an officer not below the rank of an Assistant Collector, 2nd grade. This should further be checked by an Assistant Collector, 1st grade. In tracts where assessment is done by the Canal

[Minister for Revenue.]

Department, the first inspection should be done jointly by an Assistant Collector, 1st grade, and a Canal Officer of the corresponding rank, and the attestation and checking of the *girdawari* should be done by the Assistant Collector and the Sub-Divisional Officer, Canal, respectively.

(ii) When the money crop, e.g., wheat, barley, gram, etc., has been totally destroyed, a total remission not only of the *abiana*, and land revenue on that crop, but also on the fodder crops, whether mixed or single and whether grazed prior to the storm or not, should be allowed.

(iii) Where the standing crop does not justify full remission, and the crop is more than four annas, and less than eight annas, then half should be remitted and where this remission is given to the money crop, an identically proportionate remission is given to the fodder crop whether it has been grazed or not.

2. No less than 19 districts noted on the margin were affected by the

1. Amritsar.	recent. hailstorms, and an account of the extent of the
2. Sheikhupura.	
3. Multan.	damage done, as reported by the Deputy Commis-
4. Gurgaon.	
5. Shahpur.	sioners concerned, is given below :—
6. Lyallpur.	
7. Montgomery.	
8. Muzaffargarh.	
9. Ludhiana.	

10. Ferozepore.	As ill luck would have it, the calamity occurred
11. Lahore.	
12. Gujrat.	five times in the district of Amritsar, four times in
13. Sialkot.	
14. Gujranwala.	Sheikhupura, thrice in Gujranwala, twice in Multan,
15. Ambala.	
16. Dera Ghazi Khan.	Shahpur, Gurgaon, Lyallpur, Montgomery; and in the
17. Gurdaspur.	
18. Rohtak.	remaining districts once only.
19. Hissar.	

Amritsar was visited on the 16th and 28th February and again on the 1st March, 30th March and 6th April, 1939. On both the first and second occasions, 93 villages were affected each time; on the third occasion 2, on the fourth 11 and at the last visitation 3 villages. The report of the special *girdawari* carried out for the first hailstorm on the 16th February has shown that out of 19,618 acres sown 1,219 acres were damaged. The results of the *girdawari* for the other storms are not yet known.

Sheikhupura.—As in the case of Amritsar this district was affected on 16th February, 1939, and 28th February, 1939. Subsequently it was visited by a hailstorm on 24th March, and lastly on the 6th April, 1939. On the first occasion only 7 chaks were affected, on the second 13 chaks, and on the third 7 chaks, while on the fourth occasion 22 villages in the Shahdara tahsil and about nineteen in Sharakpur tahsil have been damaged.

Multan suffered twice; first on the 28th February and again on the 23rd March, 1939. On the first occasion 109 villages in the Khanewal

tahsil were affected. In 10 of these villages crops were totally destroyed while in the remaining the damage was not so severe. On the second occasion 46 villages were affected. In 7 villages of the Mailsi tahsil and 8 chaks of the Qureshiawala area of Khanewal tahsil the damage was severe while in the remaining villages the damage was not so severe. The Deputy Commissioner visited the worst areas on the 26th and 27th and the local revenue and canal staff immediately started field to field inspection with a view to the grant of remission of land revenue and *abiana*.

Gurgaon suffered twice, once on the 26th February and again on the 28th February, 1939. On the first occasion these storms severely damaged crops in an area fifteen miles long by five or six miles broad north of the main Palwal-Hodal Road towards the Jamuna about 40,000 acres. On the second occasion 92 villages were affected—75 canal-irrigated and 17 barani. In 28 canal-irrigated villages of Palwal tahsil crops were totally destroyed and the other villages were partly affected.

Shahpur.—In this district a hailstorm occurred on the 23rd March, and again on 30th. Forty-two villages in Sargodha and Bhalwal tahsils were affected on the first occasion and the area involved is about 3,000 to 4,000 acres. On the second occasion the attack occurred in Bhalwal, Sargodha and Shahpur tahsils and the Canal Department report that 40 villages have been affected by the storm and 35,000 acres have been damaged.

Lyalpur was first visited by a hailstorm on the 28th February and again on the 24th March, 1939. On the first occasion 135 villages of Lyallpur, Jaranwala and Samundari tahsils were affected. Storm was severe near Samundari and on the edge of the district near Sheikhpura where wheat, gram and fodder were totally destroyed. In other villages partial damage was caused. On the 2nd occasion damage was done in 18 villages of the Jaranwala tahsil but it was severe in about nine villages. The exact extent of the damage is not yet known.

Montgomery.—As in the case of Lyallpur district, this district was affected on 28th February, 1939, and again on 24th March, 1939. On the first occasion 8,329 acres were damaged in 55 villages and on the second occasion 1,697 acres were damaged in 31 villages.

Muzaffargarh.—This district was visited by a hailstorm on the 23rd March. Five villages of Kot Adu and 11 of Muzaffargarh tahsil were touched. In the former tahsil 600 acres were damaged while in the latter tahsil the extent of damage is not yet known.

Ludhiana was visited by hailstorm on the 30th March. The calamity has been serious and has affected the standing crops in 42 villages of Ludhiana and Jagraon tahsils. The total area affected is 22,000 acres and it is reported that in 20,000 acres crops have been completely destroyed. The people of the affected areas stand in need of immediate relief and Rs. 10,000 have been placed at the disposal of the Deputy Commissioner from the famine relief fund.

Ferozepore.—This district was visited on the 30th March and damage was caused to 53 villages as follows:—In Zira 26 villages were affected, Ferozepore 13, Moga 8, Muktsar 3 and Fazilka 3. In two or three villages

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of Zira, the damage has been serious, and in the remaining villages it was not so bad. A sum of Rs. 5,000 is being placed at the disposal of the Deputy Commissioner from famine relief fund for immediate relief to the sufferers.

Lahore.—Lahore was visited by this calamity on the 6th April, 1939, 8 villages were hard hit, and their crops were totally destroyed, while in the other 31 villages the damage was small.

Gujrat.—Gujrat was visited by a hailstorm on the 30th March, 1939, 5,613 acres *nahri* and 6,629 acres *chahi* and *barami* were affected in all.

Sialkot.—In this district the hailstorm affected 133 villages and the area totally damaged was 11,313 acres and partially damaged 5,101 acres.

Gujranwala.—This district was visited by a hailstorm on three different occasions—the last being on the 31st March, 1939. The crops in about 100 villages have been seriously damaged.

Other districts affected during the recent hailstorms are Ambala, Dera Ghazi Khan, Gurdaspur, Rohtak and Hissar. In each of these districts the usual procedure for the inspection of crops is being done and the extent of the damage is not yet known.

Mianwali.—Report of damage to gram crops by gram blight have also been received. This will also be looked into by local officers and suitable steps will be taken to afford relief wherever it is found necessary.

3. It will be seen that where immediate relief in the form of taccavi both for seed and fodder was needed, funds have been placed at the disposal of the local officers to afford such relief as may be found necessary.

Special cases of immediate relief are being reported to Government for orders. Similar measures of relief are being adopted in the case of those areas about which reports are expected shortly.

MOTIONS OF NO-CONFIDENCE.

Mr. Speaker : The assembly will now resume discussion on the motions of no-confidence in Ministers.

Sardar Hari Singh : Mr. Speaker, the day before yesterday, when the House rose up, I was submitting that the career of the Honourable Minister for Education was littered with broken promises, unredeemed pledges and assurances forgotten and I submitted by putting him a question as to what he has done in order to implement his promises made in the first session of this House at Simla, while the education budget was discussed, how he was going to overhaul the system of education, what steps he has taken and further what policy he has formulated. I think the answer will be 'none.' Further on in the same session a promise was held out and an undertaking was given on behalf of the Government in the following words. The Government spokesman said :—

We want to introduce free compulsory education, if possible within 5 years throughout the Punjab.

May I ask the Honourable Minister of Education how many more compulsory areas he has brought under compulsion within the last 2 years? How many more children have been brought to schools under the compulsory clauses of the Education Act and how far has he increased literacy

throughout the province which was 6.5 in the year 1937? I dare say that it is still the same. Further on the Honourable Minister of Education himself spoke the following words :—

The Government intends to nationalise the system of education, to nationalise the educational institutions and to change the mentality of the teacher.

Further on he said :—

I am in search of a system of education, I am in search of institutions, I am in search of teachers.

Those were the words he uttered in the summer of 1937, and we are now in the summer of 1939. (*An honourable member* : Not yet.) My honourable friend says, 'Not yet.' He will be in the summer soon. He is not yet in the summer. He is feeling cold in this hall. May I ask the Honourable Minister, through you, what has he done to nationalise the system of education? What new national institutions has he founded? I dare say that he has successfully descended upon a national institution, the Zamindara College, Gujrat. That is his national institution. He has closed the Government College, giving place to this Zamindara College, although the founders of that college, in a pamphlet which is here with me, say that they are not inimical to the Government College, and they do not want that the college should be closed to make a place for their own college. By closing down the Government College, he opened a Zamindara College and yet he has the audacity to say that this is a national institution because its management consists of Hindus, Muslims and Sikhs. If this is his conception of a national institution, I dare say he has not read the English language well and he has no conception of what a national institution is and what national education is. On the 10th March, 1938, last year during the budget session, when he introduced the Compulsory Primary Education Bill, he spoke the following words :—

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 4 to 5 years.

Although there was no provision in the budget, yet he envisaged to extend the period from 4 to 5 years, during that year. But during the year, 1939, that we are in, there is going to be no extension in the period of primary course at all. Does he mean to say that he has implemented his promises, implemented his undertakings? Has he nationalised the system of education? Has he discovered any new system of education? Has he extended the period of primary course? By what percentage has he increased the literacy figure in the province? These are the pertinent questions that I ask the Honourable Minister for Education to answer on the floor of the House.

Another charge against the Honourable Minister is this. His whole regime of 2 years is marred by nepotism, favouritism, jobbery and political corruption, if I may say so. Let him not say that I am wrong. I will quote definite instances to show that he is guilty of these charges that I have mentioned on the floor of the House just now. Teachers, not in the good books of the Honourable Minister of Education or his immediate subordinates, have been shunted out, not because they were inefficient, not because their work was not satisfactory, but because they were not prepared to dance to the whims of the Honourable Education Minister or his immediate subordinates. For instance, Mr. Bhatia, Principal, Hoshiarpur

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College, was transferred to a college where he could not pull on on account of unhealthy climate, which was not suited to his constitution. He applied to the Education Department for transfer to a better place. But his prospects of promotion were jeopardised and he had to resign his post. He was a man who had put in a large number of years in the service of the Government and who had rendered great service to the Education Department. He was an expert in certain subjects and yet he was compelled to resign and he resigned as a protest. Another instance is of a brother of a certain politician, who severely criticised the policy of the Unionist Government in the year 1937 after the general election was over. His brother was a divisional inspector of schools and he was transferred from the post of a divisional inspector to an intermediate college as Principal, not for any fault of his own, not because he was not efficient, not because he showed any signs of incompetency, but because the Honourable Minister of Education and his colleagues in the ministry did not like the complexion of the views of his brother who was a politician.

Another recent instance is how the claims of 52 employees of the Education Department were ignored to make place for a lady who happens to be in the good books of the Honourable Minister of Education or of his immediate subordinates in the department—very junior lady, who had never held the charge of any educational institution higher than a middle school.

She was promoted from the subordinate educational service where she was thirty-third on the roll of class II and appointed as Inspectress of Schools, Multan Division, thus superseding the claims of how many?—20 in class I and 82 in class II of the subordinate educational service. She superseded not one, not two, not one dozen, not two dozens but 52—half a century and two—employed in the Educational Department. Although she had never held charge of any institution higher than a middle school. She has now been appointed Divisional Inspectress of Schools and is going about the division inspecting institutions of the matriculation standard.

Then, Mr. Speaker, a certain employee of the Education Department has been victimised. That employee was due to retire in November next and that employee had officiated since March, 1933, in the P. E. S. that is for the last six years, and now suddenly that employee has been reverted to the subordinate educational service. Is that not a glaring and unjustifiable case of victimisation?

Mr. Speaker, you know that when we discussed on the floor of this House the Education budget in the year 1937, all sections of this House, rather members from all sections of the House, from the Opposition and even from the Unionist benches, in particular Chaudhri Riasat Ali, entered a strong protest against making the office of the Vice-Chancellor of the Punjab University a paid one. There was an agitation in the University, the Senate did not like to have a paid Vice-Chancellor. There were capable men and I dare say even the Minister for Finance was willing to act as Vice-Chancellor, there was a Judge of the High Court, a man of much experience who was

willing to act honorarily as Vice-Chancellor; but in the teeth of all this opposition by the whole province, opposition by the Senate and opposition by the various representative bodies in the province, we have got a Vice-Chancellor who is being paid Rs. 30,000 from the exchequer of the province for his maintenance.

I charge my friend the Education Minister, with lack of policy, with lack of vision, with lack of imagination, with lack of planning, with lack of ideal and with lack of policy. In the year 1937 my friend Diwan Chaman Lall while speaking on the Education grant pointedly put a question to my friend the Education Minister and asked him, what is your educational policy? He said, 'we are talking without having before us an enunciation of the policy of the Education Department, how can we criticise the Education Department unless the Education Minister places before the House what is going to be his policy for the education of this province,' and my honourable friend got up to reply and he spoke the following words:—

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

And mark these words, Mr. Deputy Speaker. He said:—

My policy is to place myself at the disposal of the people of the Punjab, unreservedly. There were then blind cheers and cries of hear, hear.

For such service that I can render. My educational policy will be the policy which will be dictated by the people of the Punjab and it shall not be thrust from my side against their wish. This is in a nutshell my policy.

Mr. Deputy Speaker, that is not an enunciation of policy. That was no answer to the question put by my friend Diwan Chaman Lall. We declared then that that was no answer, that was evading the answer. That was not an enunciation of policy but that was an enunciation of no policy and no planning, and that still remains the policy. "I have no policy but what is dictated by the province." May I ask him what policy he has formulated after these two years of experience, what policy has been dictated to him by the province? Is he in a position to answer that question? Is he after two years able to put before this House a statement of his education policy? I dare say he is not able to do so. This point which I am placing before the House was stressed by speaker after speaker in 1937 when the Education Department was being criticised in the budget session. The party system of Government was then introduced in the province and we all said that we had a sort of self-government in the province and it was all the more necessary to educate the electorate, to educate our masters. That was the dictum of Parliament in the year 1881 when the franchise was extended to the labouring masses. We asked the Education Minister then to make a statement of his policy as to how he wanted to liquidate illiteracy from this province and after two years of that discussion I ask him on the floor of the House to-day to state how he wants to liquidate illiteracy from this province. He brought in last year a Bill before this House known as the Primary Compulsory Education Bill. What was the fate of that Bill? *(Interruptions from the Minister for Public Works.)* I give way to my light-hearted friend. What do you want to say? Stop your chirping. If you have anything to say, get up and say.

Mr. Deputy Speaker: The honourable member should not be personal.

Sardar Hari Singh : A pupil of the Chiefs College ; I am coming to him. I will soon leave the Education Minister and then I shall come to him. What has he done ? I am coming to him in five minutes time.

I charge the Education Minister with having no policy. How is he going to liquidate illiteracy in this province ? What has he done ? The Compulsory Primary Education Act is under a sentence of death because he has brought in a new Bill and he has made a confession of the failure of the old measure and that confession has been made in the various Education Reports of the department. That Bill was placed before the House last year. It was committed to the select committee. That committee sat and sat and sat. Only two members from this side were on the select committee. We moved very important amendments to that Bill, when it was being discussed by the select committee. Then all our amendments were out-voted by a packed majority in that select committee. After full one year that report of the select committee again came to this House. After discussion it was again recommitted to the same select committee. That was the fate of the Compulsory Primary Education Bill.

That was the way in which my friend wants to liquidate illiteracy in this province. After two years' time he has not been able to amend the Primary Education Act of 1919. Sind has amended the Act, Bombay has amended the Act and the Governments in those provinces have made drastic changes in the Act so as to diffuse literacy in the province. But what is the fate of our own province ? The Bill introduced in this House has been treated like a shuttle-cock, kicked from the House to the select committee and from the select committee to the House and again from the House to the select committee. I do not know what fate is going to overtake that Bill which was placed before this House by the Education Minister last year. It may take another year before it emerges from the select committee and even then we do not know in what form it will emerge, I fear that this Bill may prove as ineffectual as the 1919 Act itself. We attached a note of dissent, myself and Diwan Chaman Lal to that Bill. We stated therein that this new Bill was going to founder on the rock of finance, because the Government was not going to create any Primary Education Fund as some other provinces have done. We also stated that besides lack of funds, the new Bill would languish for want of central directional control. The Bill has not provided for a central education board of primary education. For want of this central board the district education authorities will have to push on the work of primary education themselves. It has not been realized that primary elementary education to be a success in a province like ours must be based on a policy of State initiative, on a policy of State finance and a policy of State control. The Honourable Minister has not taken note of the fact that without State finance, State control and State initiative, the Bill will not prove a success at all. If the Bill is going to come back to the House with only slight alterations, it will have the same effect as the present Act itself. We cannot liquidate illiteracy from this province by such legislative measures as are contemplated by the Government.

As regards school age, in some countries the compulsory school-going-age is between 7 and 14, in some others it is between 6 and 14. There are still others where it is between 7 and 15 and 7 and 17. According to the Wardha scheme it is between 7 and 14. The scheme proposes eight years

course of education for boys in such a manner that permanent literacy is ensured. But the school age fixed in our Bill here is from 6 to 12, that is only six years. During this period it would not be possible to diffuse permanent literacy in the province among our children. In villages we find people who after undergoing primary course relapse into illiteracy as we are circumstanced at present.

Coming to adult education, may I ask the Honourable Minister what progress he has made in the matter of adult education? What steps has he taken to rehabilitate adult education in this province? Sometime back steps were taken to diffuse adult education in the province, but the education reports speak of the lamentable failure of adult education. The schools that were opened some years ago for adults were closed and the scheme failed miserably without creating any impression in the minds of the adults. May I now ask what steps he has taken to rehabilitate adult education? Has he formulated any policy, has he started any campaign as is being done in Congress Provinces, the United Provinces for example, or in the non-Congress province like Sind? Has he been observing the progress of adult education in the United Provinces? I may here be permitted to read out just an account of the adult education campaign in the United Provinces. It is given in the "Tribune" of 17th January—

A great literacy campaign was launched in the United Provinces on Sunday last. Thousands of meetings were held throughout the province and a million people took oath to teach at least one man or one woman each how to read and write. By teaching their fellowmen how to read books those engaged in the crusade against illiteracy are conferring one of the greatest benefits that it is in the power of a man to confer on another. Among those who have taken the pledge are Sir T. B. Sapru, Premier Pant and others—

including ministers, parliamentary secretaries and high placed educational authorities.

May I ask the Education Minister whether he intends to take any steps of that nature and emulate the Congress Ministry in the United Provinces? He sits mum, a very fine pose for a camera-man.

If we glance through the budget for 1939-40 and look for the items of expenditure on adult education, what do we find? A paltry sum of Rs. 22,800 has been budgetted for adult education. May I ask him to look at what the Congress governments have done for adult education? I shall just take him through the reports of progress made by other provinces. In Bihar for instance this is the kind of literacy campaign. With the help of 14,000 volunteers more than 12,000 literacy centres have been established. What is the attendance at these centres? Over one and a half lakhs of adults attend these centres. For a period of six weeks.

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

What is the result of that campaign? Three lakhs became literate within the first few months of the campaign. Has our Minister opened such literacy centres? Has he taken any initiative, has he set any example for others? *(An honourable member: Jail centres.)* That is the work of the Finance Minister and any credit for it goes to him. Now, what has the Madras Government done? It is considering a scheme of taking over the control of elementary education from local bodies and to recognise the responsibility of the State for the education of the children of the province. The mother tongue of the province was made the medium of instruction in

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1938. Again in the Central Provinces they have got a scheme which is said to be self-supporting. It is said that 68 offers have been made to Government and the Government have accepted the offers and schools are going to be started on a self-supporting basis where education will be imparted on the basis of the Wardha scheme.

In Bombay, some secondary schools have been converted into technical and vocational schools and the entire system of education is going to be overhauled before long. As regards the scheduled classes, they are given free studentships not only in schools but in colleges and besides the studentships, they are being offered scholarships from Rs. 20 to Rs. 30 in Arts and professional colleges. Sixty schools have been opened on the basis of the Wardha education scheme. As regards adult education, they have started a central adult education board to carry on the campaign of adult education throughout the province to teach adults between the ages of 14 and 50. All adults in adult education areas will be compelled to attend those centres provided they are between those ages. In Bihar, Military education is going to be introduced compulsorily in the schools and the Wardha training schools have been started and a training school has been started at Patna to give teachers training in the matter of the Wardha scheme and 50 district schools have been started.

Let me now examine the Education budget of the Punjab Government for a minute for the year 1939-40 and compare that with some of the budgets of the previous years and let us see whether my honourable friend is doing more than what the bureaucracy did and whether he is doing more than what they are doing in the other provinces. Examining the figures for the year 1939-40 and comparing those figures with the figures for 1929-30 and 1930-31, what do we find? We find that during the current year, the Government is going to spend actually less than what the bureaucracy has spent in the years 1929-30 and 1930-31. The budget figure for the year 1930-31—let my friend note it was 172 lakhs and for the current year it is 165 lakhs, seven lakhs actually less than for the year 1930-31 and when we compare the ratio of expenditure on education to the total budget, what do we find?

Premier : May I request my honourable friend to give way, so that I can make a request? I suggest that a time limit should be fixed for this debate. In the Parliament the convention is that on a motion of no-confidence one day is allotted and normally party leaders on the Opposition side make speeches and one or two members on the Government benches make speeches and the motion is then put. Here instead of one day we gave day before yesterday, a day of 8 hours if I may say so, and I am prepared to give further time to-day. You will be glad to learn that the Leader of the Opposition has very kindly agreed to my suggestion that we should break up to-day at 7-30 and all the motions, if they so desire, will be put at 7-30. We have also arranged and it is an agreement between us that this time should be divided half and half between the two sides. It is for them to select their own speakers and give them as much time as they like within this period. So far as this side is concerned, we will arrange our own speakers and give them as much time as we consider desirable. We

sat to-day at 11 o'clock and from 11 to 7-30 P.M. we have 8½ hours. That means that my honourable friend might take 4½ hours and so far as we are concerned, we will be content with that much time although we are larger in number. That is the agreement between me and the Leader of the Opposition.

Chaudhri Krishna Gopal Dutt : The point is whether you have consulted the Leader of the Opposition.

Premier : Yes, he has agreed. The Deputy Leader will bear me out. The Speaker, therefore, may be pleased to give effect to the arrangement at which we have arrived, that is as regards the time to be divided between the two sides, half and half, and putting all the motions at half-past-seven.

Diwan Chaman Lall : The suggestion made by the Honourable Premier was communicated by me to the Honourable Leader of the Opposition. The Leader of the Opposition asked me to inform the Honourable Premier that he would like the debate to go on. But as the Honourable Premier is not willing that any further day should be taken for this debate, the Honourable Leader of the Opposition thereupon agreed that in those circumstances, we would be willing that the debate might terminate at half-past-seven. It is by *force majeure* that this is being done and not by willing consent. In those circumstances, the arrangement suggested by my honourable friend, the Premier, is a desirable one, that half the time should be taken by the Opposition and the other half taken by the Government. That I am prepared to agree to. But I would like to make it perfectly clear that since the Honourable Premier does not want that the debate should proceed beyond to-day for constitutional or other reasons—I am not going into the matter—therefore we have been forced to accept this and that we are not agreeable to the limitation of the debate and that this should go on record. Ordinarily we would not admit the right to terminate the debate in this manner.

Sardar Hari Singh : I was submitting that when we compare the ratio of expenditure on education to the total expenditure for the present year and compare it with the previous years, we find that since the year 1927-28, the ratio of expenditure for the present year is the lowest. Last year it was -138 and it is now -137. In the previous year it was -153. During the current year my honourable friend is actually spending much less as compared with the two years 1929-30 and 1930-31. The ratio of expenditure is the lowest during the last decade.

With regard to the Department of Education, I will now recapitulate my charges against the Education Minister. I have charged him with broken promises, unredeemed pledges and assurances that have been forgotten. Later on I have charged him with nepotism, favouritism, jobbery, and political corruption, if I may so call it. Again I have charged him with lack of policy, lack of vision, lack of imagination and lack of ideal and lack of planning and programme. Now I charge him with ineptitude and inefficiency and lastly I charge him with failure to make a frontal attack on illiteracy in this province. May I now for a few minutes divert my attention to other members of the ministry? (*Interruption.*) I shall wind up

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in a few minutes. I support the no-confidence against the whole ministry, including the Premier not because of any individual failings and shortcomings of individual ministers.

For instance, I am not going to support the no-confidence motion against the entire ministry only because of the arrogance, the haughtiness and self-complacency of the Education Minister with the eternal pose for a camera man, nor do I support the no-confidence motion for the puerile antics of the Honourable Minister for Public Works nor for his ameteurish performances on the floor of this House or as an administrator, although, Mr. Speaker, he has very well managed the estates of his father and he has managed them so well and so efficiently that even considerations of efficiency could not over-ride his claim to a seat in the cabinet; nor do I support the no-confidence motion only because of the cynicism of my honourable friend Mr. Manohar Lal, for veritably he is a man of conviction and he is sticking to his seat in the cabinet despite the volley of protests from members of his class and despite the fact that his erstwhile supporters in the House have all crossed the floor and come over to this side of the House. He is a man of moral courage and convictions. I do not support the no-confidence motion on that score; nor do I support the motion merely because of the manifestations of the signs of second childhood exhibited by my honourable friend Sir Sunder Singh. (*The Honourable Dr. Sir Sunder Singh Majithia: Hear, hear.*) Not only because of his irritability, his lack of parliamentary decorum and polish and his pugilistic caricatures, nor do I criticise, Mr. Speaker, the ministry because of the frenzied out-bursts Congress-phobia by my honourable friend the Minister for Development. Not only because of that that my honourable friend has earned notoriety for reducing billingsgate to a fine art. I do not accuse the ministry for individual failures and foibles and idiosyncracies, nor again do I charge the entire ministry because of the Honourable Premier. (*At this stage Premier was talking to a colleague.*) Let the Honourable Premier hear what I am going to say about him. He should not be busy otherwise when we are attacking him. Mr. Speaker, may I call your attention to the conversation going on on the ministerial benches? This is not a party room. I protest against the lack of attention of the honourable members opposite. I do not criticise the entire ministry only because of the eternal smile of the Honourable Premier which successfully or without success camouflages dangerous and venomous political doctrines. I do not accuse the ministry for their individual failings, but I do charge the ministry with a very serious matter and that charge is the betrayal of the cause of this province, betrayal of the cause of the freedom and betrayal of the cause of this country. What have they been doing during the last two years? Not serving the interests of the country, though they profess that they are the servants of the motherland (*hear, hear*), they have been day and night officiating as high priests in the temple of imperialism and burning incense at the altar of the imperial deity. That is what they have been doing. If they protest and grumble that the charge is unjustified, may I ask my honourable friend the Premier to state what was the significance, what was the meaning and what was the import and the purpose of the Viceregal Durbar that he held in Lahore which revived the splendour of the Moghal days? He smiles. This is an eternal smile

which camouflages a venomous doctrine (*laughter*). I was going to say that they have established a record in sycophancy and toadyism. They have lamentably failed to help the cause of the peasantry of this province and Mr. Speaker, not even Chaman's oratory, nor even Narang's forceful rhetoric can depict better the character of this ministry than Shankar's cartoon in the 'Hindustan Times' two years ago. Do you recall to your mind Shankar's cartoon where the Governor or, I should say, John Bull, sat on a dais and provincial autonomy depicted as a dancing girl was dancing in the centre and these six gentlemen of the Treasury benches, all of them sat in a row as a team singing hallelujahs to the imperial deity? The dancing girl and all these singing and playing on the various musical instruments, my friend the Finance Minister playing on a harmonium, Sir Majithia playing on a *tabla* (*laughter*), the Premier with a fiddle in his mouth—I speak subject to correction, and I think the Honourable Minister for Development was playing on a *sarangi* (*laughter*). That was the most vivid description of the character of this ministry which is dancing to the tune of John Bull and constantly worshipping the imperialistic deity. That is their character and during the last two years they have justified the description in the cartoon of Shankar in the 'Hindustan Times'. These gentlemen of the Treasury benches have set a model of ultra-conversationism and reactionarism in this province. I need not refer to the free use of the Criminal Law Amendment Act, I need not refer to the free use of the penal sections of the Indian Penal Code section 124, 108 and other sections, I need not refer to the frequent lathi charges on the kisans of the province, I need not refer to the incarceration of the thousands of kisans of this province who are demanding reduction in the land revenue, I need not again refer to the continued incarceration of a member of this House Sardar Teja Singh Swatanter who was elected unanimously by an important constituency of this province. Again I need not refer to the new *jagirs* being created in the province to create propagandists for the ministry in the countryside, nor need I refer to the policy of giving a go-by to the prohibition resolution passed by this House, nor to the increased expenditure on the Police Department. Diwan Chaman Lall, the other day, aptly pointed out that the Punjab under this ministry was becoming increasingly a Police state. Nor need I dwell at length on the doctrine of *zamindara* Government propounded by this Government. I only say that this is a novel doctrine in constitutional parliamentary history of the world that a party should be based not on any economic cleavage, but on accident of birth. I dare say that the distinction created by a statute is not a natural and economic cleavage and this is not going to last long and when that cleavage is filled up when that plank of theirs is shattered down under the stress of economic forces in the province, down will they go and with them these gentlemen of the Treasury benches. I, Mr. Speaker, will only refer to two points and then I would have finished with what I have to say.

The other day my friend the Premier in this House went out of his way and waxed eloquent on the virtues of the Indo-British Trade Agreement. He said that these agents of multi-millionaires in the Central Assembly who had voted against that trade agreement had betrayed the interests of the peasantry of this province. That speech of his was published in the papers. Soon after in those very days we read a statement by Mr. Jinnah

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in the press. That statement was to the following effect and I need read only the relevant portion. He says—

I know that some Muslims in the Punjab are under the impression that they have got a gold mine in this Agreement. Let me tell the Muslims of the Punjab and all my Muslim friends here, it is nothing but dust.

Further on he said—

On the contrary we are nowhere and certainly no better off than we were before this Agreement, which is an eye-wash and even the moderate claim of the cotton growers to guarantee offtake of at least seven and a half lakhs of bales is turned down.

Mr. Jinnah concluded with the following words—

I hope that the Mussalmans of the Punjab and Sind will not be misled by the insidious propaganda carried on by the agents of the Government. The Muslim League Party will always stand for the interests of the Mussalmans.

Who carried on the propaganda in favour of the Trade Agreement? None but Sir Sikander Hyat-Khan. And Mr. Jinnah reminds the Mussalmans of the Punjab and Sind that those who are carrying on the insidious propaganda in favour of the agreement are agents of the Government. He says that the Trade Agreement is not in the interest of the zamindars or Muslims of the Punjab and Sind. After reading the speech of the Premier in this House—speech of a gentleman who is a staunch Muslim Leaguer and Leader of the Muslim League Party in the country—the press of our province was puzzled. The 'Tribune'—a progressive nationalist daily of the province—wrote a leading article under the heading, "Under what flag." The Editor discussed the speech of the Premier and then he reviewed this statement of Mr. Jinnah and then he put a question. "Under what flag is Sir Sikander Hyat-Khan sailing?" He asked, is he sailing under the Muslim League flag or is he sailing under the Unionist flag? That was a pertinent question put by the Editor of the 'Tribune' and he failed to answer that question. May I now ask my friend sitting on those benches under what flag was he sailing when he exalted to the skies the Indo-British Trade Agreement which was denounced by the Leader of the Muslim League Party in the Assembly? Under what flag was he then sailing?

Syed Amjad Ali Shah : Under the Unionist flag.

Sardar Hari Singh : He says that he was sailing under the Unionist flag. May I ask under what flag will he be sailing when he will be presiding over the Muslim League Conference at Sholapur?

Nawab Sir Shah Nawaz Khan : Muslim League flag.

Sardar Hari Singh : Let my zamindar friends think for a while whether he is sailing under the Unionist flag or any other flag. Let not my friends think that he is sailing under the Muslim League flag. No, he is not sailing under that flag but he is sailing under the Union Jack. (*Hear, hear.*) He has been sailing under the Union Jack. One word more. My honourable friend the Minister of Education was, the other day, in a metaphoric mood and said that His Majesty's Government in England sent eleven aeroplanes of Provincial Autonomy to this country and each province was given one aeroplane. Look here, he now walks out. What did he say? He said that Sir Sikander Hyat-Khan is an able pilot and that he is piloting the ship of provincial autonomy very ably and that he is flying higher and higher into the celestial regions. That is what he said with

regard to his Leader, and with regard to Congress ministries he said that they are flying at a low range. I admit that. But why are the Congress ministries not flying very high and are doing so at a low range? Because the Congress ministres do not want to be out of sight and out of hearing of their constituents. They want to have an eye over them.

Syed Amjad Ali Shah : I hope you have noted the fact that the Congress ministries have been brought in.

Mr. Speaker : Please do not bring in the ministries of other provinces.

Sardar Hari Singh : They want to keep an eye on the requirements, the misery, the distress, the feelings, the needs and the grievances of the people whom they represent, while Sir Sikander Hyat-Khan is flying higher and higher forgetful of the pledges he made to the people of the province, oblivious of their grievances and unmindful of their troubles and difficulties. He is, no doubt, flying higher and higher. But what will be his fate? Sooner or later, I should say sooner, rather than later, as he is flying higher and higher, the fuel in his machine will be consumed and down will be crash, (*Voices from Treasury benches :* No, no) not in the city of Lahore but in a far off desert, wounding himself fatally and wounding all of his colleagues fatally, and thus all those gentlemen will disappear from the page of time—unwept, unhonoured and unsung.

Mrs. J. A. Shah Nawaz (Outer Lahore, Muhammadan, Women) (Urban) (*Urdu*) : Sir, I listened with rapt attention to the speeches delivered by my honourable friends the day before yesterday and I have been also listening to the speeches which they have been delivering this morning. I find that most of the objections which have been raised with reference to our department are not well-founded. I am sure if my honourable colleague on the opposite benches had not seen things through the glasses of criticism, they would have realized how much had been achieved by us during the last two years. It is most regrettable that my honourable friends have not confined themselves to the relevant points but slipped away from the truth altogether. It is obvious from all that has been stated by members on the other side of the House that they have not studied the facts and figures before making speeches on the floor of this House. If at all they have gone through the facts they have done so very cursorily and that is why they are far away from the truth of the matter.

It is palpably clear that when the present Punjab Ministry came into power it took up beneficial measures for the good of the Province. My honourable friends sitting over there have not gone through the real facts; otherwise I am sure they would have found that in the matter of education this Government is setting a glorious example. Among other Acts passed by this Government one is the Punjab Education Bill which has again been recommitted to a select committee as desired by the Opposition. I wish to submit, Sir, that the Opposition vented their feelings when that Bill was under discussion and it was remarked that the Bill was useless and therefore that should have been thrown into a waste paper basket. As far as the Primary Education Bill is concerned the Opposition is against it and it has also been stated that this Bill is no better than the previous one. I was surprised to know that my learned friend Diwan Chaman Lall was also of

[Mrs. J. A. Shah Nawaz.]

the same opinion. As I have already thrown light on all those points on which this Bill differs from the last one. I do not think it necessary to repeat the same arguments. Only allow me to say a word or two in that connection. As far as the introduction of compulsory primary education in the province is concerned the authority was previously vested in the local bodies of the province.

The Government has now taken that power into its own hands in the Punjab Primary Education Bill. The effect of this

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step would be that if and when a local body fails to introduce compulsory primary education in the areas under its jurisdiction, the Government will be in a position to apply the provisions of this Bill in the areas concerned.

Mr. Speaker, the time at my disposal is very short and I have to say so many things. It is evident that I cannot express my opinion within this short time about the various points that I wish to refer to. I will, therefore, confine my speech to some of the most important points concerning my own department. In reply to the criticism which my honourable friend Sardar Hari Singh has levelled against the Punjab Primary Education Bill, I will first of all point out that the House had agreed to the principle of the Bill when it decided to refer it to the select committee. Then we requested the Opposition to give us two members to work on the said select committee. In response to our request, Diwan Chaman Lall and Sardar Hari Singh were nominated by the Opposition to work on this committee. The importance which the Honourable Diwan Chaman Lall attached to this Bill is evident from the fact that he immediately proceeded on a tour to Europe and left the select committee to carry on the work without his advice or support. My honourable friend Sardar Hari Singh worked on this committee and I may be allowed to challenge him to point out a single occasion when he made any valuable and constructive suggestion and we did not meet him more than half way. Nay, we went further than that. Most of his proposals were actually incorporated in the body of the Bill. May I now respectfully ask him if he had not read the Bombay Education Bill at that time? If he had done so why did he not put forward similar suggestions before the select committee? He should have recommended that certain clauses of the Bombay Bill might be incorporated into our Bill. But I am sorry to say that he did nothing of the kind. Had he done so, the select committee would have sympathetically considered his suggestions. In reality my honourable friend Sardar Hari Singh had co-operated with us and that is why the report of the select committee is unanimous. However, when Diwan Chaman Lall returned from Europe, the former also signed the note of dissent with the latter.

Sardar Hari Singh : May I interrupt the honourable lady member? I wish to state for her information that her statement is not true. We moved important amendments in the select committee but they were declared out of order on the ground that they were beyond the scope of the Bill. Secondly, the minute of dissent was written by me and not by Diwan Sahib.

Mrs. J. A. Shah Nawaz : I am not concerned with this point as to who wrote it. The real point at issue is whether an educational cess can be

levied or not. Neither they nor we have any power to do so. We have to receive the previous sanction of the Governor-General for that. The honourable members know all about it. The question has been thoroughly examined and this position has also been accepted by the Opposition. The points raised in the Minute of Dissent were not debated in the select committee. I am afraid I cannot enumerate all the good points of the Education Department because that would amount to self-praise. I will, therefore, only try to reply to some of the objections that have been raised in connection with certain officers of the Education Department.

First and foremost is the case of Dr. Bhatia. I may inform the House that when he applied for leave, he gave us to understand that he was thinking of retiring from Government service, but to our surprise, on his return from leave he wished to join again. As a capable gentleman had been appointed on his previous place Dr. Bhatia was posted to Pasrur which is situated in a rural area. But instead of working there, Dr. Bhatia tendered his resignation. These are the real facts of the case.

Next, I come to the case of Sardar U. Karamat. It is said that he had been purposely transferred from the inspection line to that of the teaching staff. I may point out that we fully recognise his merit and that is why he has been placed on the teaching staff. The Department naturally feels that he is sure to do well as Principal of a College.

Diwan Bahadur Mr. S. P. Singha (East Central Punjab, Indian Christian): Sir, I rise to oppose the motion. I not only oppose it, I protest against it, because I think it is sheer waste of time and public money that this motion should have been moved at all. Honourable members on the opposite benches are never tired of telling us that one of the ways in which the province can be benefitted is that our ministers should accept Rs. 500 a month instead of their present salary. After all they earn their money after one month's hard work and we waste more than that by one useless sitting of the House. Where was the need of this motion? If they wanted to criticise the Government they have had more than ample opportunity during the budget session.....

Sardar Hari Singh: May I know what is your own way.

Diwan Bahadur Mr. S. P. Singha: Nothing new has been said either by that side or this side of the House. If things go on like this, we better have gramophone records made of some set speeches. Each side can release a record by turns. The Deputy Speaker can preside. Even the sergeant-at-arms will not be necessary. That will serve the purpose and we can save a lot of money. The real confidence motion has been passed by 107 votes. So now there is no question of measuring strength: it is sheer waste of time. Though I stand here to support the ministry, I want to make one thing clear and that is, that I am not doing it as a Unionist, who has fought the elections on the Unionist ticket and therefore is morally bound to support his party. I stand here as representing a community. I fought my elections under the Indian Christian Election Board which was the most representative body we have ever had in this province. It was at the behest of my community's organisation that I am here to-day and because my community supports the ministry (*hear, hear*). Since the notice of the non-confidence motion a meeting of our Association's Executive has been held

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on the 22nd April, that is at which representatives from other districts in the Punjab were present. At this a resolution was passed reiterating confidence in Sir Sikander Hyat-Khan and his Government who have shown interest in the betterment of my community.

Diwan Chaman Lall : How many people were present ?

Diwan Bahadur Mr. S. P. Singha : I think representatives from almost all the districts were present, except Multan. It was a very representative body. We have decided to give an address to the Premier. That shows which side our community is supporting. We have little time for fancy politics. I claim to represent the poorest community in the province.

We recently made a survey of our economic condition. The report of the committee presided over by Dr. Lucas, an economist of repute, says that only members of the semi-criminal and semi-gipsy tribes are poorer than village Christians. The figures quoted are significant. It was found that in Pasrur tahsil our *per capita* income is Rs. 19-8-0 and in Narowal tahsil it is Rs. 17 and that 80-9 per cent of the families were found to be in debt. The average debt per family equalled the total cash income for three years 2 months and 12 days or the total income of one year and 11 months. The share of the average of the annual cash income needed to meet the annual interest charges was 79-68 per cent. A community like ours cannot afford to take part in fancy politics. We want bread. We do not want any fancy finance, we do not want fancy anything.

Diwan Chaman Lall : Not even titles.

Diwan Bahadur Mr. S. P. Singha : We do not mind titles for our work. What is wrong with titles, Diwan Sahib ? I was saying that we have no use for fancy or stunt finance which may be good for propaganda, but bad for the aftermath. We want to support a ministry which follows a method of safe, sane and stable finance.

My honourable friend, Sardar Hari Singh, the other day while making an appeal to us called us simple ignorant Unionists. Does he not realize that the simpler a person is and the more ignorant he is, the less likely he is to be persuaded by academic arguments ? He is more likely to follow a personality. We simple beings on this side follow Sir Sikander. Who is the person on the other side whom you want us to follow ? There is no sense in making an appeal to us until you can answer this question.

That side is very fond of making references to our *kullas* and *turras* and they seem to be very amused at their own jokes. I would like to remind them that underneath these *kullas* and *turras* there is a hard nut.

Diwan Chaman Lall : Does the nut contain anything solid ? Is it not empty ?

Diwan Bahadur Mr. S. P. Singha : You will find it so solid that it is not only hard, but impossible to crack.

Mr. Speaker : I cannot allow a running commentary.

Diwan Bahadur Mr. S. P. Singha : If the honourable members on that side wish to express want of confidence in this ministry, then, it means that there is another ministry to take the place of this ministry.

Who will be the leader of that ministry? We have our Sikander. Where is your Sikander? First let them show us the leader whom they want us to follow. The Opposition must remember that we have got a great personality in Sir Sikander. We know that on that side there are many candidates for ministerships but where is the leader. Whom do you propose as the Premier? Do they, Sir, seriously think that they can form a ministry from the hotchpotch sitting on the other side? Some persons left us because they think that the Government is not doing enough for Muslims, others left us because they think that this Government is against the Hindus and some others left because they allege that this Government is not doing enough for the zamindar and there are others who say that the non-zamindars are sacrificed at the altar of zamindar interests. The Congress Party says that they are not willing to form a ministry. Have they then any justification for moving non-confidence motions? I would advise them that the first object of the Opposition should be to convert their non-descript allies to their ranks. For instance my colleague has left and gone to the other side as an independent. I would have been much happier if he had joined the Congress Party. After all that represents a creed and it has a policy. We may agree or may not agree with that policy, but after all it is a national movement. I hope the day will come, when our objections to the Congress will be eliminated and even Sir Sikander will be a leader of the Congress.

(Voices from the Opposition : Never, never.)

Well, if he is not the Leader of the Congress in the Punjab, then the present ministry, as has been predicted, will certainly endure for 5,000 years. *(Hear, hear.)* You cannot have a ministry in this province without Sir Sikander. What is your idea of administration? You have condemned the appointment of a wholetime Vice-Chancellor of the University. It was argued that there should be no paid Vice-Chancellor. That is the conception that my honourable friends opposite have of the needs of the University. They want to run it by an honorary part-time man and not by a paid Vice-Chancellor. If this is their conception of running things, I do not know what will become of this province, if they had the running of it. The Controller was condemned the other day for the fact that some honourable members could not see him when they called. I was told that the Controller would have been dismissed on the spot, had the Opposition been in power. I thought that it was a joke, but it was repeated three times and later it was mentioned in a speech as well. So I conclude that it was a condemnation in all seriousness. That officers should be at the beck and call of honourable members is a strange theory. If it is possible to see the M. L. As, at all hours why should an officer not see every body and if he sees everybody how can the work go on. Is this the sort of thing for which my honourable friends opposite express a want of confidence in the present ministry?

Then again, Dr. Miss Brown has been attacked. She is a very revered person in our community.

Mr. Speaker : Honourable member's time is up.

Diwan Bahadur Mr. S. P. Singha : One minute more, Sir. All the lady doctors in the Punjab are trained by Dr. Brown. She is the

[Diwan Bahadur Mr. S. P. Singha.]

pioneer for opening the medical profession for women in India. The Government gives a grant to that institution. Had there been no Dr. Miss Brown, there would have been no women doctors here. She has trained hundreds of Punjabi doctors, nurses and *daïs* and cured thousands and thousands of Punjabi women patients. My honourable friends on the other side moved a motion against the ministry for giving a grant to Dr. Brown. Is this the mentality in sympathy with which they want us to welcome the idea of a change in the ministry? The attack on Dr. Brown has only served to open our eyes, that this is the sort of treatment which we are going to get from that side. In other provinces where there is Congress Government, they say, 'We will turn you out from villages if you do not wear Gandhi cap.' In Punjab it seems we will fare even worse. I shall give you an instance. I was invited to a tea party by one of their big wigs. There were representatives of all communities. I also found a friend of the scheduled classes, but he was not shown his seat by anybody. He sat in a corner. When I entered, there was no one to welcome me. I was invited to sit down by a leader of the Muslim League. When the honoured Egyptians arrived, the host introduced so and so, as a Muslim League leader, so and so as a representative of the Sikhs, another of this and another of that. He did not think it worth while to introduce the representative of the Christian community. I was introduced by the Editor of an Urdu paper. Friends of the scheduled caste were sitting in a corner and they were left there for they were too insignificant in the host's eyes to be introduced. Then the photographer came. They called the Muslim League representative and so on and so on and asked me politely to make room for one of them, as a photograph was going to be taken. I can judge from this exhibition what they are going to do when they are in power. Sir, we humble people are well off where we are. So, before they want to change the ministry, they must first of all make sure that they can inspire confidence in the public and especially the ministers. We have every confidence in the ministry. Here I may mention that we had grievances which have been removed only by this ministry. (*Hear, hear.*) For the last 20 years we have been wanting scholarships for Christians. It is due to the present Education Minister that we have got two scholarships. (*Hear, hear.*) We have had so far no claim for admission to the Medical College. One seat has been reserved for us and a European place has also been assured to us. If there is no European available that seat will come to us. (*Hear, hear.*) Since 1916 our people have certain villages in the Montgomery district and they have had to pay a very high rate of land revenue and *malikana*. We are grateful to the present Government that they have removed our grievances in toto. (*Hear, hear.*) In 6 or 7 villages the price of land has been reduced by 9 lakhs and *malikana* to the tune of about Rs. 36,000 a year. Those people who used to be landless and homeless and did not own an inch of land of their own, to-day they and their children are owners of land as the Government has recently conferred on them permanency of land tenure. This is all due to the present ministry (*Hear, hear.*) I could tell you much more, but I am sorry, my time is up.

Sardar Sampuran Singh (Lyallpur West, Sikh, Rural): Sir, I will not take any time of the House to reply to the speech of the honourable

member who has just sat down, because the motion before the House is of no-confidence and I presume that the motion is based on the activities and the policy and other actions of the Government which have not met the approval of the province. I am afraid he has not said anything about the important matters of policy which are before us to-day. He has dealt with affairs of small importance such as giving of scholarships, etc., to the students. After all we are not here to-day to make speeches or to base motions on such matters. When I get up to speak to-day I feel very awkward because we tabled these motions in response to the challenge advanced by the Leader of the House. Now we find that despite the fact that he showed his readiness to give us an opportunity to discuss his Government, what he gave by the right hand he is taking away by the left by robbing us of our right to discuss this Government fully. I had a desire to say a good deal, but I find that my time is so limited that I will not be able even to touch the fringe of the subject which we intend discussing to-day. If he were really serious and keen that we should bring this motion and create any effect, then as a courageous man as he always poses to be, he should have allowed us sufficient time to deal with the subject.

Sir, the motion which I have tabled is against the Honourable Minister of Revenue. My main purpose is to discuss his department. First of all, so far as the question of confidence in him as a minister goes, I think it goes without saying that he has lost confidence both in the province and with his own colleagues. (*An honourable member*: Question.) And he has lost confidence especially in the community to which he belongs. Only recently we had the Gurdwara elections. His party supported candidates for election and they tried their best to help them and we all know, that not a single candidate in the name of the Sikh Nationalist Party succeeded at the polls.

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh): Not a single candidate who stood on the Khalsa National Party ticket was defeated.

Sardar Sampuran Singh: Because they did not have the courage to stand. The Revenue Minister helped several candidates but they all failed. It goes without saying that the Honourable Minister for Revenue has lost confidence of the province. He commands no confidence either in his own community or in the agricultural classes with whom he has mainly to deal as a Minister of Revenue. I happened to remark that he has lost confidence even amongst his colleagues and I heard a small voice from that side saying "question". One by one portfolios have been taken away from him (*hear, hear*). It was only last year that he promised us that he would introduce prohibition in some of the districts in the province. It was a very pious wish, but where is that portfolio to-day and where is that prohibition? Evidently his colleagues did not approve of his policy of prohibition and they have taken away that portfolio from him. One by one he has lost the portfolios of Criminal Tribes, Passports and Forests, and if my memory does not fail me similar treatment was meted out to him when he was Revenue Member in the last Government for when the Akali movement was at its height the Jails were taken away from him. Even at that time they did not trust him with that important portfolio which was originally allotted to him. I wonder why he is sitting there.

[Sardar Sampuran Singh.]

The revenue policy of this province is rotten from top to bottom. It is against law, it is cruel, it is unjust, it is a policy of exploiting the poor agriculturists, the tenants and the peasant proprietors of this province. Now the question may arise, how? I would submit, is it right that you should charge, leaving *abiana* aside, 25 per cent. of the net assets from the peasant proprietors? Is it right that you should commute the "net assets" without giving allowance for the wages of the agriculturist (*An honourable member*: manure also) and manure also? Is it right again that when you assess the land revenue you should not allow any margin for living? You do so in the case of other taxes, and you do not assess any income-tax unless the income of the assessee is above Rs. 2,000. You do not allow any margin to the peasant proprietors, even living margin out of the income which they make out of their lands. The question of net assets is very important and when I deal with it I would say, as I have already submitted, that your policy is not only cruel but it is against the very basic principles which have been laid down by the Government of India. (*An honourable member*: Is the honourable member addressing the Chair?) Yes. It goes without saying that I always speak through the Chair. This matter of net assets has been defined as the net income after paying all the expenses. In law it is nowhere stated that the wages of an agriculturist should not be included in the cost of production. They have to be excluded before you arrive at the net assets. Officers of the Agricultural Department have made calculations and have come to the definite conclusion that one small holding does not bring in any saving to the agriculturist. Now as the Government is entering upon its third year, may I ask what steps it has taken to remit land revenue to those landholders who are not getting any profit from their holdings? The principle of taxation is based on the paying capacity of the person taxed. When your own officers have given evidence as a result of long observation that small holders are not making any profit out of their farms, what have you done to remove the burden of land revenue from them? Have you ever thought over the question seriously? You may perhaps say that in the very first year of your coming into power you appointed the Darling Committee to find out ways and means. But the Darling Committee submitted its report about four or five months ago and still you, the cream of the intelligentsia of the province have not read that report. If you meant to do anything for the province, you ought to have read it on the very first night you received the report. But you people, I am sorry to use that expression, are so careless.

Mr. Speaker: The honourable member has used the word 'you' so often. *Prima facie* it refers to the Chair and not to the ministry. I would therefore suggest that the ministry may be referred to in the third person.

Sardar Sampuran Singh: Very well, Sir. The Government during all these months have not even cared to read that report. They have not even cared to distribute copies of the report to members. They do not mean to give us an opportunity to study the report so that we may make full use of it whenever an opportunity arises. If you will allow me to say so, they will perhaps shelve it. It may remain a dead letter for all times to come.

The Government claim that they have introduced the sliding scale of land revenue in this province. But they have lost sight of the very basic principle on which land revenue is assessed. First of all it is laid down by the Government of India in their resolution of 1902 that revenue must never be assessed on prospective prices. It must always be based on the prices of the past. But when the Government have put in Lyallpur the commutation price of wheat at Rs. 3-12-0 and in Lahore at Rs. 3-9-0, they have violated the very first principle of assessment. They have assessed on prospective prices. They have not assessed on the actual prices that people have been getting before. Again they have done another great injustice to the people by commuting these prices by taking into consideration the boom prices of the war time and the time that came immediately after those years must have been eliminated. First of all, for a long time no war is likely to come; and if it comes Government is too wise to let the agriculturists realize the full profit of their produce. Again, it is laid down in the same resolution to which I have already referred that for all the improvements made by the agriculturists themselves with their own capital and labour, Government will not take any share of the increased profits. This principle has already been introduced in Bombay, Bengal and Madras Presidencies. Even if this principle was not introduced in this province before the present Government came into power, there is no reason why the present Government should not have acted on that principle enunciated by the Government of India and acted upon by the other provinces. They did not even allow a discussion on the *chahi parta* question. I should strongly protest against their conduct in this respect. They may argue, if the agriculturists are not making any profit out of their lands why do they cultivate it? I would not be surprised if they raised that question, because it has been advanced so often before from the Government benches. I would submit that just like everybody else the agriculturists also gamble. He expects profits which never come. He has nothing else to do. He has nothing else to keep him engaged. Agriculture is the only thing he knows and therefore, he pursues that profession only incurring debt and falling into arrears of land revenue and when it becomes excessive and unbearable, the court of insolvency is the only remedy. All the money which he earned by his own labours and all that which his relations and ancestors brought from America, Australia, Malay States, Straits Settlements, China and other places and from service in the Military, has gone into the same channel of land revenue. The kisans have stated their grievances at conferences. But their grievances are not heard. All the doors are barred against them. They cannot come near the ministers. Despite that, we hear their cries at every gate of the town. They started from the Bhati gate and have made demonstration at all other gates of the town, they in small batches even reached these chambers. Their cries have been coming through these windows. They may have entered the ears of Sir Robert Williams who tries to hear acutely by the use of an instrument for hearing but the ministers put cotton wool in their ears and they refuse to hear the cries of these people. But I may tell these ministers through you, Sir, that the political power has now passed to the peasants. It is not on account of my persuasion or on account of your bad treatment, that Government members are dropping one by one but the feeling is born in them that their master the peasant is being robbed of his rights and his cries.

[Sardar Sampruan Singh.]

are coming through these window. Only those people will stick to you till the next elections come, who like my honourable friend the Minister for Revenue have given up the idea or have no hope of coming to the House again. The master is crying outside and it is yet time for you to hear his call. It is yet time for the Government to hear their woebegone tale and remedy their grievances. Their grievances are legitimate. They are right according to the principles laid down by the Revenue authorities. Do not harass them. Do not be cruel to them. Try to be just to them. You have your time, but that does not mean that you should turn deaf ears to those people who have trusted you and given their votes to you. Don't forget those masters of yours. They cannot afford to remain for ever in this position. They have begun to recognise and to feel the power which they have. They are feeling sorry for having exercised that power for you though only once. I can assure you you cannot deceive them a second time.

Now I come to the question of *thur* in this province. The only wealth that our province has is land. (*Interruption*). Sir, the most interruptive member of this House is passing side remarks.

Mr. Speaker : No remarks or interruptions. The honourable member should be allowed to proceed uninterrupted.

Sardar Sampuran Singh : The only wealth we have is the land. If the Honourable Minister has opened new canals, he must have also seen that this *kallar* exists for hundreds and hundreds of miles on all the sides of the canals, especially on the Lower Bari Doab. People have left those areas. Lands have gone barren which were only a few days ago beautiful spots and were giving the best results. During all this period they must have paid any amount of money for Government dues, but no return has so far been brought to them. Even now there are no indications that any effective steps are being taken for removing the *thur* and *kallar*. Again, Sir, during this period there has been hailstorm in several parts of the province. People naturally applied for remission of land revenue. But Government has laid down a very strange and a very funny policy of ordering the zamindars to cut their crops if they wanted to claim remission. I know, in the Lyallpur district, during the hailstorm the tahsil of Toba Tek Singh suffered the most, there were fields with standing crops which could have given at least 2 maunds of cotton per acre but the orders were that they would not get any remission unless the cotton was actually cut and removed from the fields and the result was that in thousands of acres those two maunds per acre were washed. Two maunds of desi cotton means about Rs. 9 and the revenue and *abiana* come to about Rs. 13 per field of *qila* and these 9 or 10 rupees were wasted. Neither the Government nor the zamindar got the benefit of that. What do you think of this kind of policy, whereby the money was wasted and neither the Government nor the agriculturist gained anything and thousands of acres of crop were cut down? I was just going to use a strong word which would aptly apply to the Honourable Minister for his policy but I will not utter it as it is my habit to respect him.

Another greatest wrong which they have done to the agriculturists is that they have assessed land revenue on *abadis*, that is on the land under the houses which the poor people built after the last settlement. That was done in the Lyallpur district and that is also done in other districts. I know an instance in which an *abadi* was situated on six acres of land and those people brought these six acres under cultivation and reduced the size of the *abadi* to $2\frac{1}{2}$ acres and shifted it to a new site. If they had kept the original six acres under *abadi* they would have been exempted but now they have reduced that area to $2\frac{1}{2}$ acres and changed the site and have to pay land revenue on it. This shows lack of intelligence, lack of economy and lack of commonsense if not anything worse. Another thing. The Government has not done anything to stabilize the prices of agricultural commodities. Now I come to the question of corruption. Corruption is rampant most in the Revenue Department. It is only here and there that you find an honest man either in the Irrigation or Revenue Departments. Specially in the Irrigation Department, I think, it is difficult to find one man out of a hundred whom one could call honest. The proportion may be a little more in the Revenue Department, but that is not much to think about. We know that the Government has not raised their small finger to remove this great evil. Only yesterday some member of the Government side was saying that corruption exists on account of the shortcomings of both the parties. But you cannot make so many millions of people honest in a day though you can make these few officers of the Government honest, more easily. Moreover, it is the duty of the Government to keep their officers honest and under proper control and they would not be performing their duty to the general public if they failed to keep their house in order. It is your duty to keep them honest and not to let them fall like a bird of prey upon the people and create havoc amongst the general masses of the people. I shall now proceed to make a very serious charge against the Government.

Mr. Speaker : The honourable member's time is up. Forty minutes only were allowed to him by the leader of his party.

Sardar Sampuran Singh : I will finish with one word more. The conduct of the ministers and their parliamentary secretaries is very objectionable. They write letters to collectors to recommend people and get them appointed as lambardars and zaildars and the parliamentary secretaries run about all over the province with messages from the ministers and notes that their wishes in particular directions may be carried out. This is a very strong charge and I may tell them that they may have confidence in these officials, but these officials also have friends among the people and whatever goes out from here gets known to the people in the districts. They should know it and I warn them that every little thing which they do is known to the people outside.

Shaikh Muhammad Sadiq : How do you know ?

Sardar Sampuran Singh : They tell us.

Sardar Tara Singh (Ferozepore South, Sikh, Rural) (Urdu) : Sir, I have stood up to oppose the want of confidence motion now before the House. It has been under discussion since yesterday and arguments have been advanced both for and against it. Some of my honourable friends on this side have expatiated on the agrarian laws to prove the utter falsity

[Sardar Tara Singh.]

of the no-confidence motion. I would, therefore, not like to waste the time of the House by recapitulating them. But I would confine my speech to answering the charges that have been levelled against the Government. The honourable members opposite accused this zamindar Government of having strengthened the hands of the British Imperialism. This is an unwarranted attack on a Government which by its professions as well as actions endeavoured to better the lot of the poor zamindars. I assert that this charge is utterly baseless and unfounded. I think the boot is rather on the other leg. It is my honourable friends opposite who have made an unholy alliance with the British Imperialism. It is they who have been responsible for and instrumental in fortifying the hold of the British Imperialism. I may submit, Sir, that since this world came into existence, it has been a rule that the powerful and clever nations have always tried to keep the weak and ignorant nations under thralldom. It is a matter of common knowledge how the British gained a footing in India. It was through trade, especially of Lancashire cloth. Now it is to be seen who was responsible for spreading the British Imperialism in the villages. My friends opposite worked as agents of the British and served them by importing their goods and thrusting them on the rural population. The zamindar is so ignorant and illiterate that he cannot understand the intricacies of the British Imperialism. To speak of strengthening its foundations is out of question. I cite an example from my personal experience to show the simple-mindedness of the zamindars. I am now 48. But I was a child, when the marriage of my brother, now aged 70, took place. He bought a piece of superior kind of muslin and my father seeing it quite different from khaddar remarked as to where from he procured this torn cloth. I perfectly remember his words. It shows how simple-minded he was: This is true of the majority of the zamindars who live in remote places or who existed only a decade or so back. This goes to show that my friends opposite were a party to tighten the hold of the British Imperialism. Then, Sir, objection has been raised by them that Government has signally failed to solve the question of land revenue and water rates. They say that Government has not effected any reduction in them in order to alleviate the troubles of the zamindars. I may add that they should first search their own hearts. What has been done in the Congress-governed provinces in this connection? The Congress, before entering on office, held out pledges that they would make a reduction of 50 per cent in land revenue. But those pledges have remained a pious wish. The Congress Governments have failed to redeem those pledges. They have not even thought of assessing land revenue on the basis of income-tax. I may also point out that the finances of their provinces are just in the same condition as those of ours. It is, therefore, that both, our Government and Congress Governments cannot reduce the land revenue as both are feeling financial stringencies. We are now thinking of reducing the land revenue by levying taxes upon such capitalists of our province who are not paying a single pie to provincial exchequer. My friends of urban areas enjoy great facilities in the matter of payment of taxes. Government cannot touch the income of a person if it is less than two thousand rupees. While a zamindar who has to pay only four annas as land revenue, can be incarcerated in case of non-payment of the land revenue. Now my honourable friends should

ponder for a while that when the major portion of the income of the provincial exchequer is derived from the pockets of the poor zamindars, it is only fair that facilities should be provided to them. But the case is quite to the contrary. It now transpires that my friends of urban areas have been given facilities by the British Imperialism as a reward for the help given by them in strengthening the British Imperialism. I, therefore, hold the view that it does not lie in the mouth of my honourable friends over there to hurl such accusations on the Government.

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

These people blame us that we are strengthening the power of Imperialism. I wonder how these people dare blame us like that in the Press and on the platform when they themselves have been strengthening Imperialism till a few years ago. We have been watching their movements and I, therefore, submit that they are in the habit of appearing in different disguise at different times. At present they are trying to appear as monopoly holders of patriotism (*Cheers*). I remember when franchise was going to be granted to Punjab, my worthy friends opposite gave in black and white that if majority of zamindars will come to the Assembly they should try to reduce the land revenue, which will prove harmful to Government Exchequer. But now they are canvassing the simple-minded zamindars that the zamindar Government has done nothing towards the reduction of land revenue thus to prove that what they said as prophecy beforehand, should be proved. May I ask them what the Congress Government has done towards this point?

Sardar Sampuran Singh : About whom is the honourable member talking?

Sardar Tara Singh : I was submitting that they blame us of strengthening the Imperialism. May I ask as to who started firms and who established organisations first of all to this effect?

Mr. Deputy Speaker : The honourable member's time is up.

Khan Bahadur Mian Mushtaq Ahmad Gurmani (Muzaffargarh, North, Muhammadan, Rural) (*Urdu*) : There is a saying in the English language that history repeats itself. You will be pleased to recall that in the third year of the Montagu-Chelmsford reforms a cut was moved to a demand moved by the Honourable Minister for education. To-day a motion with a similar purpose has been moved against the Honourable Minister for Education. I wish to submit, Sir, that the motion moved after three years of the aforementioned reforms was only a forerunner of a great storm. The agriculturists of the Punjab who were groaning under the tyranny of sahkars woke up suddenly and they joined in a common effort to found what was called the Unionist party. (*Applause*.) It is no wonder therefore that after exactly a period of three years has elapsed since the introduction of new reforms notice of no-confidence motions has been given against the Government. I want to assure you that these motions will help the agriculturists of the Punjab once again to strengthen their position and to concentrate their forces for one purpose and one ideal. Now, the budget session is over. The opposition vented their

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feeling when the budget was under consideration. I think all sorts of criticism could have been offered during that time. No-confidence motion is a very serious affair and such motions should be brought forward on behalf of the Opposition on some serious issues. No-confidence motions are not to be moved on unimportant points of difference. Let us examine what is at the bottom of all this. I agree that some fifty disgruntled souls who are restive have been brought together for reasons best known to them. I can only recite one verse in this connection :

اتنا بھی توںا.....
چل رہو جو چاہی میں گز رہو اچال پڑ۔ (Applause)

Let us see who is at the back of this no-confidence motion. History reveals to us the story of those who made honest efforts to uplift the poor but no-confidence motions were brought forward against them. Lenin was faced with no-confidence in Russia before he proved himself to be the saviour of his country. Germany made herself deserving of the no-confidence of the Jews before she ascended the highest pinnacle of glory among the nations of the world. To come to the politics of other countries, the Prophet of Islam, peace be upon him, merited the no-confidence of the infidels before he succeeded in establishing a new universal religion on firm basis. Have you listened to the utterances to-day of those who tyrannise over the poor people, who want to snatch away the last morsel of their bread and want to bring them down to the level of serfs? What can be more pleasant for us to listen to? We would have indeed hung our heads in shame if a voice had been raised against us on behalf of the poor down-trodden people.

Chaudhri Jugal Kishore : I want to ask a question ?

Mr. Deputy Speaker : Order please. The honourable member does not give way.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : I shall answer you with silence. I was just now wondering what is it that has led my honourable friends to move no-confidence motions? Are my friends angry with the Government for its making an attempt to save the poor, down-trodden kisans from the cruel clutches of the *sahukars*? Are they angry to find that in the matter of education this Government is setting a glorious example? Do my friends dislike to see the Government laying the foundation for a lofty building? If so, I shall be constrained to observe that the cry of my honourable friends is the cry of that blood thirsty wolf which groans as the wounded animal is released from its grips. I say that the cry of my honourable friends over there is like the raging hissing cry of that dangerous cobra which yells as the prey finds escape from its clutches. I may assure my honourable friends who are sitting on the opposite benches that we are not at all afraid of this no confidence motion moved by them. We do not deem it dangerous. But it strengthens our determination. I think it would be no use to repeat those ordinary objections which have been given during the budget discussion. I am only going to refer to the remarkable achievements made by the present Government. As the Q̄uran verse goes ختم الله على قلوبهم و على ابصارهم there

might be some people in the Opposition who are unable to see the light of the success and achievements of the Government. I might say that in such cases there is nothing wrong with the light, the fault is of the eye and not of the light. I am constrained to observe that the no-confidence motions moved one by one from that side of the House have depicted a picture of their ill-desire, greediness and avarice which will appear in the very near future. I leave this to the people of this province to decide. They are only aiming at getting the power for themselves. This done, they will deem all work as done, that is, *kare tiflan tamam kiahad shud*. I have not followed one thing. It was the right of the Opposition as indeed it was right for them, to come along with a no-confidence motion, however puerile the grounds on which it may be based. But how has my honourable friend, Mian Nurullah, thought fit to follow the example of Dewan Bahadur Raja Narendra Nath who could boast of one thing after three years of the last reforms, that is, he could sponsor a no-confidence motion? The reason why I have been rather surprised at seeing my honourable friend Mian Nurullah moving this motion is that our aim and ideal are identical. I cannot fail to admire the tact of my honourable friends of the Opposition who have induced him to side with them on this issue and I have been reminded at this time of an Urdu verse which so very aptly applies to the present case :

مگر تصور کس خوبی سے دشمن میں لگایا ہے
میرے مہاد نے کوئے کو بھی آکر بنایا ہے

(Loud cheers.) What lure must have been given to him !

Sardar Sampuran Singh : On a point of order.

Premier : I merely want to tell you—

Sardar Sampuran Singh : Please do not create the scene of the Simla session. I will not hear you because I am already on my legs. He should not be personal and should not use such strong words. Perhaps you will give your ruling whether the word *Ulu* is parliamentary.

Premier : On a point of order. That is no point of order—

(Interruptions.)

Sardar Sampuran Singh : I know the constitutional law : it is a point of order.

(Premier stood up.)

Sardar Sampuran Singh : It is he who is personal : he has referred to me. Secondly he should not use words which are not parliamentary.

Mr. Deputy Speaker : That expression is used in a humorous vein.

Sardar Sampuran Singh : Will I be in order if I use such an expression ?

Mr. Deputy Speaker : It is not unparliamentary, but I would request the honourable member not to be personal.

Premier : He is not personal.

Mr. Deputy Speaker : The honourable member should look to the meaning of the verse.

Lala Harnam Das (Urdu) : Are we also allowed to use similar expressions ?

Sardar Sampuran Singh : If you like it we will also use such expressions.

Mr. Deputy Speaker : The honourable member should look to the meaning of the expression used. (*Interruptions.*)

Premier : May I point out that we have in consultation with his leader, if he accepts him to be his leader, arranged that there should be no interruptions. The time taken by such interruptions should be deducted from period allowed to those who interrupt and not from our time.

Sardar Sampuran Singh : The point of order raised is ridiculous.

Dr. Sir Gokul Chand Narang : At the expense of time may I ask what limit is set to this buffoonery ? (*Interruptions.*)

Premier : Noted. You will know what buffoonery means.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : Sir, my discontented friends have 'crossed the floor' in order to serve the poverty-stricken agriculturists of the Punjab. And may I inform the House as to whom have they found to be the protector of the agriculturists ? No other person than the honourable Dr. Sir Gokul Chand Narang is now being hailed as the saviour of the zamindars. I am again reminded of an Urdu couplet which my honourable friend Sardar Sampuran Singh may not hear and which runs as follows :—

دہ مچو کہیں ہی ایمان ملی جو ایمان ملی تو کہاں ملی
مرے جرم ہائے سیاہ کو ترے عفو بندہ نواز میں

What a leader have they found out to solve the difficulties of the zamindars and provide the panacea for all their ills ! It is like entrusting a donkey to look after a green field of oats. (*Laughter.*)

Now I may proceed to point out that the first and foremost constructive step that any Government can take, in regard to the nation-building activities, is to promote the cause of education. Unless masses are enlightened and the future generation is properly educated, the condition of the people cannot be ameliorated. I admit that some spade work was done during the past regime but that was without any definite aim and purpose. That was haphazard. A few roads were constructed and a number of schools were opened. Besides, several dispensaries were also established. But no definite goal was in view. The Unionists on coming to power took stock of things and tried to mould them according to a special purpose and aim. The first autonomous Government of the Punjab found that the system of education in the province was based on defective foundations. Sir, you remember that the Government appointed a committee to examine the whole educational policy and system of the Punjab. It was sought to recondition the system according to the needs of the times and of the country. A complete revolution was brought about in the educational policy of the province.

The second thing noticed by the Government was that there was going on a huge wastage of time, money and energy in the field of primary education. Out of the large number of students joining the first primary class only one-fourth reached the standard of literacy. Our Government felt called upon to check this wastage. Again, we realized that teachers should be properly educated and trained if the best results were to be achieved in the sphere of education. In short the Punjab Government has introduced a revolutionary programme which has radically changed the entire educational system that was in vogue in this province.

Now let us consider what expenditure is being incurred by our Government in this connection. In 1936-37 the total expenditure on Education was 1,54,00,000 rupees but to-day it has risen to 1,59,00,000 rupees. In this connection the Opposition should carefully note that this huge expenditure has been allowed for education in spite of the vagaries of the season, the natural calamities and the famine of Hissar.

Besides, new expenditure amounted to Rs. 21,460 in 1937-38 but now in 1939, it has come up to Rs. 3,84,840. In particular the House should note that about 80 per cent of the new expenditure is incurred on account of girls' education. There can be no two opinions about the importance of female education and the Punjab Government deserves credit for having done its duty in this behalf.

Sir, as you know that self-praise is no recommendation, I will quote the opinions of others about our good work and would refrain from expressing my personal view with regard to it. It is stated, for example, in a Madras periodical "Educational India" dated December, 1938—I expect that the editor of this paper is one of those who praise the Madras Premier Rajagopalachariar that—

The curriculum suggested for primary schools is quite modern. It is not merely literary and the acquisitions of the three R's that should be aimed at. It should be handwork and constructional activity. Language, Arithmetics and rudiments of Geometry and a general knowledge to be derived from a study of History, Geography, Civics and every day science. The traits referred to are quest for further knowledge and ability to think for themselves, a living and sincere desire to serve their fellow-men, the dignity of labour, initiative, and resourcefulness, self-reliance, self-discipline, self-respect, and a spirit of toleration and co-operation. With such an educational outlook the schools of the future are bound to produce a new type of men and women.

That is what the "Educational India" of Madras says about the syllabus prescribed by us for our schools. Then again my learned friend Chaudhri Krishna Gopal Dutt was pleased to make the following remarks about the Syllabus Committee Report :—

I have read the Syllabus Committee Report and I should say that I have nothing but respect for the efforts employed by the members of the Syllabus Committee and I have a great liking for the report which they have submitted.

Well, Sir, may I ask if it is on account of this that these no-confidence motions are brought against this ministry? Let me say a word about the primary education. Previously the primary department consisted of only four classes but our Honourable Minister feeling the previous standard to be inadequate raised it higher and included the fifth class also in the primary department. No doubt we have not so far been able to carry out the whole of our scheme. The reason for this is not far to seek, and that

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is that we can make changes so far as our primary and secondary departments are concerned, but to alter the University system of education is not within our competence because of the Government of India Act. That is the reason why the University Report is still hanging fire. The British Parliament has been approached by the Government of India to make a provision in the Government of India Act to enable us to enact requisite laws about the University. I understand that an amendment to that effect is going to be made in the Government of India Act very soon. Again under the special development scheme inaugurated by the Punjab Government a sum of Rs. 50,000 was allotted to the Education Department and this money has been spent on the establishment of model schools and on the equipment, including science and rural science equipment and also on hobbies for example, book-binding, soap-making, bee-keeping and honey extracting. There are schools which have been provided with radio sets. We have succeeded in establishing model schools at almost all district headquarters. And we are now making efforts to establish such schools at all tahsil headquarters and other central places in the province. With regard to adult education I should refer you to the budget wherein you find a detailed account about it. If we were to compare what is done in this province with that done in the other provinces under similar circumstances, you will find that the Punjab stands head and shoulders above all other provinces in India. I hope you will kindly allow me to compare this province with other Congress provinces in the matter of compulsory education. There are 160 towns and 10,355 villages in India where compulsion is introduced. In the Punjab there are 55 towns and 8,413 villages where compulsion is introduced, while in Madras there are only 28 such towns and 128 villages. In Bihar and Orissa there is only one such town and fifteen villages. Then I would like to turn my attention to Single Teacher Schools. *Minister for Education*: Since the honourable member had already dealt with this matter, he need not refer to it again). Very well, I leave that matter here. Again Sir, I would refer you to the opinion of an expert with regard to the anti-illiteracy movement started by us in the Punjab. Dr. Laubach recorded the following impressions of his visit to the Government Normal School, Gakhar, in the visitor's book of the school :

One of the great days of my life is this in which I saw 500 people gathered in the village of Kot Nura and 150 of them in classes. This is a prophetic village for the future of India and I hope, it will be the first village in India or at least in the Punjab to become literate. I was also favourably impressed by the student body, the Principal and faculty in this Normal School. Why should yours not be the training school for specialists in adult literacy.

Now let me tell you what the English papers think of us. The Times Educational Supplement writes the following—

Not only in the educational field alone but in all departments of administration, the Punjab has set a fine example to the Congress provinces to steady, consistent progress and reform on realistic lines and it has had the advantage denied to them of being able to frame and carry out practicable policies unhampered by arbitrary commands from an external caucus outside the constitution like the All-India Working Committee of the Congress.

The paper goes on to say—

The old question of reducing the high percentage of wastage in primary schools has been re-examined. An urgent circular letter addressed to all divisional inspectors directs them to aim at a reduction in wastage by at least 5 per cent. every year, so that within five years the literacy percentage in the province should also rise to 65. To this end in each division one of the deputy inspectors is to devote his whole time to initiating, guiding and supervising activities in the field of vernacular education.

A marked feature of the Punjab Ministry's educational policy has been the extension of facilities for education of girls. They have included the provision of a training class at Gakhar for the training of the wives of the teachers under training in the local normal school. Provision has been made in the last two budgets for the construction of girls' schools and boarding houses in various districts.

In town areas two schemes of medical inspection of school children have been in operation. One is suitable for large areas with groups of schools which can combine and form a pupil's health committee, engage a whole time doctor, open a dispensary and conduct the medical inspection and treatment of scholars of the associated school. The other is suitable for smaller areas with single schools which can arrange with a local practitioner for his part time services. In rural districts the medical inspection of children is in the charge of medical officers working in local or neighbouring dispensaries.

Well Sir, these are the opinions expressed by third persons. I must point out to my honourable friends over there that simply moving of no-confidence motions would not help them and if they want to get at the helm of affairs they should be prepared to make great sacrifices. No doubt my friend Mian Nurullah has made a great sacrifice.

Mr. Deputy Speaker : I would request the honourable member not to be personal.

Premier : That is not personal. They have been attacking us by name and we have to answer their baseless allegations.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : I can say without any fear of contradiction that what this ministry have done within the last two years is impossible for other Governments to attain within the next twenty years.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) : Sir, I am very sorry to find that the honourable the Prime Minister and the Honourable Secretary under him have both slipped away.

An honourable member : Which Secretary are you referring to ?

Mian Muhammad Nurullah : The one who has been talking about me. I cannot see him in spite of his being very fat. I think the first thing to impeach in this House is the vindictiveness of these members. These members ever since I have left the Unionist Party have been abusing and even threatening me. I am being harassed in public and in private by the Unionists. They have been even in their own homes sitting round the tea tables suggesting that Mian Nurullah should be murdered. (*Cries of shame, shame, and prolonged uproar.*) About a week ago a senior Provincial Civil Service Officer who belongs to their Party told me before another senior Provincial Civil Service Officer of their Party....

Mr. Deputy Speaker : I would request the honourable member not to refer to a talk that took place outside the Chamber.

Mian Muhammad Nurullah : A Unionist member has referred to me as an *Ullu* and others say that I have turned a *Baghr*. I have a duty to perform today and I would not be deterred by such things from doing my duty, by threats or condemnation. It is my unpleasant duty to impeach the Premier today, but I have to do it as a public man and it is my public duty. It is not out of personal motive. It is a public duty from which I must not shirk. I differ from him not on personal grounds but on public grounds, on questions of principle and policy.

Therefore I would like to steer clear of private attacks. I would like to steer clear of personalities and I am not in the least deterred by the personal attacks made by the Secretary probably at the instigation of his boss, who himself had many a time made personal references to me while I have abstained from paying him in the same coin. Once I rose to give a personal explanation but I was not allowed. I will, however, leave those things aside and come to the principles.

We are serious about discussion on principle and I am sure the truth shall prevail. The services should not be perturbed at all by criticism of the policy of their Government, because after all they have to serve the country in the best way they can. They have for the time being to obey the principles laid down, I am going to prove that the principles so far followed by our ministry are simply rotten.

Had the Premier been here I would have reminded him. However, the honourable member from Mailsi will remember that about three years ago our present Premier came up from Bombay and was feeling his way against our revered leader Sir Fazl-i-Husain. A private dinner was arranged at which only a few select Muslims, a few select Hindus and a few select Sikhs were present. I was also present there. After the dinner all the Sikhs were consulted and they submitted their wishes and the Hindus were also similarly consulted and then the thing came round to the Muslims. They also had their say. I was present there, but I remained silent. The Premier pointing out to me said : "Nurullah, why are you so silent ? Give me your mind ?" I said : "If you want to know your position amongst the Muslims I can assure you that 40 to 50 per cent of them are with you, I am certainly one of them, but one thing I must say is that you will not be able to form the traditions that Mian Fazl-i-Husain would in this province. Today I am not in the least dis-illusioned. I find after two years of faithful service to him that he has failed and the traditions that are being formed are really hopeless. Government is being carried on by the sheer force of members and not on healthy principles. The views of the majority are ruthlessly enforced. This should not be so. Even in this House discussions have been throttled and the will of the majority has been forced upon the minority, with the result that we have the Serjeant-at-Arms Bill passed against the wishes of the minority and the strongest opposition that there could be against any measure. Such traditions really would ruin the province and it is really a bad tradition to refuse to see a deputation of the Zamindars even if it is led by a non-Zamindar. If their grievances are genuine what difference does it make ? I think this is a tradition that would lead us into the greatest possible troubles in future. Now that Satyagraha movement has gone into the villages, it is going to be taken up by the Muslims and when it goes into the heart of the Muslims, my friend

the Premier would not have one person like me but will have much stronger persons with greater determination than myself to cope with. If the Premier continues acting on such principles the Muslims would take up the challenge and support the Kisan Satyagraha.

This is one instance of his rotten administration. You say one of the principles laid down in your creed is purity of administration. I think the most impure way is being utilised in this House. The two years of Honourable Premier whom I have the honour to impeach today have been really rotten from the point of view of national progress. It has been an era of internments and externments and those who are opposed to Government are being terrorised in the villages.

If you allow me to refer to this paper on which the creed and objects of the Unionist Party are set down the very first object of the Party is mentioned to be the development of national self-respect. Their way of developing national self-respect is curbing down the activities of honourable members who show signs of independence. The worst thing that the Honourable Premier has done was when he offered to sacrifice the lives of the Punjabis if a war broke out. He has made that offer notwithstanding the treatment meted out to Arabs in Palestine. He was taken to task by the President of the Muslim League for telling the British unconditionally that we will recruit ourselves and follow you in the case of any war. I think a similar example of increasing national self-respect is the support to the Indo-British Trade Agreement which has been denounced throughout the country, a thing that has been condemned in the Central Legislative Assembly also. Is that the way to increase national self-respect? No confidence motions which are now going to be the rule should not upset the members. An honourable member was becoming excited at the time I moved the motion. He should learn the spirit of democracy. How can you teach democracy to the world when you yourself are not following the creed of democracy? You are laying down a very wrong principle. It would be better for me to read a few sentences from this pamphlet to show what the creed of the party in power is and how far they have put into practice their professions. It is written in very high sounding words, but the actual practice has been quite different. It is only to attract the public and to throw dust into their eyes that this creed has been enunciated in such high sounding words. The honourable member who spoke last said that our Government was not following imperialism. The Honourable Minister for Development also boasted the other day that they were not the creatures of imperialism. But the behaviour of the police with such eminent men as Mian Iftikhar-ud-Din, M. L. A. who had given a good kick to imperialism in this province was very shameful. (*Cheers.*) Is this the only way in which you can keep down people who would like to come up? You do not want such men to come forward to preach independence and to inculcate the spirit of democracy in the public mind. You do not want such men to swim in the stream of independence.

Minister for Education : We want them to swim.

Mian Muhammad Nurullah : Now that the Education Minister has spoken, I think I must draw his attention to one thing. I may have to say more later. We want him to eliminate all excess expenditure in his department so as to save money for beneficent activities. But the best

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example of how he has been doing this is the way in which he has employed 36 or 37 Indian Medical Service officers where he has to employ only 17 Indian Medical Service officers in accordance with some statute or convention. Thus he is spending three lakhs more on the Medical department which should be enough for 300 families in the Punjab. Is that the way to cheapen administration ?

Now I shall quote one by one the creed of the party opposite. It is "the attainment of dominion status by all constitutional means at as early a date as practicable; the establishment in the province of provincial autonomy *de facto*; the acceptance of the community of economic interests as the true basis of political parties, irrespective of caste, creed or residence; and the provision of equal facilities and opportunities for all, with special solicitude for the backward classes and areas whether rural or urban." These four points sum up the creed of that party. I have written an article about them and I think most of the honourable members would have read it. It is interesting to study why the backward classes representatives who were hitherto with the ministerial party have since come to this side. They are now feeling sorry why they did not join the Opposition earlier and why they wasted so much time by remaining with the ministerial party. They left that party because nothing was done for the scheduled classes in spite of the high sounding principles contained in this manifesto of theirs. They were being crushed. This

party of Zamindars is only in name. Whatever the Government does is for the benefit of rich zamindars and not for the poor peasants. It is well-known to our Malik Sahib who comes from Shahpur district. There are six private canals in Shahpur and all the water goes to the rich zamindars, because the Government knows that it cannot afford to displease the Malik Sahib and people of his class, lest it should be overthrown at any moment. If water is given to poor zamindars who are thirsting for water, Government knows what will happen. How can the Government dare help the backward classes or the poor zamindars in the face of rich aristocracy? Let them open the Shahpur canal if they are real well-wishers of the poor zamindars.

As regards the question of self-respect, honourable members know the case of Pir Lal Badshah. I was not aware of it for a long time, because I was too loyal to that party and kept silent and did not trouble myself to learn anything that was going on. It was only when the question of *abiana* came up for discussion that I woke up and I felt very strongly in the matter and came out of that party. Pir Lal Badshah tells me that when he was at Simla he tried to create a small independent group amongst the Unionists and one of the principles of that party was service. ملک اور ملک

کی خدمت He sent round a note and somehow or other some black sheep among the Unionists took that note to the Premier and the Premier in a party meeting said that those who subscribed to the new group should either go out of the party or would be turned out of the party. The fate of the poor Pir is well known. He will himself give in detail the particulars relating to this incident. I am telling only the bare facts because he wanted me to refer to them. Now I shall tell you how the honourable members are treated. Recommendations regarding sub-registrarship and nominations, etc., are held up to keep members under their thumb. This is really

bad. The deserving are in any case ignored. I shall read a few sentences from Hazrat Hafiz of Jullundur to show how all important things are being distributed among the richer classes, those who can approach. The system of education leads to nothing but unemployment. He says that the things which should go to the poor people are distributed among the richer people, and mentions the opinion held about poor voters.

جن کی رائیں انتخابوں میں تمہاری لاج ہیں
 اُن کے بچے آج روٹی کے لئے محتاج ہیں
 تم انہیں تعلیم کیا دیتے ہو مگر ان کے سوا
 تم سے کیا پاتے ہیں بے روزگاری کے سوا
 نوکری پاتے ہیں بعض ارکان کونسل کے عزیز
 رائے دینے والے ہیں انکی رائے میں ہیں بے تمیز

He goes on to say that distribution of favours is no solace for them.

چند گنتی کے رہ عہدے جائداد اور خراب
 کیا بڑا سکتے ہیں جب بے قوم کی حالت خراب

The poor people keep on crying round this chamber and only those who can approach you get the prizes. Another couplet says how greedy the leaders are :

احل ثروت کے جتنے اہل ہوس کی ٹولیاں
 خرم قوم کے لئے جاتی ہیں بھر کچھ لیاں

The poor people have nothing to do. They remain unemployed while sitting miserably in their houses. What else do you give them? They have no chance to come here and approach anybody in order to get their fair share. Is that the policy or principle on which you act? Should not your Government be condemned for this?

حضر جس خون کا ہے جمہور کی امداد پر
 ہو رہے ہیں آج وہ تقسیم چند افراد پر

I would particularly invite the attention of the Honourable Minister of Education to some of these couplets.

As soon as your constituents come to know the policy that you are following they will certainly realize that they made a mistake in sending you here. I need not refer to the other things about the Zamindars which I can take up later. But I should like you to go with me through the objects and how far they have been achieved.

To encourage freedom of thought and freedom of speech and to discourage sacrifice of public interest to personal ends and to promote the interests of masses without encroachment on the rights of capitalists, big landlords and moneyed people.

Sir, those couplets amplify how seriously the principles differ from what they are doing actually. By these means people have been asked to give their votes for them. But now they find that they are simply being misled. The spirit of independence is ruthlessly crushed and the press is being unduly harassed. How successfully the question of unemployment is

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being solved can be judged from the appointment of conciliation boards. You have appointed as presidents of conciliation boards those people who are millionnaires, those people who are retired, those people who are rich and wealthy in every way, those people who are willing to serve you rather than the country. That, I think, is only with the object of creating places for purposes of preaching and propaganda for you. There are many people on these boards who should not have got a job, because there are so many B. A.s, M.A.s, LL.B.s, who are unemployed, who are sitting idle at home having nothing to do. They would have been glad to come and serve in these places with smaller remuneration, but those poor people have no chance under this ministry. It is said that grants of lands will be made to the Unionists. That is a most unfair way of distribution of lands in the Haveli Project or anywhere else. You know that in this very House two cases have come to light. In one case a very big piece of land was given for seed farming business to one who has never done any ploughing and who does not know what seed farming is. Lands and water are being given to those big and moneyed people who never cultivate land with their own hands. The policy of this Government and of the Premier should be to help the poor people, to help those people who till their lands with their own hands and not please the bigger people. When the Honourable Premier went to Lyallpur I was the first to bring to his notice a number of discontented Tirni-Guzars. I told him that they were leading a very hard life and requested him to give them at least half a square per family and in spite of the promises of the officials and the Premier nothing has been done so far. If you go on like that they are sure to join Congress. They have not been able to do anything in the matter. Regarding how you are treating the people and what principles of humanity you apply, I may give another instance in my district. There is a *qaum* of Tharanas and a *qaum* of Bars who are inhabiting about 6 villages in my district. In spite of the fact that they are now very peaceful and have not done any mischief for the last 20 years and there is nothing against them on record, some of them are educated, some of them are in service, some are very old now and yet every one who belongs to these *qaums* are notified to go to the police station if any one wants to leave the village boundary. They are condemned as a *qaum*. Is that human? Is there any Government with any self-respect, in any civilised country all over the world, who will treat their people, innocent and ignorant people, who have not committed a crime for years, and who promise not to do any mischief, in this manner? (*Inter-ruption.*) You think all this is humane treatment because our friend, Sayed Mubarak Ali Shah, who is interrupting might be their Pir and might have in their last generation known about their *russa giri*.

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

Khan Bahadur Nawab Muzaffar Khan : On a point of order. The honourable member has used very strong words. I object to them.

Premier : I think we should give him the longest possible rope. You need not stoop to his level.

Mian Muhammad Nurullah : Why should anybody interrupt me when I say the truth? Sir, there are two views in the province regarding this ministry. One section says that this is a ministry of the Unionists

and another section says that this is a ministry of the Muslim League and sometimes the Honourable Minister for Development goes out and says that the Muslim League Ministry is under the Unionists and here I have got in this pamphlet extracts from his speeches that amount to this. The Premier is trying to throw dust into the eyes of the Muslims. They have been promised many things but nothing is done for them. Yet we hear about the Muslim League and the Unionists. The true principle that should be followed in this province is that the leader of the Muslim League should be a different person from the Premier. How can the Premier be leader of the Muslim League, for instance, if the Muslim League on certain issues wants to set up a morcha against the Government? Will he allow them to do so? There are always differences and there are always troubles.

(An honourable member: What has this to do with the motion now before the House?) I am talking of the Muslim League which is now part and parcel of the Government. People are deceived and misled in this way. They are told, "we are your representatives and are making all sacrifices for your sake and for the sake of the voters." That is quite incorrect. They are not prepared to do anything for the Muslim masses. I think even the Premier has repeated that he cannot do anything for the Muslims only. The treatment meted out to the Muslim League people is simply abhorrent. The Muslim League of Jullundur wanted to make a representation that although they are in a majority in the District their number in the District Board is in a minority, but their deputation was refused time to see the Minister. My honourable friend from Jullundur will bear me out that this has actually happened. Is that a Muslim League Ministry or a Unionist Ministry? What has the Unionist done after all for the zamindar in spite of so many promises? Have they remitted a penny of *abiana*, have they remitted a penny of land revenue so far unless it be under the sliding scale? Sir, the question of reduction in *ab ana* came up for discussion and you all know the fate of my amendment for reduction of 25 per cent. Is this the way they are going to keep up to their promises? From the national point of view as well as from the Zamindar's point of view this ministry has been a failure. They have been taking shelter behind the Darling Committee Report. The Darling Committee submitted a complete scheme within a few months but the efficiency of this ministry can be judged from the fact that even though the report has been sent to them it has been lying either in the press or somewhere in their shelves and even now we are being kept in the dark. I do not know when the report will see the light of the day. I wonder if it will ever come up for discussion. Zamindars are feeling miserable. Again what is the fate of the Unemployment Committee's Report? Where is the Retrenchment Committee's Report and the report of the Resources Committee? I think they will be all put together and we will be told that some action would be taken next year when the elections are nearer at hand and they would be able to please the voters and befool them. It is no use throwing dust in the eyes of the public. They have realized their tactics and they are not happy over it. If I have come out of that party, it is to expose their tactics, even though they call me an owl, and threaten me with some sort of criminal prosecution or even murder. I know the precedents that you are setting up are wrong and the principles laid down in the procedure of this very House are defective. This Assembly has to lead the whole of the province. If this House which is

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above everything else does not care for the rules made by itself, other officers in the province won't care to follow strict rules. Here I find that everyday we change our rules. That is not setting a good example before the public at large. You have been violating the rule regarding Thursday. You have been fixing time some day at 11 A. M., some day at 2 P. M. and have been changing it every day, simply to throttle the Opposition. I think it is not fair. Once you have given the chance of defence to the accused even before prosecution why do you give him further time? You gave the ministry an opportunity to discuss the confidence motion; why should you give equal time to them to debate on the non-confidence motion? In the short time given to us it is not possible to discuss these motions and do them justice. If you permit me further to discuss the objects of the Party I must read them one by one.

To study and promote commercial interests of the province and to overhaul the educational system in all its branches.

I think these items would make any one laugh. Not a word of it has been translated into action. Again—

To promote industries with special emphasis on cottage industries in rural areas so as to provide supplementary means of income to rural population.

Is there anything that they have done? Is there any programme which they have laid before us? Have they formulated any programme? Have they any achievement to their credit? There is nothing of the sort. I go to Lyallpur in my car and I used to see a zamindar selling hens and eggs in a little house on the road side. I also purchased from him sometimes. Once there was nobody in the shop and I had to shout to call the man. The fellow came after a little while and when asked for the reason for his closing his shop, he said that he had to close his business because policewalas could not be supplied at the rates they want. That is the sort of honesty that they are encouraging (*Hear, hear*).

The next thing is the purity of administration. My honourable friend from Lyallpur has already spoken at great length on this and I need not say more. Corruption is rampant but I am glad that an officer has been appointed to check corruption. And the last though not the least:

To ensure religious and cultural integrity of each community as the best basis of lasting national unity.

The Honourable Premier had started in right earnest, but he hopelessly failed and since then he has done nothing. I want the communities to live in peace and harmony. What he should have done was to create harmony between communities to bring about a state where everybody can work and live together for the progress of the whole country. He should have organised the Muslims to be strong enough to walk shoulder to shoulder with other communities so that the progress of the country may be achieved as soon as possible, so that the country might walk over to dominion status and independence as quickly as possible. You have been boasting much but you have achieved nothing. By this time you should have started many programmes but you have paid no attention to this. Because you have not been able to keep good relations with sister communities, you have failed to protect the rights of the Muslims. There have been so many troubles. The Muslims have not been allowed to say their *azans*. My

honourable friend Sufi Abdul Hamid from Ambala would bear me out that in certain villages they were not allowed to do *Qurbani*. You have been unable to make up with my honourable friend Sardar Sampuran Singh for the progress of the country. If you had tried to make up with him, he would have been ready to help you and you would have been able to do so many things by settling up these differences. That is why I say that the Premier has been an utter failure. Instead of taking up a policy which would pacify others, he has taken up the policy that would offend others and other communities being stronger, you are not able to safeguard the interests of the Muslims. I can assure you that if you allow Khwaja Ghulam Samad to speak out his mind, he will let you know what is the feeling in your party. If he is sticking to your party it is for different reasons. Let him speak and you will know it. Let Sufi Sahib speak out whether the Ambala Muslims are satisfied. Why not allow these things to be discussed? That would be in the best interests of the province. Cow sacrifice is not a question that I would like to discuss but I can tell you that in the matter of *Shahid Ganj* all of us in that party were prepared to resign from this Assembly if the Honourable Premier was prepared to do anything for the community. The resignations were signed without putting any date and without putting any reason on them. All were prepared to go out of this Assembly if it could help you and you promised to do something but so far you have done nothing but only deceived us.

Mr. Speaker : I never promised anything. (*Laughter*).

Mian Muhammad Nurullah : I am addressing the Premier. He has never been able to do anything. I am speaking from the point of view of the Muslims, I have spoken from the point of view of the zamindars, I have spoken from the point of view of the country and I do find that this era of two years has been an era that has put a brake on the progress of the country and this brake is not only harmful to this province but it is harmful to all other provinces. The progress made in other provinces is indeed great and I would request the Premier to inculcate the spirit that exists amongst the Premiers of other provinces. Not to talk of Congress provinces. I know about the Premier of Bengal. When he is driving in his car anywhere in the street, anybody could call him, "Manvi Sahib" please listen to me, here are my grievances." Everybody can stop his car. (*Hear, hear.*) The Premier of that province would thereupon ask one of his Secretaries to note down the complaint. (*Interruption.*) But here the Premier goes about in a closed car and anybody that wishes him has to be disappointed. An honourable member had personal experience of this nature in the case of the Minister of Education at the Railway Station. It is for the Premier to become a democrat in true sense, it is for the Premier to score off that false notion of being a master, a bureaucrat. It is for the Premier to be the real servant and it is for the Premier to inculcate the spirit of democracy by throwing off the vindictiveness and it is for his party to help him to achieve that end. With these words I support the motion of no-confidence.

Mir Maqbool Mahmood (Amritsar, Muhammadan, Rural) :
 Mr. Speaker, I have listened, with great attention, to the speech of Mian Muhammad Nurullah and I did so particularly because I looked upon it as the declaration of policy of that fifty per cent aspirant of the '10, Downing Street' of the Punjab. I purposely describe him as fifty per cent aspirant

Mir Maqbool Mahmood.]

because from the report that goes round I believe that, as a matter of convenience and tactics, it has been decided that my friends Mian Muhammad Nurullah and Maulvi Mazhar Ali Azhar would run the '10, Downing Street' of the Punjab. (*Laughter.*) Therefore, for this reason, I listened to the speech of my honourable friend Mian Muhammad Nurullah with great interest. His censure motion reminded me of a pertinent remark of Maitland, the constitutional Historian of England. He said that there were two types of censure motions; one that was brought forward by the Leader of the Opposition under one of the two conditions. Firstly, when he had the majority of the House behind him and as a patriot he walked forward and told the Premier, "I have a majority and you have lost the confidence. I, therefore, must come in." Secondly, when the Leader of the Opposition wanted to initiate some important discussion on a matter of policy or to seek guidance or to bring forward his own view point on a matter of great international importance for which he sought that procedure. That was, according to Maitland, permissible and perfectly constitutional form of censure. But there was, according to him, another censure motion which he, in his language, described as the public hysteric fit of a hysteric girl and he said that it invariably came from a back bencher who wanted to establish his zealous sincerity to those who would not believe in him. (*Laughter.*) I would dare to describe the censure motion of my friend as of that nature. But one thing I would certainly say and I would crave his indulgence when I say so. It is this. What has been the burden of his censure motion? He said that he walked out from this party as the defender of the Muslim faith, as the crusader of the zamindars of the Punjab. (*Hear, hear.*) Granted. All honour to him for that decision. But where does he seek his asylum? I want him to know the names and read the names of those who tabled this very motion which he has been pampered to move. Where does he find his co-defenders—my friend Sardar Sahib Sardar Santokh Singh from Amritsar, and my friend Chaudhri Krishna Gopal Dutt from Sialkot? Does my honourable friend suggest that if he were sincere as Secretary of the Zamindara Conference of Lyallpur in more than once repeating that he was not satisfied with the pace of the agrarian legislation, he would have been found in the same bed with the Chairman of the Reception Committee of the Amritsar Non-agriculturists Conference? Here he is. All honour to him. Here is the great crusader. I will congratulate him on the day he comes forward waving the crescent flag and going forward to defend the Muslim rights. But where does he go? I could understand him if he were leading a jatha or coming forward with honest views to the Premier and saying, "Here are, Sir, my claims, listen. I have got the right to ask you that." Where does he seek asylum of Muslim rights? With all his armoury he draws out his sword and presents it in the lap of the Honourable Dr. Sir Gokul Chand Narang. History will record these facts if history condescends to take notice of these mediocre class benches. (*Interruption.*) I particularly welcome this censure motion. For nine months or more we have been hearing that in our ministerial party we have ruptures, have disloyalties, have dissensions and like wolves we are only waiting to be staggered off by the touches of mediocres from those benches. We have been hearing that the uniforms of the future occupants of these front benches are being buttoned, the buckles are being polished and every moment a landslide was

threatened. I am glad the opportunity has come for testing the loyalties of both sides of the House and I claim with all the emphasis that I can command that whatever the other party may declare, quite willingly they will find this party devoted to service of the province and standing shoulder to shoulder despite all the opposition that is coming from the other side. (*Hear, hear.*) My friend asked in his glorious style, "What have you done for the Punjab, what have you done for the zamindars, no remissions of taxes, no reduction of *abiana*." He further said, "I, as a nationalist, claim that." We, fortunately or unfortunately, have had the honour of playing politics as intimate playmates with my great friend who has suddenly resigned and is trying to defend the agriculturists.

We have been together through thick and thin and I can assure you that knowing him intimately, when he got up to make an attack on Sir Sikander I am sure that the angels must have been ashamed at his discretion. I would not use strong language. My friend Mian Nurullah can permit himself even the liberty or the licence.

Mr. Speaker : The word "shame" should not be used.

Mir Maqbool Mahmood : I did not use it because that would be a complement to my honourable friend opposite.

Sardar Sampuran Singh : On a point of order. Those words should be withdrawn and it is still worse that the honourable member should have endorsed them.

Mr. Speaker : I have pointed out that that word should not have been used.

Sardar Sampuran Singh : It should be withdrawn.

Mr. Speaker : It should not have been used.

Sardar Sampuran Singh : He has repeated it.

Mir Maqbool Mahmood : My friend Mian Nurullah in his zeal even went to the extent of describing my friend Syed Mubarik Ali Shah almost as a thief or even worse (*Voices from the Opposition : No, no.*) I may tell him that his elders are those on whose feet people seek honour.....

Mian Nurullah : That is quite true but I never said anything about his ancestors.

Mir Maqbool Mahmood : I now know how he expresses his sentiments for those whom he respects ; we have no right to expect better. He asked, what have you done for the zamindars ? What have you done for the Muslims of the Punjab ? I will not go into details in the limited time but I will certainly say with all the emphasis at my command that we have done all that we could for the Punjab within our limitations and despite the tactics of my friends the Congressmen and the vagaries of my friends like the mediocre Congress henchmen. We have done for the Punjab what any honourable descent group of upright people could be proud of. (*Hear, hear.*) In the matter of federation we have not lagged behind anybody else. We have condemned it and said so. In the matter of provincial autonomy I claim that the liberty of the province is safest in the hands of our general Sir Sikander Hyat-Khan. (*Hear, hear.*) Take again the question as to who defends the liberty of the province. I claim that it is we who defend the

[Mir Maqbool Mahmood.]

liberty not only of the Punjab but of India (*hear, hear*). I claim that under the gifted and courageous leadership of Sir Sikander the Punjab is ready to prove its traditions and of showing respect to this class which is Punjab's greatest pride. Take the beneficent departments. The very test of the beneficent activities of a province or of the Government are contained in the budget. I submit that we could not bring about a millenium in two years' time. Nobody can do that. In the words of Mr. Rajagopalachariar it is humanly impossible in the course of two years to change what has been spoiled in 150 years. I claim that in these two years the Punjab has done more than any other province in India (*hear, hear*). I am prepared to cross swords with anyone who contests my statement. Take taxation. My honourable friend possibly thinks that the only remission of taxation is that which can be published under broad headlines. But, Sir, we on this side have a legitimate grouse that the honourable the Premier hates publicity. He would not declare what he does or his party does. If publicity were given my friend would realize what has been done. In 1937, apart from other remissions, no less than 58 lakhs has been remitted by way of assistance to the zamindars in various forms. In 1938 it was 92 lakhs and in 1939, 97 lakhs. Are these not remissions in taxations? I claim that those who refuse to seek light when there is light had better get themselves cured than accuse others for not seeing the light. He claimed that if Government has done anything it has been done for the big zamindars and no aid has been given to the smaller fry. May I ask who is going to benefit by the agrarian legislation? Are the big landlords going to benefit. (*An honourable member*: Certainly.) My friend says 'certainly'. If that is the basis on which you speak, then the sooner you revise your views of politics the better. Don't you know that in Nili Bar tenants were in certain difficulties but as soon as their complaints reached Government, the Revenue Minister and the Financial Commissioner went there and an announcement was made that relief of no less than 10 lakhs would be given. These are just a few of the many instances of relief given and some of the many advantages and many privileges that this Government has bestowed on them. (*Inter-ruption*.) I stand corrected. In 1937 it comes to 30 lakhs. Then my honourable friend said that these disgruntled, divided, worrying, quarrelling ministerial party want him to join them. I emphatically claim and can prove it that this group of patriotic honourable gentlemen devoted to the service of the province have put their shoulders to the wheel of administration despite the jeers of the Opposition. I ask them to show me another group of men with that spirit among them who on the question of the Muslim services would be able to stand together. I would, therefore, appeal to my friends on these benches not to be discouraged by the jeers of my friend who is a 50 per cent aspirant for No. 10, Downing Street, to perform their part of duty. (*Applause*.) We leave it to the judgment of history. You may be sure that there is a genuine and sincere group of friends who will admire what we are doing and every generation that will come will not lag behind it. (*Hear, hear*.) ✓

Khan Sahib Raja Fateh Khan (Rawalpindi East, Muhammadan, Rural) (*Urdu*): Sir, I have risen to oppose the no-confidence motion now before the House with all the force at my command. If we look at the hard

facts and realities, the hollowness of this motion becomes at once obvious. It appears that the Opposition have lost all sense of proportion. My friends have brought forward this motion without realizing the consequences of its failure. I am sure that for this unwise step of theirs the Opposition will be doomed forever. The way in which they have behaved has reminded me of a story of a weaver who had a buffalo with curved horns. He felt itch in his foot and in order to sooth it he rubbed his foot with one of the horns of the buffalo while she was sitting. And when he was doing that the animal got up and he got his foot entangled in the horn. The result was that he broke his leg and got disabled for the whole of his life. (Laughter.) The Opposition have acted similarly. They have been feeling itchy but the remedy they have applied is sure to produce fatal results. The other day the honourable member from Ludhiana remarked in his speech that we were in the habit of making comparisons with the Congress provinces while we ought to make such comparisons with countries like England and America. What a reasoning: That remind me of a verse:

دگر کون این کشور غنڈوستان است

Perhaps my learned friends' view is why we should not be able to make as good aeroplanes as are being made in England and Germany or why we are not in line with Japan in the matter of industries. This argument is funny indeed and the following verse aptly applies to my friends over there:

توئی کے کند ہر کس بہ بالا

من از بالا بہ بائم مے ترقم

When my friends see that the Punjab is giving lead in every matter to the rest of India, they turn round and refer us to foreign countries by saying that we are doing little as compared with them. They ignore the relevant conditions. In fact they do not like to appreciate our onward march. They rather try to place serious impediments in our way. I ask why my friends shut their eyes against hard facts which speak highly of the Punjab. May I point out to them that where in Bombay there are 400 hospitals, in Central Provinces 348, in Sindh 108, in Orissa 164, there are 900 hospitals in the Punjab. Where Madras spends two annas and seven pies per head on medical relief, the Punjab Government spends five annas and seven pies per head. These figures clearly indicate that the Punjab stands head and shoulders above all other provinces of India. My honourable friends quoted from the Holy Quran. I may also quote from the holy book a passage that runs as follows:—

لَقَدْ كَفَرَ الَّذِينَ قَتَلُوا أَنْفُسَهُمْ وَأَسْأَلُوا

This means

that every one should be treated according to his deserts. I do not want to dilate upon the various activities of this Government but I must say that one great thing they have done is the enactment of agrarian laws by means of which they have sought to save the poor zamindars from the clutches of the rapacious Bania. In fact this was a great curse that this Government have attempted to remove. Another great achievement for which the Honourable Premier can rightfully claim the credit for vindicating the well-established rights of the military races of the Punjab is this. Some time back there was a move to the effect that recruitment to the Indian Army

[K. S. Raja Fateh Khan.]

should be made provincewise on the population basis. If this move had succeeded the province would have received a serious set-back. The Honourable Premier on the occasion of His Excellency the Viceroy's dinner declared in his speech that the Punjab that has rendered meritorious military services to the British Government during the last century is not at all prepared to forego its present position *re* recruitment to the Indian Army. It was a dangerous move and a huge propaganda was carried on by Congress newspapers in its favour. But all credit to the Honourable Premier who raised a strong voice for the maintenance of *status qua* and succeeded in nipping the evil in the bud. Surely one thing passes my comprehension and that is that when my friends consider the recruitment to the army as one of the means of strengthening the hands of Imperialism, why have they been so anxious to have recruitment made provincewise on the population basis? It was a great service done to the province by our Premier for which the martial tribes of this province feel much grateful to him. In a meeting of these people recently held at Montgomery representatives of martial tribes like Jats, Dogras, Sikhs and Punjabi Mussalmans have expressed their feelings of gratitude. Again my honourable friends have objected to the appointment of Serjeant-at-Arms. But they do not seem to realize that this appointment is in fact due to their own misbehaviour and indiscipline. I must warn them that they are traversing on deceitful ground. The following verse amply applies to them :—

درمیان قعر دریا تخته بدم کردہ

باز مے گوئی کہ دامن تر مکن ہشیار باش

In this connection M. Gandhi too issued a statement recently to the effect that the Congress has now started losing so much of their power by allowing misbehaviour and indiscipline in their ranks. This expression is most probably actuated by indiscipline prevailing in the Congress ranks over here.

Now, Sir, I would close my speech by quoting the same poet whom the Honourable Mian Nurullah has referred to in his speech by reciting certain verses from a poem composed by him. He says—

اے دوست اب سکندر رومی کا ذکر چھوڑ

وہ کہیل ختم ہو گیا اُس کی وفات پر

پنجاب زندہ دل کو ہے مردوں سے کیا غرض

اسکو ہے ناز اپنے سکندر حیات پر

In short the poet referred to by him also feels proud of our Sir Sikander Hyat-Khan. With these words, Sir, I whole-heartedly express my fullest confidence in the present ministry and strongly oppose the no-confidence motions moved by the Opposition party.

Khan Bahadur Nawab Chaudhri Fazal Ali Khan (Gujrat East, Muhammadan, Rural) (*Urdu*) : Sir, in the short and limited time that I have at my disposal, I shall not be able to dwell at length upon the remarkable

and splendid achievements of the present Government. I would not, therefore, go into details. It is a matter of great regret that certain honourable members opposite have levelled scathing criticism against the ministry and have tried to belittle the distinguished feats done by Sir Sikander Hyat-Khan's Government. Since I have to throw some light upon a particular matter which has been unnecessarily brought in, I would like to make a few passing remarks about the ministry. The present Government has done a lot for the amelioration of the poor classes. Had it done nothing for the betterment of the poor agriculturists, certain honourable members would not have seceded from the Unionist Party. The crux of the matter is that the great services done by the present Government would always prove a source of constant trouble to the representatives of the capitalists and moneylending classes. They, therefore, tried their best to create a split in the party and at long last succeeded in winning over certain members. Our party leader could have very easily and conveniently avoided this secession on the part of certain members, but he being imbued with the spirit of duty and service to the poor and needy people cared not a little for the tactics of those interested people. And thus a small party of a few persons having private and personal grievances against the Government came into being. But let me tell them, Sir, that such action on their part cannot thwart the Government from doing its duty. I need hardly say that the remarkable work done by this ministry would always shine and glow like the big orb of Heaven in the annals of our history. Blessed are those who face hardships in the name of their country and nation. There is no gainsaying the fact that our Government has done all what it ought to have done for the province.

Now, Sir, I come to the question of the Zamindara College which has been unnecessarily raised in the House. In order to make my point clear I would like to make a few observations with regard to the past history of this institution. When our *ex*-Minister of Education—the Honourable Malik Sir Firoz Khan Noon—paid a visit to Gujrat, a deputation comprising of highly distinguished persons and eminent lawyers waited upon him and requested him to kindly raise the Intermediate College to the standard of a Degree College. But he was pleased to remark that personally he thought it more advisable to start a separate Girls School at Gujrat instead of turning the present Intermediate College into a Degree College. This suggestion of his was gladly accepted by the deputation and so we desisted from pressing our demand. We at once came out of the room and began discussing the matter. Thus Lala Charan Dass and Lala Kirpa Ram jointly drafted the resolution and we all signed it. The resolution was more or less worded as follows :—

We the undersigned respectfully submit that a Government Girls School may kindly be opened in Gujrat which should be afterwards raised to the standard of an Intermediate College. With this end in view we humbly suggest that the present Government Intermediate College should be closed and efforts should be made to raise the standard of the other local school, namely the Zamindara High School to an Intermediate College.

It was indeed a very wise suggestion. It is absolutely impossible for us to allow our girls to go to some other places for acquiring higher education. Thus it was arranged that the present Zamindara Association should provide for the building of the proposed college and make arrangements for necessary

[K. B. Nawab Chaudhri Fazal Ali Khan.]

equipments. A few days later we represented the matter to the then Director of Public Instruction, who was pleased to give his final sanction to shift the Intermediate classes of the Government College to the Zamindara School. It is very interesting to note that at present we neither have that Minister of Education amongst us, nor the then Director of Public Instruction, and what is more the letter sent by the latter sanctioning the proposal has also been lost. Thus the Government shifted its responsibility on to the Zamindara Association for maintaining a college in Gujrat. Here I am reminded of a Persian couplet by Hafiz. He says—

حافظ بضد نادر شید این حرفه می آرد

اے شیخ پاک دامن معذور دار مارا

Thus much greater responsibility was devolved upon us by raising the Zamindara School to the standard of an Intermediate College.

Now, Sir, I shall make a few observations with regard to the charge of communalism that has been levelled against the managing committee of the college. It was not worthy of the honourable members of this august House to say things which are absolutely baseless and unfounded. Certain honourable friends opposite have remarked that the said college is being run on communal lines. I most emphatically and strongly repudiate that charge. Let me submit, Sir, that this college is being run by a committee which comprises of Hindu, Sikh and Muslim members irrespective of the idea whether they are agriculturists or non-agriculturists. In this connection it is gratifying to note that none of the members has ever complained to the effect that the college is managed on communal lines. A few days ago certain honourable members had referred to a certain memorial which was presented to the Government under the signatures of about 23 persons. These gentlemen, I am sure, have in fact done a great service to their district. This shows that out of a population of 9 lakhs there are only 23 persons who do not approve of this scheme. Here I am reminded of a very interesting story which I read in a book. It was related therein that once a commander-in-chief of a certain country went to review an army under him. When he arrived at the parade ground, it so happened that none of the soldiers saluted him. However certain ladies who were present there waved their handkerchiefs to him. The story writer here comments that the ladies did a great wrong to the officer. Had they not done so people would have thought that the soldiers forgot to pay due homage to him, but now every one was free to infer that the officer was only respected and esteemed by women and not by men. Similarly here also we are justified in saying that there are only 23 persons in the Gujrat district who do not like the idea of raising the school to the standard of a college. Had they not done so people would have thought that hundreds and thousands of people are strongly opposed to this scheme. I may submit here that the matter had been under the consideration of the Government for the last 2 years. It was only recently that the Government came to a final decision in the matter. It was well-known to the public of the Gujrat district that such a matter was being considered by the Government. They could very easily and safely launch a protest against this proposal at that time. But they kept silent and did not think fit to raise their little finger against such a

scheme. But, Sir, I know the reason why this hubbub has been raised, and I know why these memorials are being sent to the Government. I would now try to knock the bottom out of this propaganda and expose the man who is responsible for all these subterranean intrigues. The principal complainant is a pleader of Gujrat who is also a relative of the Principal of the College. This Principal, thinking that he would stick to that post for good and remain in Gujrat permanently, built a very nice bungalow there. Now he is sure to leave the place under the new arrangements, and therefore, he is inducing others to represent to the Government for dropping this scheme. Thus all this hue and cry is being created definitely at his instance, and all the signatories of the memorial are his sympathisers. This shows their love for education. It is much to be regretted that merely for personal ends these interested people are making endeavours to deprive the young men of their district of higher education. Our object in taking upon ourselves the responsibility of maintaining a college was to impart education to our young men at a very low expenditure. It has been decided that the fee to be charged from the students should in no case exceed Rs. 6. It is worth noting that the fee charged in other colleges is even more than Rs. 10 per mensem. The striking feature of this college is that here even a son of an ordinary zamindar can very conveniently acquire education side by side with the sons of rich and well-to-do people.

Now, Sir, I would like to say a few words in connection with the charge made by certain honourable members that the said institution is run on communal lines. I again repudiate this charge with all the emphasis that I can command. Besides other objects in view we intend to impart religious education also to our children. We want to see Hindu, Sikh and Muslim students of our institution saying their respective prayers under one and the same roof. In short we like to see our students imbued with the spirit of religious tolerance. Verily he has gone off his head who has the audacity to disapprove of this highly beneficial scheme of ours. With these words, Sir, I strongly oppose the motions of no-confidence against the ministry.

Chaudhri Jalal-ud-Din Amber (West Central Punjab, Indian Christian) (*Urdu*): Sir, I have stood up to support the no-confidence motion as an independent member. The time at my disposal is very limited. I shall, therefore, not be able to speak at length and shall be content to confine my speech to a few points. I shall speak first of all on the Medical and Sanitary departments, as the first motion of no-confidence has been moved against the Minister in charge of these departments, the Honourable Mian Abdul Haye. At this time I recall to my mind the time before the reforms. Englishmen with whom we had talks about the reforms used to say, "Look here, you Indians ask for reforms. The reforms will require money to go and the money shall have to be got through taxation or by cutting down your old expenditure. This will be cause friction and the result will be that you Indians will fall out among yourselves over the question of adjustment of your finances." The present time and the present conflict has brought up vividly the truth of that assertion before our eyes and we cannot but admit that those Englishmen were right.

Every time when the budget is presented before this House, Sir, all sorts of platitudes are heard by us on the floor of this House. It is said, "Oh,

[Chaudhri Jalal-ud-Din Amber.]

this budget is a really difficult affair to manage. It requires great tact and financial acumen. Our Finance Minister has indeed performed a feat of financial skill." And all sort of nonsense in this strain is let loose in the House. The question is: has anything new been achieved, or even attempted, beyond the simple, prosaic arrangement of the income and expenditure side? This was done every year in the past. Can the Honourable Finance Minister be specially congratulated on a thing which his predecessors in office did and did with much less fuss? (*Applause.*) The budget tells the same stale and old story. If more money is available, let us open some more schools. If some more funds are accessible, let us extend a bit further another scheme which is already in hand. Nothing new, nothing fresh is attempted or contemplated. Now, I ask you, does this require any very prodigious sort of brains? My grievance against the present ministry is that they have done no reconstruction work. They have given proof of no changed attitude which may be construed as a distinct improvement upon the achievements of their predecessors. We, in the Punjab, have not yet realized that we are now living under a new system of Government or the provincial autonomy has come. We think with the poet:—

Wuhi lehnga, wuhi sarhi, jo pahle thhi, so ab bi hai

Wuhi Mahtub Bhattiari jo pahle thhi, so ab bi hai.

(*Mir Maqbool Mahmood: Fikre har kas ba qadre himmate ost.*) Right. You can soar only as high as your wings can carry you. Your policy can be epitomized in one short line of Iranian:—

Man tura haji bagoyam, tu mara mullah bigo. (*Laughter.*) My honourable friend who just now interrupted me should bear this fact in his mind that it is only the new men who can apply a fresh mind to our problems and it is a fresh mind from which fresh outlook can be expected. My honourable friend's party has played out its time. Let it make room for another party now so that it may bring with it new outlook on life and its problems.

Now, within the short time which is at my disposal, I shall enumerate the grievances of my Christian community as best as I can in the circumstances. Let us examine what our present ministry, more particularly the Ministry of Education, has done for the Christian community. It is acknowledged on all hands, Sir, that my community has done a pioneer's work in the field of education and in medical line. Christian men and women did spade work in the field of education and medicine under the guidance of able and public spirited European missionaries. Other communities perhaps lagged behind because purdah system among their ladies was an obstacle. At any rate Christian men and women did the pioneer work in these fields. We claimed weightage on this account but let alone weightage, we have not so far got even our legitimate right according to our population. Whenever we press our claims we are dismissed with the curt reply "Christians should not get their bread buttered both sides."

Recently the case of a deserving lady was brought to the notice of the Honourable Minister for Education. She is doing excellent work. There is another lady junior to her who is getting nearly as much as the lady in point. When two honourable members of this House represented her case

he curtly gave the ununderstandable reply, '*Woh te ape rakhi hoi ay.*' This is unintelligible. It is common knowledge that the Honourable Minister sits here as if in sleep. In these circumstances we can read only the verse to ourselves with a little change from the actual text in order to make it applicable to the case in point:

Tu kai bishnawi nalaē dadkhah

Ke chamber kuni shewae khabgah

Then the grievances which my community has in villages are intact. No attempt has been made to liquidate them. They experience the same difficulty regarding the supply of drinking water as before. They cannot build their own houses. It is not possible for them to take out Government lands for temporary or permanent cultivation. Only recently Christians were not able to get land on temporary cultivation but our honourable friend, Sir William Roberts, who is such a well-wisher and sympathiser of the Christians, got it on a tender, fifty per cent less. (*An honourable member*: Is he not a Christian himself?) He belongs to the community of Nawabs and Raikes. He is not a poor Christian like others.

Then, so far as services are concerned, the members of the Christian community are conspicuous by their absence. We have been fed on hopes now for a long time but the verse of the poet is only too apt in our case:—

Tire wa'de per jiaiy ham to yeh jan jhoot jana,

Agar aur jite rehte yahi intizar hota.

The most important question to be considered *vis-a-vis* the position of the ministry is: what has it so far done to solve the questions of an All-India importance on an All-India basis? Provincial autonomy has not been introduced in all the provinces with a view to letting various provinces fritter away their energies on isolationist schemes. It was introduced to infuse into all the provinces the spirit of co-operation on all-India issues. When we look at the policy of the Punjab Government we cannot understand which way it is going. Is it tending to Pakistanism or to Dominion Status? What is the goal of the Punjab Government, or more correctly, what is the ideal for which it stands? No doubt it brought forward the Agrarian Bills which have some good points indeed as they are to an extent useful for the agriculturists (*Mir Maqbool Mahmood*: *Hear, hear.*) But they have done some harm also. They have brought about disruption in the province. They have not been conducive to the inner concord of the people. Another question which ought to have been tackled on all-India basis was the problem of representation through joint electorates. The policy of the Government in this connection brings to my mind the verse:—

Tarsam ke ba Kaba na rasi Arabi

Kin rah ke tu me ravi ba Turkestan ast.

Mian Sultan Mahmud Hotiana (Pakpattan, Muhammadan, Rural). (*Urdu*): Sir, when I first heard of this no-confidence motion which is now before the House, I was very much surprised and I could not find any reason for it. I tried my level best to guess the reasons which have led my honourable friends over there to

3 P. M.

[Mian Sultan Mahmud Hatiana.]

move their no-confidence motions. On the one hand I thought whether there were so many members who were dissatisfied with the Government and who would rise up in their seats for leave being granted to move these motions expressing want of confidence in the Ministers. On the other hand I said to myself whether we had done anything which justified the bringing in of such motions and which could be turned and twisted against us. I pondered over this question from these two angles. After some time I got the clue and I will now place it before you.

Sir, you are aware of the fact that some time ago this Government passed some agrarian Bills. Now by passing this legislation the Government in fact laid bare the malpractices of the sahukars and have in fact put the last nail in their coffin. These Bills have not only been enacted into law but they have received the assent of the Governor also. I am definitely of the opinion that before the next session of the Punjab Legislative Assembly, they would be enforced throughout the length and breadth of the Punjab. The Opposition party is anxious that before those laws are enforced a row should be created in the Assembly in order to justify their presence here in the Punjab Legislative Assembly. They do not want to lag behind others. To my mind this in a nut-shell is the reason for their bringing in motions expressing want of confidence in the Ministers. As a matter of fact they are now weeping and crying over the coffin of the malpractices of the sahukars.

Every honourable member is fully aware of the fact that when these agrarian Bills were being enacted into law some members of the Opposition openly opposed these Bills. There were others who remained neutral. I may submit that those persons who remained neutral, after the enactments of these measures went to the rural areas and told the people that they had tried their level best to get these laws enacted into law and were highly beneficial for them. But when these people went to the friends of the sahukars they said to them, "You all know that the Government had an overwhelming majority in the Assembly and it was but certain that those Bills would be enacted into laws. Even if we had opposed these Bills tooth and nail that would have proved simply useless." If they had opposed openly these Bills their cloak of deception would certainly have been removed from their faces and the world would have known the exact mettle of which they were made. That was the reason which led them to remain neutral. They went on to say that by throwing dust in the eyes of the zamindars and by hoodwinking them they were keeping on the cloak of deception. As a matter of fact they were the real friends of the capitalists. Surely a day would come when they would be able to form their own Government. If they dared to vote so openly against the zamindars they in the end would not be able to set up their own Government and thus would never be in a position to wreak their vengeance upon this Government, by nullifying all the Acts which they have so far enacted. Now under the guise of deception it is quite possible that they would be able to have their revenge one day. So the capitalists should not be angry with them but they should only wait and see.

Now Sir, the question arises, even if we admit that the members of the Opposition party are submitting their just grievances and are crying over the coffin of the sahukar, what has happened to my honourable friend Mian

Muhammad Nurullah? Why has he crossed the floor and gone over to those benches? He is a zamindar and why is he partaking in this hue and cry of the Opposition? In this connection I may submit that whenever a case of death occurs in the house of certain person, his neighbours as well come and share his grief. This is the case with my honourable friend Mian Muhammad Nurullah. In order to elucidate my point I would like to cite an example. In a certain village there lived a Kazi. One day his son died. In the neighbourhood there lived a cobbler named Kala. According to the prevailing custom he went to the Kazi's house to express his sympathy at the death of his son. But when he went there he wept to his heart's content. On the following day when people asked him why he wept so very bitterly over the death of the Kazi's son, when even the Kazi himself did not weep as he did, he replied that day before yesterday one of his bullocks died and then he did not weep over it for fear of being termed as a mad man. But the death of the Kazi's son had provided him the opportunity of weeping over his dead bullock. In the same way, I may submit that the bullock of Mian Nurullah had died and he was weeping and beating over its dead body. (*Hear, hear and laughter.*)

Now Sir, coming to the question of the poverty of the zamindar I may submit that I wholly concur with my friends that the plight of the zamindars has really become miserable. The zamindar is poverty-stricken. He has no means to buy food and clothes for himself. But what is the reason that his plight has become so very miserable? To my mind there are three main reasons for his poverty. In the first place the Government is responsible for his poverty. Secondly, the sahuakar is responsible for his crushing poverty. Thirdly, to some extent the zamindar has brought these troubles on himself by his own actions. As far as the responsibility of the Government is concerned I fully admit that the rates of land revenue and *abiana* are beyond the capacity of the zamindar to pay. These loads are breaking his back. Then the pay which the officers of this Government are drawing is not commensurate with the paying capacity of the zamindar. But I may submit that the thing worth remembering is whether the Government had done anything in this respect or not. I may submit that as soon as this Government assumed office it gave its urgent attention to this all important question. They have appointed a committee whose business it is to suggest economies and to point out new sources of income. That committee has submitted its report. Let me also point out that this question is not such as could be solved within a day. The Government do not claim to possess a magic wand to work this miracle over-night. We have set up a tree and for two years we have been cultivating and watering it. Now when it is about to bring fruits it would be our ill luck if we go away somewhere else in search of something better. The same is the case with my honourable friend Mian Muhammad Nurullah. He had joined with us in watering and cultivating that tree and we have spent much money on it. Now when the time of gathering the fruit has come he has crossed the floor and has gone over to those benches. To my mind this is nothing but foolishness. As long as we do not taste the fruit and do not know whether it is sweet or sour, we cannot decide whether the tree is good or bad. In the same manner if we prejudge the Government and do not see the fruit that our two years' hard work is bearing and simply change our ground, it would be tantamount to folly on our part.

[Mian Sultan Mahmud Hotiana.]

The second cause of the poverty of the zamindar to which I have referred in the beginning of my speech is the sahukar. It is a fact that the sahukar was sucking the very life blood of the zamindar. This Government deserves our heartfelt congratulations inasmuch as they have saved the poor zamindar from the clutches of the wolf. The wolf now sees his prey but cannot lay his hands on him. One of my honourable friends has expressed in the course of his speech that he was only expressing the grievances of his voters but was not doing anything to devour his prey.

To conclude I may submit that the zamindar to some extent is responsible for his own poverty. He takes part in faction fights which result in filing of suits and counter suits by different parties. He is a simpleton and can very easily be led into deception. So I would request my friends that instead of carrying on this propaganda they would do well to persuade the peasants to give up this habit of filing suits and counter suits in the court of laws. If my friends cannot bring themselves to act up to my advice I may submit that we would pass our lives very easily, but that propaganda, I am sure, would produce indigestion in their bellies. In the end they would spoil their lives as well as ours. It would, therefore, be much better for them to advise the zamindars to do these things rather than that they should carry on this malicious propaganda against the ministry. With these words I resume my seat.

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, General, Urban) : Mr. Speaker, my motion of no-confidence is against the Honourable Minister for Finance. If you have been keeping in touch with the tendencies in the province and the feelings and reactions of a large number of people in this province, you must have realized that the one member of the Cabinet who has excited the greatest pity, the greatest loathsomeness and the greatest condemnation is the Honourable Minister for Finance, Mr. Manohar Lal. That the Honourable Minister has been described by one of his own colleagues as the 'sole of the shoe' bears testimony to the fact that that gentleman over there has no *locus standi* in the cabinet. My attitude against the Honourable Finance Minister was stiffened yesterday when he delivered his speech which was replete with scorn and contempt. Can you imagine a Minister getting up and addressing a man like Diwan Chaman Lal who is the idol of the Assembly (*Honourable Members on the Unionist benches* : No). He is. Consult your hearts. (*Interruption.*)

Mr. Speaker : Please do not be personal.

Chaudhri Krishna Gopal Dutt : There is a political honesty and there is a personal honesty. But so far as political honesty is concerned, I regret to say that these dissenters have not acquitted themselves well by shouting 'No'. If there is one man in the Assembly who brilliantly fights for the liberties of the province, it is Diwan Chaman Lal. This is what you say outside and here you say 'no'. It is his tongue that.....

Mr. Speaker : The honourable member is irrelevant. He should discuss the ministry.

Chaudhri Krishna Gopal Dutt : Anyway, the Honourable Finance Minister got up yesterday and he addressed Diwan Chaman Lal in terms which were not dignified.

Mr. Speaker : He did not and could not. Every honourable member should address the chair.

Chaudhri Krishna Gopal Dutt : What is the use of interrupting on small matters ? Is it not enough when I say that he did refer to Diwan Chaman Lall in such terms ? Do you want me to stop ?

Mr. Speaker : I request the honourable member not to be personal.

Chaudhri Krishna Gopal Dutt : The Honourable Minister for Finance referred to Diwan Chaman Lall as a certain member. I have never before heard of such a thing in a legislature. If the Honourable Minister is to be censured for anything in this House, besides other charges that I have to level against him, this is one. This means lack of dignity, lack of culture on the part of the Finance Minister to address the Deputy Leader of the Opposition as a certain member. That is the greatest condemnation and, therefore, I say that we at least on this side of the House have lost confidence in him.

Yesterday I raised a vital point of constitutional importance and you gave your ruling on that. But now there is no question of a ruling, when we are discussing the no-confidence motion, I have got a right to put a question to him and if he fails to give a categorical reply to that, may be in the affirmative or in the negative, may be a monosyllabic yes or no, we shall be satisfied, but if he does not say anything about that we will know what interpretation to put. Raja Narendra Nath had publicly stated that he had reasons to believe that Mr. Manohar Lal did not approve of the agrarian Bills. I at this time do not want to expatiate upon the agrarian Bills, whether they were justified or not, the point at present is whether Mr. Manohar Lal is really against those Bills or not. So far as we know and this is a matter of common knowledge that Mr. Manohar Lal was and is against these agrarian Bills. These were not small issues of policy, these agrarian Bills were not minor matters but these Bills generated the greatest issues, the most important issues in the province and the people believe that Mr. Manohar Lal was against these Bills. If this is correct, he had no right to continue to sit on those benches and serve on the cabinet. It was in the interests of honesty, it was in the interests of truth, it was in the interests of the evolution of responsible Government in the province, it was in the interests of the formation of a well-organized and responsible and harmonious and homogeneous cabinet that he should have resigned from the cabinet and now that he had not done so, it is the duty of this House to assist him in the performance of that duty by directing him to march out of the cabinet and devote his time to lighter pastimes such as crossword puzzles. (*Laughter.*)

The second charge that I have to lay against him is this. He has been fiddling with the finances of this province. You will perhaps recollect that during my first budget speech I said, after having given him the credit for knowing economics, that time alone would show whether he was an academic economist or a practical economist and a practical statesman who possessed the initiative of introducing bold economic policies in the province. We have seen him, we have judged him and tried him for two years and we find that he has failed to initiate any bold economic policy in this province, that is he has failed to equalize taxation among the different classes of people, he

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has given no relief to the slender and rheumatic shoulders of the poor peasants and he is thinking of burdening them with further taxation. Do you know, Sir, what is the budgetary condition of the Government to-day? We have a deficit budget not only for the current year, but also for the coming year. Mr. Speaker, in the current year we have a deficit of 27 lakhs and in the coming year we have a deficit of 29 lakhs. I ask the House whether it is not a serious matter. This gentleman assured us that his policy was of a sound finance and that the finances of the province were in sound hands. But we find that his assurances have not materialized. In order to bring home to you the significance and implications of a deficit in a budget, may I read to you from a great authority who writes that the deficit in a budget has been responsible for the downfall of many Governments in Europe and America. Mr. Speaker, here is what Mr. Buck states in 'The Budget in the Governments of Today'. He writes on page 114—

Not only do financial authorities and economists hold that 'balancing the budget, as it is popularly called, is basic in any sound system of public finance, but statesmen, politicians, and administrators also recognize this fact. Many of the latter group have so expressed themselves during the trying times through which the governments of the world have passed since 1930. The British Chancellors of the Exchequer, Snowden and Chamberlain, have emphasized the importance of budgetary equilibrium in their budget speeches before the House of Commons during the past three or four years. The ministers of finance in most of the British dominions have done likewise. The French ministry has staked its continuance in office on proposals for a balanced budget.....

which this gentleman over there has failed to achieve for the current year as also for the coming year.

He continues to say—

Aside from the political consequences of an unbalanced budget, such as the overthrow of cabinets and defeat of parties in power, there are certain financial implications and economic results which are perhaps even more important from the popular view point. An unbalanced budget is generally looked upon as a symptom of financial instability in a Government.

This charge of fiddling with the finances of the province has been amply substantiated and there is no manner of doubt that he has failed in his duties and why is it so, I ask you? This is because he has no opportunity to understand the needs of the people. He has no occasion to realize the requirements of the mass of the people in this province. This is because he is not a man of the people, he is not meant for the people, and he is not meant for democracy (*loud cheers*). He lives in a world of his own and soars high in the celestial regions of superman—which was the central teaching of Nietzches philosophy, who was a man-hater. The Honourable Finance Minister does not like to mix with the common man. That is a great defect in him. It is his hatred for the common people, it is the man-hating instinct in him that is responsible for all this. Mr. Manohar Lal has no sympathies for the common people and it is, therefore, why he has failed in his duty to regulate the finances of this province. I charge him with all this and, therefore, I ask him that he should be the first man now to listen to the Opposition. He is the gentleman who used to say that he had the greatest regard and respect for the Congress people. He is the gentleman who used to declare with pride that during recent elections he exercised his whole

weight and influence in favour of the Congress candidates. But now he is sitting there laughing at the Congress people and ridiculing them. Not only that but he is stifling them.

Here is my next charge against him. I have already said that he has betrayed the agriculturists. He has betrayed not only them but he has betrayed the non-agriculturists also. He has betrayed the Hindus also. People believe that he has forgotten his own convictions. Those convictions and reactions to which he used to give vent have all been thrown to the winds by him. May I ask him, is it his love of the poor that urges him to continue as a member of the Cabinet or is it the love of power, or is it the love of money? Is it the love of money which has made him sacrifice his views and convictions? If it is the love of power and money, then we on this side refuse to be a party to it because it is a nefarious game, because it is an unholy game. He is not meant for cabinets and democracies. He is meant to be in some university. That is his proper place. If I got the Government in my hands or if Dr. Gopi Chand and Diwan Chaman Lal got power in their hands, then we shall see that a man who has academic interests remains in a college and not in a popular Assembly or a representative institution for which he is the most unfit person in the province.

He is the head of a department which is the most corrupt in this province and which is that? It is the Excise Department. Consciously or unconsciously he has been encouraging the evil of drink in this province and also the consequent crime and immorality in this province. Do you know what the policy of the Excise Department is? I have got before me the Report of the Excise Administration. In the last paragraph of that report it is said that an increase in the net revenue, decrease in outstanding finance, increase in the number of working stills captured and increase in the licit consumption of opium and charas are the most important features of the Report. He should be ashamed of this. Any Government which has got consideration for the welfare of the people, for the moral welfare of the people, for the intellectual welfare of the people, for the spiritual welfare of the people, would be ashamed of this Report. Is this the policy of the Government? So far as his Excise Department is concerned, he is the man who has treated this House with disrespect and contempt. This House passed a resolution urging the Government to put into practice the policy of prohibition at least in five districts as a matter of experiment, but one year has passed since then. It was on the 10th of March that that resolution was passed. This Assembly is not like the old Assembly and its resolutions are not advisory. They are not mere recommendations but they are binding on the Government if the Government at all considers its responsibility towards this House. One year has passed and he says that he has not the money for that. He has got money for revelries in which the Government indulges, he has got money for all sorts of absurdities in which the Government indulges but he has got no money for creating morality in this province, for removing the evil of drink from this province and thereby removing crime and poverty from this province. Do you know that another province has sacrificed more than two crores of rupees for the sake of prohibition and, as I said in the Budget speech, the Bombay Government has sacrificed Rs. 1,80,00,000 for the sake of prohibition? They have sacrificed this revenue for the sake

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of the people, for the sake of the practical realization of the policy of prohibition but here is the Honourable Finance Minister who in his private capacity has got great regard for self-respect—he cares very much for his self-respect—but as a politician and Minister he has so far shown no consideration for the principles of self-respect in this province. One of my friends has just now suggested to me to ask Mr. Manohar Lal a definite question and that is this. Does he believe that the emancipation of this unfortunate country lies in the creation of communal organisations as against the national organisations? I want to ask him this question. There is the Hindu Sabha and there is the Muslim League. There is, as everybody knows and as has been declared times out of number by the head of the Government, the Premier, a Muslim League Government in this province. He has joined the Muslim League Government. I ask the Finance Minister, does he subscribe to the principles of the Muslim League and if not where is his self-respect? If he has got any respect for his own views, he should shunt himself out of the cabinet and if he is not prepared to do so then he should change his name from Manohar Lal to Manohar Khan. (*Interruption.*) As you know, I have never indulged in communalism. I am not a member of any communal organisation of this province. I have been in public life for the last seventeen years—and this without any side engagements—but so far I have never taken part in any communal organisations. Therefore, I feel that I have got the right to ask him this question. It is not up to those honourable members of this House who are members of a communal organisation—as most of them are and as some of them are here on these benches—to ask him such a question but surely a man, who stands for pure, undefiled and unalloyed nationalism, has got the right to ask a question from a man who believes in parties based on political and economic issues and not on religion. He has joined a party—a Muslim League party—and that is the greatest indictment against him. I referred to the question of joint responsibility earlier. Yesterday also I referred to that but care was taken that that item which was published in all the newspapers of the province—and it should be said to the credit of the *Civil and Military Gazette* that it was published in that paper as well though that paper is hostile to our interests—should not appear in Mr. Manohar Lal's own paper. (*An honourable member* : The Tribune.) I do not want to name it. I raised a fundamental question and that was suppressed in his own paper. Does he stand for the liberty of the press, does he stand for independence of the press? Will any honest or independent journalism be left in this province? There are so many charges against him and there is only one conclusion that we can draw. If we cast off political prejudices, if we cast off even our social or sociological propensities, the only conclusion we can draw is that this gentleman sitting over there and who is occupying that bench is perhaps a *de jure* member of the Cabinet and not a Minister *de facto*. We have heard of Ministers without portfolios but we have never before heard of Ministers without any following. He is the most unfit person in the cabinet, and, therefore, it is the duty of this House to bring home this fact to him that he has thrown all his political self-respect to the winds and it is high time that he should realize as to which way the wind is blowing. He should realize in what waters he is and he should leave this cabinet at once and if he does not leave the cabinet forthwith, then it is our own duty,

howsoever distasteful to some of the members, that we should turn him out of the cabinet.

He is there on account of those poor wretched political prisoners who made the greatest sacrifices for their province so that Mr. Manohar Lal may be there on these benches ; but Mr. Manohar Lal has proved ungrateful to them. Political prisoners continue to rot in cells and dungeons and are still behind the bars in this province and this gentleman over there, fiddling and smiling, has absolutely no sympathy with those political prisoners. It may be said on behalf of Government that so many political prisoners have been released. That is only a part of the normal policy of the Government, for after the period expires or if some prisoners is are dangerously ill, then those prisoners are released. It was part of the normal policy which even the previous Government followed : they have not taken any particular step and released the prisoners. They have not followed any special policy of release of political prisoners, such as has been given effect to in other parts of India. So many political prisoners are rotting in jails ; why should not they be released now ? Are they criminals and murderers ? Mir Maqbool Mahmood once said that they were murderers. He does not know that even Mr. deValera was once dubbed a murderer : Hitler was once a murderer : Mussolini was once a murderer and what is the position of these three today ? They are ruling their own countries. The time is coming fast very soon when these very people now confined behind the prison bars will come out somehow or other and will be occupying those benches. (*An honourable member* : Will that be non-violent) ?

I now refer to another department—the department of criminal justice—which is in charge of Mr. Manohar Lal. It is a matter of common knowledge that in this province—I do not want to expatiate on this point but I will briefly refer to it as you know it—courts are not meting out justice.

Mr. Speaker : Reflections on courts of law cannot be allowed.

Chaudhri Krishna Gopal Dutt : I am not referring to any particular court. I may draw your attention to the fact that the Chief Justice in this province has issued a statement in which he says, that very high personages make attempts to influence courts (*A voice* : Wrong.) He said that they are trying to influence the courts in the most objectionable manner. You will realize that he could not be referring to Dr. Gopi Chand ; he could not be referring to me or to some other people who are in the Congress. What he said was of men in authority ; and who are the men in authority ?

Mir Maqbool Mahmood : On a point of order. I am very sorry to interrupt my honourable friend.....

Mr. Speaker : Please state your point of order without making speech.

Mir Maqbool Mahmood : When the honourable member is quoting the Chief Justice of the province with regard to certain statements, it is not fair that he should misquote. What the Chief Justice said is that it has been brought to his notice that certain men in authority are trying to influence.....

An honourable member : Where is your point of order?.....

Chaudhri Krishna Gopal Dutt : Why was the Chief Justice called upon to do so ? Perhaps he did not know that he was speaking in favour of the proposition for the separation of the functions of the judiciary and the executive. At present I do not want to indulge in theory of Government whether there should be separation of the three functions, i.e., legislative, executive and judiciary, but one of the crying needs of the province, without which no justice can be met, is the separation of the executive and judiciary. It was with a view to bring about reform in this direction that the Chief Justice felt called upon to give a warning, not to the Opposition but to the Government benches over there : those who have the influence and power those who hold influence and power are requested to use it in a less objectionable manner. I do not want to criticise the statement of Chief Justice but I must say that he has made that statement in a very bold manner. Why use your power and influence at all not to say in a less objectionable manner.....

Mr. Speaker : Three minutes more.

Chaudhri Krishna Gopal Dutt : What about interruptions ? I have spoken about criminal justice and about the release of political prisoners. Then there is another department in his charge, i.e., Jail Department. If, Mr. Speaker you were fortunate enough to go to jail you will realize (laughter) what reforms the Finance Minister has effected during his regime. Only the other day Sardar Sohan Singh Josh went to jail and brought some carrots, old dirty carrots which are supplied to the prisoners and which even animals will refuse to eat. When I presented those carrots to a Parliamentary Secretary he enquired what they were. I told him they were carrots which were supplied to the prisoners and we have brought it from the jail. I said : *Yeh ghaza milti hai janan tere diwane ko*. This is the food which is supplied to the political prisoners who are being treated as criminals. Prisoners are still being treated as criminals and not as human beings. There is no reformatory outlook on this important question.

Now before I sit down I would utilise these two minutes in relating to you a very interesting story. The Honourable Finance Minister has been riding on his reputation. Once a customer went to a Ford factory. He asked for trial of a car and the chauffeur took him out in a Ford car. After traversing a distance of 40 miles all of a sudden the car stopped. The chauffeur got down : his customer got down. They opened the case and found there was no engine in the car. The customer looked, dazed and puzzled and asked the chauffeur, " Well how has it come so far ? " The chauffeur said, " On its reputation " (Laughter). This gentleman over there has been riding on his reputation. I want to tell him now that the 40 miles limit has been reached. He cannot be allowed to go on trading on his brilliance. We have been hearing in season and out of season praises sung of his ability. We have become sick of hearing them. Will he feed the hungry people of the province with ability ? What they want is bread and not ability. Therefore if he has got any dignity, any self-respect and if he has got the interests of the province at heart then he should resign from the cabinet otherwise he should be pushed out of office and from those benches forthwith. With these few words I move my motion. (Loud cheers.)

Rao Pohop Singh (East Punjab Landholders) (Urdu) : Sir, the no-confidence motion now before the House is nothing but a momentary phase

in the long standing struggle that has been going on for the past several years between the have-gots and have-nots. It is not a new thing. As long ago as 1921 the have-gots were all in all and had monopolised all government services. It was the late Sir Fazl-i-Husain who rose to the occasion and tried to lift up the down-trodden people. He could not put up with that intolerable state of affairs and began to oust the usurpers from the position they had come to occupy unlawfully. The great politician continued his efforts to achieve this end till the end of his life. (*Hear, hear and applause from the Unionist benches.*) Even against this great man when he was Education Minister a no-confidence motion was moved by our friends on this side. In 1923 a few of us got elected as members of the Legislative Council. Rao Bahadur Captain Lal Chand was one of them. Our Congressite friends objected to his appointment as a Minister. Somehow or other they arranged to pull him down for they never tolerated a Jat in the cabinet. Then again when the general elections of 1926 were over our friends approached Sir Chhotu Ram and tried to win him over to their side by lure of office but he rejected the offer with contempt and stated that if ever he became a Minister it would be on the strength of the naked peasants. Then again Mr. Manohar Lal, a well-known economist of the province, worked as Minister twice in the previous years. But after the elections of 1930 my friends pulled him down. If I were to relate how they treated him, the account would be so sensational that it would cause one's hair stand on end. When the agrarian Bills were passed into law by this House, our Congressite friends again accused the Honourable Mr. Manohar Lal of having no sympathy for his community and asked him to resign his office as a protest against the *anti-Hindu* move of the Government. They expected him to come to that side of the House. So far as the interests of the Hindus and Muhammadans are concerned, we and not our friends on that side of House are real Congressites. The no-confidence motion against the present ministry is in fact against the whole community of zamindars of this province. May I ask one question from my friends Sardar Sohan Singh Josh, Sardar Hari Singh and Chaudhri Muhammad Hassan, *viz.*, when the agrarian Bills including the Marketing Bill were really intended for the benefit of the poor zamindars and when their friends opposed these measures very vehemently why did they not as the true representatives of the zamindars come to occupy their seats on this side of the House? May I then say that your actions belie your professions?

Mr. Speaker : Please do not be personal.

Rao Pohop Singh : If my honourable friend from Lyallpur wants to lighten the burden of taxation on the zamindars, he should know that his friends over there will have to bear the brunt of new taxation and they are sure to raise a hue and cry against it. My friend has taken a hasty step. He could have served the zamindars better if he had remained on this side of the House. I am sorry he has joined those who are always up against the poor zamindars. I am now reminded of Dr. Iqbal's verse that runs as follows :—

یافتی یافتی کو گئی مجھ کو المذکر کی یہ بات
تو جھکا جب غیر کے آگے نہ تیرا نہ من

(Voices : Yes, yes), (سنگھ کی یہ بات)

[Rao Pohop Singh.]

I am sorry that my friend has not been able to distinguish between a friend and a foe. He dances attendance at his foes. He gets up like this at their instance. (*Laughter.*) When the agrarian Bills were introduced, the High Command of the Congress wrote to my friends over there not to oppose the measures for they were intended for the benefit of the masses. But they ignored the orders of the High Command and made speeches against these Bills. This is how they behave when matters concerning the welfare of the zamindars come up for consideration before this House. Certain honourable members have left these seats and gone over to the opposite benches simply with a view to make lengthy speeches. One stands up and accuses the Unionist Party of joining hands with the Muslim League. The second rises and charges the Government that it has done nothing for the betterment of the poor agriculturists. The third blames us for trying to ameliorate the agricultural classes at the expense of the mahajans and mandiwallas. I am at a loss to understand as to what they want to drive at by making such self-contradictory speeches. I may tell them that the Unionist Party is neither a Sikh organisation nor a Hindu body nor a Muslim body. The party does not discriminate between the Hindus, Sikhs and Muslims. Literally speaking, the members of the party are neither Sikhs, nor Hindus nor Muslims. We have one and only one objective before us and that is this that we want to help and support every needy person irrespective of considerations of caste or creed. The honourable members who have seceded from the party are today finding fault with us but let me inform them that our only fault is that we have made constant endeavours to ameliorate the condition of the poor and the backward classes. I may submit here for the benefit of the honourable Mian Nurullah that he cannot do any good to the cause of the poor people by sitting on the opposite benches. He might be happy that today he has been given 45 minutes for making a speech, but such lengthy sermons are not going to serve the province at all. Let me submit, Sir, that an honourable member sitting on these benches who does not speak but only raises his hand in support of the Government, serves his province a hundred times more effectively than he who tries to put a spoke in the Government's wheel. In short silence is much more forceful in this connection than high flown and vehement speeches made on the floor of this House. One has rightly said :—

جنہوں کا عشق صادق ہے وہ کب فریاد کرتے ہیں

بدون درد مہر خاموشی دلوں میں یاد کرتے ہیں

Sir, I was given only ten minutes to speak. I, therefore, sum up my submissions by reciting certain verses. Our political opponents are free to make any remarks about the Honourable Chaudhri Sir Chhotu Ram just as a poet has said :—

زاغ کہتا ہے نہایت بدذہا ہیں توڑے پر

شیرک کہتی ہے تھک کر چشم و بے ہوش

But I would request the Honourable Chaudhri Sahib not to mind such expressions of theirs as :—

لیکن اے تہہ باز تھ مرغان صحرایہ کے اچھوت

ہیں فضائے اندلوں کے پیچ و خم سے بے خبر

They are surely incapable of appreciating his foresight and prudence because :—

ان کو کیا معلوم اس طلبکار کے احوال و مقام

روح ہے جسکی دم پرواز سر تا پا نظر

Before I resume my seat I would like to make this suggestion that the Government should effect reduction in land revenue and the loss to the Exchequer may be made up by shifting some of this burden on to the pot-bellied capitalists. Only one word more, and that is a couplet by Nazeer Akbar Abadi which I want to address to the capitalists who are always advertising their solicitude for the welfare of the poor people, viz.:—

یہ دال لب گنگ کبھی گل نہیں سکتی

کلو کے پتخانے سے بلا گل نہیں سکتی

Sardar Kartar Singh (Lyallpur East, Sikh, Rural) (*Punjabi*) : Sir, while praising the Honourable Minister of Development my honourable friend Rao Pohop Singh was pleased to remark that the Unionist party is neither a Muslim organisation, nor a Hindu body nor a Sikh body, but it is a party of well-wishers of the poor people. I quite agree with the first portion of the observation that the party and its members are neither Hindus, nor Sikhs, nor Muslims. But I am not prepared to admit that these people are well-wishers of the poor people. On the contrary they are imbued with the worst spirit of capitalism. Again, he tried to taunt us by saying that Sardar Hari Singh, Sardar Sohan Singh Josh, Master Kabul Singh and other zamindar members of this party had stooped to work under a bania. My submission is that we have chosen to work under those banias who are brave enough to face the British Imperialism and to fight the battle of their country. But my honourable friend Rao Pohop Singh and his friends are working under those people who are the slaves of the Whiteman and have always put obstacles in the way of those who are fighting for the emancipation of their country. As regards the sympathy of the cultivators I would request Rao Pohop Singh, Chaudhri Suraj Mal, Chaudhri Sir Chhotu Ram and others of their party to go to different villages between the Sutlej and the Indus in the company of the honourable Sardar Hari Singh, Sardar Sohan Singh Josh and Master Kabul Singh and see for themselves as to whom the cultivators consider their real well-wishers. Ask them as to who is the bania and who is the kisan and you will come to know where you stand. With regard to the encomiums showered by him on the Honourable Mr. Manohar Lal I would like to remind him that he is the same Mr. Manohar Lal who succeeded Chaudhri Sir Chhotu Ram as Minister of Education, and whom the Unionist Party used to denounce in the strongest terms. It is no secret that several attempts were made by the Unionist Party and Chaudhri Sir Chhotu Ram at that time to censure and condemn him. Now, may I ask whether the party has changed its principles or the Honourable Mr. Manohar Lal has for some reasons adapted himself to the requirements of the situation and the wishes of the Unionist Party?

Then, I give you an example of the vindictiveness of the Government. Some of the zamindar students from Lyallpur were given scholarships.

[Sardar Kartar Singh.]

out of the *killa gift fund*. But recently some of them have been deprived of these scholarships for no better reason than that their parents refused to use canal water in sympathy with their other zamindar brethren who had

adopted that method to show their disapproval of remodelling of the outlets. The following reply was given in answer to a question :

4 P. M.

Government has ordered that this matter shall not be taken into consideration, in awarding scholarships.

In spite of that promise the Deputy Commissioner made a suggestion in a *killa gift fund* meeting that scholarships of some students should be discontinued. What was the fault of these boys ? Simply this that the residents of their villages had refused to take water from canals. This is the report of the meeting :

According to the orders of the Chairman, dated 27th July, 1938, as they belong to villages where people have agitated against the Government by closing their outlets on 15th July, 1938.....

Then a list of those students has been given whose scholarships have to be discontinued. On another occasion a grant of Rs. 2,000 has been stopped for a similar reason. These facts speak for themselves.

Greatest praise is showered on Sir Chhotu Ram by the members of the Punjab Cabinet. But what is the special feature of his attainments ? He has smashed all records of using offensive language. He belongs to a class of men who separated the Punjab from India, then concentrated their minds on dividing the Punjab into agriculturists and non-agriculturists and of late are busy in driving a wedge among agriculturists even. They are making invidious distinction between the agriculturists of the Rohtak district on the one hand and agriculturists of other districts on the other. In this way they have spoilt the public life of the province. Let me now show you by instances how Sir Chhotu Ram is showing special favours to his own favourites among the residents of Rohtak district. I shall first take the case of Chaudhri Ram Singh, Deputy Superintendent of Police, who was responsible the other day for showing disrespect to our honourable friend, Mian Muhammad Iftikhar-ud-Din and about whom it was pointed out that he was a relative of Chaudhri Sir Chhotu Ram to which the Honourable Premier retorted that he was as much related to Chaudhri Sir Chhotu Ram as to our honourable friend Chaudhri Kartar Singh. I have to submit that the Honourable Premier made an incorrect statement. Chaudhri Ram Singh is the son of Chaudhri Baldev Singh whose period of service has been extended by the Honourable Minister for Development of his own accord. I shall presently tell you why Sir Chhotu Ram was so kind to him. You will be pleased to recall that there was a time when one could seek election only in that constituency where one was entered in the electoral roll as a voter. In those days Chaudhri Baldev Singh transferred some of his land in Jhajjar to Chaudhri Sir Chhotu Ram. This act of Chaudhri Baldev Singh has been repaid by the Honourable Minister for Development with two orders of extension in his service. So far as regards the father. Now the son, Chaudhri Ram Singh, was directly recruited as Deputy Superintendent of Police. When he was a student of Law College he had formed a Zamindar Party under the auspices of which body he used to invite Chaudhri Sir Chhotu Ram to speak. As a recognition of this service

of his he was called from Gujranwala to Lahore and until the time he could get a lodging in Lahore he stayed at the residence of the Honourable Minister for Development (*Hear, hear*). Now to revert to the father, Chaudhri Baldev Singh was a second class gazetted officer before the assumption of office by the Honourable Minister. Now he has been made a gazetted officer of the first class although he is only a Matriculate and cannot speak English.

In the same way there is one Chaudhri Ram Sarup who till recently was a junior officer in the Co-operative Department drawing rupees 550 per mensem. But now a new post of Development officer has been created for him—and 15 officers belonging to all the three communities of the province have been placed under him. Not even this. Officers like the Registrar of Co-operative Societies, the Director of Agriculture and the Director of Veterinary Department have been placed under his control although these officers are drawing Rs. 1,200, Rs. 1,000 and Rs. 1,500 respectively against the Rs. 550 drawn by the said Chaudhri Ram Sarup. In the same way Chaudhri Sir Chhotu Ram has given proof of his high-handedness in every department under him.

Now I shall proceed to give instance of the slackness of control in the departments under the Honourable Minister for Development. There have been reports of embezzlement in the co-operative banks at Khanewal and Toba Tek Singh. A defalcation of no less than Rs. 25,000 was reported in the case of the latter bank. It has been pointed out more than once and at more than one place where the Honourable Minister went on tour that the zamindars had to complain a lot against the co-operative banks and their methods of realizing their debts. The Honourable Minister's time seems to have been taken up by the debts which the zamindars owed to the sahuikars. He has, therefore, paid no attention to the debts which the zamindars owe to the co-operative banks. He has not moved his little finger to do anything to redress the grievances of the zamindars in this respect.

Lala Harnam Das (Lyallpur and Jhang, General, Reserved Seat, Rural) (*Urdu*): Sir, I have stood up to support the no-confidence motions. I shall throw some light on the question as to how much confidence the minorities have in the present Government. There are two minority communities in the province with whom I am at present concerned. They are the scheduled castes and the Christians. Recently I ventilated on the floor of this House the numberless grievances of these classes both in towns and villages. I pointed out then, as I should like to remind the House now, that the conditions of these classes was pitiable to the extreme. When I was dwelling upon their sad plight, the Honourable Premier interrupted me by saying that if these people were not satisfied with the treatment meted out to them by his Government, they may migrate from this province. I think this remark of the Honourable Premier is alone sufficient to convince the people outside of the apathy of his Government to the cause of the scheduled castes. In spite of that, my honourable friend, Mr. S. P. Singha, another able representative of the Christian community, has said that the Government of the Honourable Premier has done a lot for the Christian and scheduled caste minorities. He lives in Lahore and it is not possible for him to know the exact state of affairs in the countryside.

[Lala Harnam Das.]

If he had taken the trouble of going to villages and seeing things with his own eyes he would have met with the shameful spectacle of his co-religionists clearing the night-soil. Could a more degraded social condition be imagined? Does this not move the heart of my honourable friend, Mr. S. P. Singha? Then another champion of the cause of Government, I mean Rao Pohop Singh, observed that the Government has even suffered in the service of the poor zamindars. But what are the actual facts? Every day the Government is sending poor zamindars to jail. Since the commencement of the present session of the Assembly poor zamindars are continuously being arrested and lodged behind the bars. What does it show? At any rate not sympathy for the poor zamindar. I may submit that if my friends have actually the confidence of the poor zamindars let them hold any propaganda meeting in Lyallpur to-day as they used to hold these previously. I may tell them that they cannot hold any meeting in that district as easily today as they did in the past. Now the people have become politically conscious of their entity and their rights. The fact of the matter is that they cannot be befooled for all time to come.

As far as the rights of the scheduled castes are concerned, I wish to point out that the present Government has done nothing to ameliorate their condition. As a matter of fact even their just rights have not been given to them. They are being ignored as if they do not exist in the Punjab. In order to make my point clear I would like to state some facts before this Honourable House. I may submit that our total strength in this House consists of only 8 members. They have been returned as the representatives of the scheduled castes during the general election. Out of them two have been bought over by the Ministerial Party. They are being paid Rs. 250 each per mensem. As to the office work which they do we know nothing. If they are doing any Government work then let us know the nature of that work. And if they are not doing any work as I have every reason to believe that they are not doing any, then may I know why they are being paid Rs. 250 per mensem by way of salaries as Private Parliamentary Secretaries? I am constrained to remark that those two persons are prospering at the expense of the scheduled castes in general. The rights of the whole community are being ground down for the sake of benefiting these two favourites of the Government. These are hard facts and I am sure nobody can deny them. I am not stating these things merely for the sake of levelling criticism at the Government but on the other hand I can prove them by the testimony of my friends over here. The two scheduled caste members are doing nothing and they are being paid these salaries by way of hush money. My honourable friends over there have filled their mouth with silver and gold so that they may not raise their voice against the Government.

Sayed Amjad Ali Shah : You are objecting to it because the Government did not fill your mouth with gold.

Diwan Chaman Lall : On a point of order. May I draw your attention to a most offensive remark made by the honourable member, Syed Amjad Ali Shah? He must withdraw it.

Sayed Amjad Ali Shah : I am not going to withdraw it. If he had the courage he should have asked his honourable friends to withdraw those objectionable expressions which they used.

Chaudhri Muhammad Hassan : The honourable member is not speaking from his seat.

Diwan Chaman Lall : Is it parliamentary for the honourable member to cast such an aspersion? He has made a very serious charge against my honourable friend that "because we did not fill your mouth that is why you are sitting there." It is a most offensive statement. I ask you to take notice of it.

Lala Harnam Das : I was submitting that the honourable members over there have filled the mouth of two of our brethren with gold so that they might not raise their voice against the Government. They are in fact receiving Rs. 250 by way of salaries. Now what do they do? At the instance of my honourable friends over there my brethren keep silent lest the Government should get displeased with them. The matter does not end here. Even the other members who are representing the scheduled castes in this House were told that they would be given titles and squares of land on the condition that they do not press the claims of their community so very often. But my friends spurned such offers of the Government.

Mr. Speaker : Is not this much more offensive?

Diwan Chaman Lall : He is stating facts. How is it worse? He is stating that bribes were offered. He is not indulging in anything offensive.

Mr. Speaker : I think it is much more offensive.

Diwan Chaman Lall : It is an offence to offer a bribe, I quite agree. (*Interruptions.*)

Lala Harnam Das : Besides, my honourable friend Sardar Gopal Singh was compelled to tour the country for making Unionist propaganda amongst the scheduled castes. He came to my district. He toured the Hoshiarpur and Ludhiana districts and many other places. He toured these ilaqs in order to delude the scheduled castes into believing that the Government was doing everything that lay in its power to improve and better their condition. But let me point out that the Punjab Government is doing nothing. If we see closely we would find that practically no change has been effected in the bad condition of the poor Achhuts. My friends over there say that the Punjab Government has done much for the poor Achhuts. May I know what it has done? I may submit that the object of my friends over there is simply to mislead the people by their false propaganda. Instead of throwing light on the real facts they tried to keep poor Achhuts in utter ignorance. I and other representatives of the scheduled castes who are sitting on this side of the House know it fully well that our two friends who are sitting on the Treasury benches are not representing the interests of the scheduled castes. As a matter of fact they have sacrificed the interests of the community as a whole on the altar of their personal interests.

Now, Sir, I may submit that when the godfathers of the Unionist Party saw that I was not such a person who could be easily won over, they adopted some other methods in order to achieve their end. They tempted me by

[Lala Harnam Das.]

throwing different kind of hints. But I was not such a person to be so easily trifled with. I for one cannot think of betraying the interests of my community for a mess of potage. They even told me that after all the Government do not claim to possess a magic wand to work the miracle over night, and that slowly everything would be done. But let me point out that my friends over there are not prepared to do anything for the scheduled castes. In this connection it would be well if I tell the House a particular instance. Once I told the Honourable Minister of Development that during these two years of their tenure of office they have done nothing for the scheduled castes. He replied that not to speak of the scheduled castes even the Jats were very backward still. I said that we do not object to the Jats being given their just rights and their condition being bettered, but my contention was as to what the Government has done for the scheduled castes in general. He replied that not only one day, two days, one year, ten years or 50 years, but a century was required to uplift the Achhuts from their degraded and miserable condition. My friend talked of half a century or a century, although they cannot say even this much with certainty that their Government would continue the following day.

There is yet another thing which I wish to bring to the notice of the honourable members of this House. That is that when my honourable friends failed to win us over they even had recourse to putting pressure on us morally as well. Let me point out, that during the last budget session I delivered a speech on the floor of the House in the course of which I detailed some of the grievances of the poor Achhuts. After the conclusion of the session of the Assembly I went to see the Honourable Minister of Development in connection with some work. But he paid no heed to what I said and told me that the grievances of the scheduled castes detailed on the floor of the House were baseless. I then made it quite clear to him that if he could prove even a single grievance of the scheduled castes as unreasonable, I would take all my demands back. But if those grievances were reasonable I should be able to tell the Honourable Minister that no power would stop me from replacing such grievances of the poor before the public.

Mr. Speaker : Honourable member's time is up.

Lala Harnam Das : I have to bring one very important thing to your notice. I would, therefore, crave your indulgence for two more minutes. I may point out that a further attempt was made by the Unionist Party to win us over. In this connection I received two letters from the Unionist Headquarters. The first letter was written to me on the 28th October, 1938, and it is as follows :—

Dear Sir, I am desired to inform you that arrangements have been made for your board and lodging in Lahore during the next Assembly Session. I shall, therefore, be glad to know the date you propose to arrive, so that you may be informed of the address of the place where accommodation is being arranged for you.

After the receipt of the letter I thought that it was just possible that we would have to incur much expenditure for our board and lodging which we would not be in a position to pay. I therefore wrote back enquiring

about the expenses that we would be called upon to pay for our board and lodging. In answer to my enquiry I received a second letter, dated 3rd November, 1938, and it is as follows :

In continuation of this official letter No. 8975, dated the 28th October, 1938, I have to inform you that Syed Amjad Ali Shah, O.B.E., M. L. A., Parliamentary Private Secretary to the Honourable the Premier has very kindly made necessary arrangements for your board and lodging during the forthcoming Assembly Session. I shall therefore be glad if you kindly intimate the date of your arrival in Lahore to him direct.

In my opinion this is nothing less than a bribe. The Government thinks that we are so very low people that we would sacrifice our national interests for the sake of some paltry personal benefit. If they think so they are mistaken. Let them take it from me that we are not such people who would betray their community as my honourable friend Sardar Gopal Singh had done. We have come here to safeguard the interests of the poor Aohhuts and we cannot for the life of us forsake them for some personal benefit. After reciting the following verse in connection with Sardar Gopal Singh Khalsa I would resume my seat and that is :

فہ کر ایڈیان بدیان محالہ اوے
جے کر نیکیان نہیں کہوین جروکا

Sardar Gopal Singh (American) (Ludhiana and Ferozepore, General Reserved Seat, Rural) (*Punjabi*) : Sir, I was surprised when I came to know that certain no-confidence motions were being brought forward by the Opposition against our Ministers. Soon after the feeling of surprise left me, I read in the *Tribune* that two well-known Punjab Congressmen had given to the A. I. C. C., notices of want of confidence motions against Sjt. Subhash Chandra Bose, the accredited head of the Indian National Congress and Mahatma Gandhi, who is acknowledged to be one of the greatest men of the world. This news convinced me that when the Punjab Congressmen did not spare even such eminent personalities of their own organisation, it was no wonder that they tabled no-confidence motions against the Ministers of the Punjab Government. But I was all the more surprised when I found that four of my honourable friends on the opposite side, representing the scheduled castes, were very enthusiastic in denouncing the ministry. My honourable friend Lala Harnam Das vehemently asked as to what the Government had done for the depressed classes during the last two years of its regime. My friend is very impatient and wants a new Heaven to be created over-night. May I remind him that memories of the cruel past are still afresh to us ? Does he remember that under the iron heel of the caste Hindus the enchanting or the hearing of hymns of Shastras by untouchables was considered to be a heinous crime and as a punishment for that molten lead was put into their ears ? Those were the times when members of the community of my friends Sardar Mula Singh and Lala Harnam Das could not dare raise a little finger in protest against the inhuman treatment meted out to them by the caste Hindus. My friends must be aware that Harijans could never dream of ever being literate under those conditions. But now the circumstances have changed. Since our ministry took office, the Honourable Minister for Education has endeavoured to remove certain difficulties and disabilities which stood in the way of the scheduled castes in the matter of education, etc. He has issued a circular :

[Sardar Gopal Singh.]

to all the schools of the provinces that if it came to his notice that any school refused admission to any person belonging to the scheduled castes, he would forthwith stop the grant to that school. This circular is of vital importance, and consequently the change that has taken place is also of great magnitude. I may assure my honourable friends representing the scheduled castes that if those people with whom they have now made common cause, come to power, they would not invite them to sit on cosy sofas with them, as they are now sitting side by side with Sir Sikander or Sir Chhotu Ram but would reserve for them the same old *pihris* and drive them to the rear.

Besides, my honourable friends have complained that this Government is not a zamindar Government but a Muslim League Government. My submission is, what is the harm if our Government is a Muslim League Government? Why do they feel annoyed at this? Let the caste Hindus feel distressed, if they like. I, as a representative of the scheduled castes, assert with the fullest confidence that in the strength of Muslim League lies our strength and salvation (*Hear, hear and cheers*). The more powerful the Muslim League is, the better for the Harijans.

Diwan Chaman Lall: I do not want to interrupt my honourable friend but I want to understand what he said. Did he say that the advance of the Muslim League would be helpful to the Harijans?

Sardar Gopal Singh: Yes, most certainly it would be. Then another honourable friend has remarked that Government has won me over by appointing me to a post carrying a salary of Rs. 250, and has thus gagged me. I categorically repudiate this remark. It is a malicious lie that I cannot speak up my mind.

Now I refer my honourable friends over there to the Mandir Sudhar Bill which has already been introduced by my friends the caste Hindus whom Lala Harnam Das and others had the honour to join recently. In this Bill the definition of a Hindu is laid down as follows:—

(1) Hindu is one who worships *ooz*.

We have no quarrel with this.

(2) Hindu is one who believes in *Shastras*.

We have no quarrel with caste Hindus on this either. But when they define in that Bill that.

(3) A Hindu is one who unconditionally believes in caste by birth.

It is here, Mr. Speaker, where we strongly and uncompromisingly differ with the caste Hindus. They try to perpetuate this most damnable institution of caste system which is solely responsible for India's slavery. Yet my friend Lala Harnam Das has the audacity to join them.

(*Interruption by Sardar Sampuran Singh.*)

Mr. Speaker: The honourable member should not make remarks. (*Sardar Sampuran Singh again interrupted.*) If the honourable member again makes any remark, I shall have to turn him out. He is not in his seat.

Sardar Sampuran Singh : Why did you not object to Syed Amjad Ali when he made a remark away from his seat ?

Mr. Speaker : Please do not be ferocious. If you again get up and say anything you will be expelled.

Sardar Sampuran Singh : Expulsion comes very quickly from you. Why did you not object to Syed Amjad Ali ?

Diwan Chaman Lall : My honourable friend is the occupier of a front bench. May I draw your attention to this fact ? He deserves courtesy not only from you but also from the House.

Mr. Speaker : I have not shown him any discourtesy.

Diwan Chaman Lall : You are not showing any courtesy either.

Mr. Speaker : Under what rule are you addressing the chair ? The matter is between Sardar Sampuran Singh and myself.

Diwan Chaman Lall : As the *de facto* Leader of the Opposition, I have every right to draw your attention to the fact that you did not object to the honourable member from the other side speaking when he was not in his seat, but that you have grown almost ferocious with respect to my honourable friend.

Mr. Speaker : When Syed Amjad Ali was not speaking from his seat, I pointed out to him that he was not in his seat.

Diwan Chaman Lall : He continued to interrupt and you did not show your ferocity towards him.

Mr. Speaker : As soon as you brought to my notice that he had made a remark which you considered objectionable, I at once told him that he was not in his seat. If the honourable member does not keep order, I shall be sorry to....

Diwan Chaman Lall : If you want to order us to go out we are all going out. It is not a question of one of us going out. We are all prepared to go out.

Mr. Speaker : In the first place he was not in his seat and secondly, he had no business to make any remarks.

Sardar Sampuran Singh : Can I explain myself ?

Mr. Speaker : No explanation is needed. Time is short and valuable. No explanation, no interference, no remarks.

Sardar Gopal Singh : I was submitting that when my friend Lala Harnam Das was speaking I did not interrupt him and now he is making interruptions during my speech. I should say that courtesy demands that he should not do so. I think it will be of some interest to the House to learn that whenever my honourable friend Sardar Mula Singh happens to go to villages he blames us by saying that the Government is an agent of Imperialism whereas he and his party want to achieve complete *Swaraj*. I may inform my honourable friend that we are also in favour of complete *Swaraj*, which in my opinion can only be achieved by one way and that is this. If the 85 crores of men deem it honestly their duty that their Achhut brethren who are about 12 crores in number should be first given proportionate representation and complete rights, I am sure my honourable friend

[Sardar Gopal Singh.]

Sardar Mula Singh would achieve his object. (*Applause.*) I may also submit that Chaudhri Kartar Singh is often heard saying that he would bring India to the level of Russia and America. May I ask him whether he has ever been to Russia and America? If not, how can he make another Russia and America here? Has he ever observed those separate arrangements for drinking water made at Railway stations for different communities in any Western country? I would submit that those arrangements are obviously speaking of their inability to foster good relations between the different communities. (*Applause.*) I am afraid that a class of that school is a class of infidels. (*Applause.*) I am honestly submitting as a humble servant of my brethren Achhuts that we cannot be safe anywhere else except under this glorious Government of the Punjab. (*Hear, hear.*) My friends are at liberty to do propaganda anywhere they like. But I must warn them beforehand that I have made the people of my constituency fully understand that our safety, if it lies anywhere lies in the protection of the Unionist Government. (*Cheers.*) They are our true friends and they are our saviours. I may also be permitted to say that membership to this House is not the way to Paradise. But I shall certainly submit that humanity demands us to listen to the voice of our conscience. (*Cheers.*) Have my honourable Achhut friends ever tried to listen to that voice? Would they honestly express what they hear? I am sure their conscience is also saying that their safety lies in the power of this Government. (*Cheers.*) Have they ever compared the Punjab Government with other provinces in regard to what has been given to Achhuts? Take the United Provinces for instance. Stipends are given to Achhuts numbering 1½ crores in that province amounting to Rs. 50,000 only. But our Government have exempted our brethren Achhuts here who number only 17 lakhs from paying fees which amount to Rs. 54,000 and stipends have also been provided to Achhuts amounting to Rs. 22,000. (*Applause.*) (*Interruptions.*) My honourable friend Lala Harnam Das is in the habit of saying that he is independent and that he looks on the Congress and the Unionist Party only with one eye. (*Loud Applause.*) If so, before I resume my seat may I request him to prove it to the hilt here also on the floor of this House? Lala Harnam Das has accused me of selling my conscience for Rs. 250. But he forgets that it is he and his two other friends who have sold themselves to the caste Hindus for a lump sum of Rs. 200 each. Can my friend deny this fact?

Pandit Shri Ram Sharma (Southern Towns, General, Urban) (*Urdu*): Sir, it is for the first time that, after having watched the dance of the Unionists for the full two years, we have moved a no-confidence motion against the present ministry. When we brought forward a no-confidence motion against the Minister for Education, the Honourable Premier was pleased to state with his broadened shoulders that if we could bring a no-confidence motion against the whole ministry he did not mind because he was strong enough to face the music. And when we accepted his generous offer and actually tried to catch hold of every minister one by one by moving a no-confidence motion against the whole ministry, he lost his nerves and ran up to the Leader of the Opposition begging him not to prolong this discussion for more than one day. We are fully aware, how the Honourable Premier treats

us in every day life and we also know how he treats the Honourable Leader of the Opposition ordinarily. I do not want to prolong my speech. I would like to submit a word or two in regard to the dance of the Unionist Government which is being displayed on the music of the violin of Rohtak and the clarion of Campbellpore (*Cheers*) and in this dance of the Unionists the position of other Ministers is subservient like that of *tabla*, *jhangs*, etc. We can conclude from the circumstances that the tunes of violin and clarion have done havoc to the province by being merged into one tune. The Unionist party's sufficient hold in the western rural Punjab owing to communal consideration, and the success of Akalis among Sikh community in the Central Punjab has strengthened our position, but the struggle in southern districts is very keen. The separation of Mian Nurullah from the Unionist party has made this fact crystal clear that a feeling of resentment is also prevailing among the Muslim zamindars of the province. Strictly speaking most of the members of this party belong to the Muslim League. So in the southern districts of Haryana the Government after seeing this unexpected change for the worse has adopted meaner methods so as to keep their declining position. As regards improvement in the tone and methods of Sir Sikander, I also remember a couplet by Akbar Allahabadi which with a suitable change will depict the real position of the two main instruments of this Ministry. I have made a little alteration in it. So the verse runs as follows:—

سو سندر ہو گئے دمساز چھوٹر رام کے

گوسریلے ہو گئے لیکن بری گت ہو گئی

(Applause). May I submit that things have come to such a pass that murders and dacoities are frequently committed and in the south-eastern districts of Rohtak, etc., this fact can be testified by the files of cases. I would also say that class and caste troubles are intentionally aroused there in that *ilaga* and the people of particular castes and class victimise others at the instance of the Ministers themselves who fan the flames of class hatred to excite people to a dangerous pitch. The present circumstances remind me of the fact how crimes were on the increase in 1930. At that time and even now murders and dacoities were taking place very frequently in Rohtak district and when those murderers and dacoits were resisted by some villagers, do you know, sir, the reply given to them? They said to the people "Do not worry. We are not going to trouble you. We are after such and such caste and class." May I be permitted to submit that such a feeling is still existing in my district? The Government being afraid of the success of the Congress which has recently been achieved in North Hissar rural constituency is now playing havoc particularly with that area. Let me also submit that it is the police and Unionist partymen that engage *badmashes* to create troubles there so that the roots of the Government may be deepened in that area where I think the roots of the Government have been weakened by the Congress activities. I would not hesitate in saying that the cup of the crimes of the Government is now filled to the brim and their charge sheet is so long as would take many days to be detailed on the floor of the House. Now, I would like to invite your attention to only one charge laid against the Government. Let us see what happened at Rohtak when the Honour-

[Pandit Shri Ram Sharma.]

able Premier and the Minister of Development paid a visit there and a big procession was taken in their honour, on the 7th October, 1938. They were seated on an elephant and a huge procession was taken out while the bad characters of the city and the neighbouring *ilaga* had gathered there to indulge in all sorts of lawlessness. They constituted the front part of the procession. Grievous injuries were caused, abusive language was used, houses and shops were looted with impunity. Heads were broken and blood was shed and yet no action was taken by the Ministers or their subordinate officers. The shop of Harpat, Confectioner, who had been called to supply provisions in the Unionist Party Conference Pandal was openly looted by the *goondas*, sweetmeats were snatched away from him and his servant Qabul severely wounded just before the procession reached there. Ten to fifteen persons reported the matter to the police but no action was taken by the police. When I moved an adjournment motion in the Assembly, Mr. Speaker, you refused to admit on the ground that it could not be corroborated from other sources. Then I took resort to interpellation in the House and I may say that by now I have received a number of replies from the Government. I have made a file on the subject which is in my possession at present. I would like to read it out to the House, but I am afraid the time at my disposal is extremely short and consequently I cannot do so. I am very sorry to say that the Government refused to furnish detailed information under the pretext that it was not in the public interest to disclose the information. I fail to understand why the authorities did not try to check the general lawlessness which prevailed at Rohtak. Now come to Ambala district. What happened at Behrampur? The local officers like the sub-divisional officer and others were ordered by Sir Chhotu Ram to make a *lathi* charge on the public. It was a sad spectacle to see innocent people being mercilessly beaten and their beards being pulled simply because they wanted to put a few questions to the Minister of Development. But on the other hand at Assaudha, district Rohtak, the Government did not move even their little finger to prevent the bad characters from assaulting the peaceful meeting of the Congress. The Honourable Sir Sikander Hyat-Khan was telegraphically informed of the tragic happenings but he swallowed it like a sweet pill. The Honourable Premier mentioned on the floor of this House that it was only a dispute between the 2 per cent population of the village who wanted to hold a meeting in a place which belonged to them in common with others who formed a majority of 80 per cent in the village, and who were opposed to the holding of the meeting. It is really very strange. At Behrampur the Minister ordered that the questioning elements should be forcibly removed but at Assaudha, the assaulters were encouraged and the authorities took shelter under the pretext that the people who wanted to hold the meeting formed only a minority of 2 per cent in the village while those opposed to it were in a majority of 80 per cent. Far from easing the situation, the Ministers are everywhere delivering inflammatory speeches. The people are indirectly exhorted to assault the Congress workers and intimidate them in whatever manner they see fit.

The Conference was to be held on the 19th February at Assaudha and one thousand Congress workers had collected there on previous night for

necessary arrangements. But there also reached lorries conveying the bad characters and *goondas* to create disorder and lawlessness. The result was that sharp-edged weapons and *lathis* were freely used and hundreds of Congress workers were injured. The police was in intrigue with the mischief-mongers. The *badmashes* were let loose like bloody wolves. As a consequence of this 45 persons had to be sent to the hospital having been seriously wounded. The 'Mahkma-i-Itlaat, Punjab' (Information Bureau, Punjab), which has been aptly named as the Mahkma-i-Laghwiyat by Diwan Chaman Lall, published a press note full of distortions, half truths and lies. It is very sad indeed that the Premier down to the Collector who were informed promptly, did not take any step to bring the culprits to book. Instead, even now the Minister of Development goes about preaching class-war and communal hatred. They incite lawlessness and encourage disorder in the province. The horrible accounts of the bloody tragedy that took place at Assaudha on the 19th February last were published in the Press long before the Information Bureau had the audacity to deny all the allegations made by us.

The Government is out to support and create *goondas* to keep the present Ministry in saddle. The Minister of Development goes about saying: "The person who has the patience to listen anything against me is not the true son of a Jat." May I ask if any words can be more inflammatory than these? The same lesson of violence is preached at Lyallpur, Muzaffargarh and other places where the Ministers happen to go. It is a criminal offence that the Ministers are indulging in and they are in a way shaking their own foundations. The violence of their words and deeds will react upon them. No self-respecting person will ever stoop so low as the Unionist Ministers have done. They take good care to send equally bad officers to areas where they want to harass the peaceful citizens and keep their political hold. In the Civil Secretariat at Lahore, no appointment can be made in the districts without the instructions of the Minister belonging to that area as is the case in south-eastern districts. Even a peon's appointment cannot be made without the approval of the Minister of Development in his department. I asked a question as to how many officers were appointed during the course of the past two years and what were the grounds of their appointments, promotions and supersession in the department of Sir Chhotu Ram. But the reply was refused under the usual pretext of 'public interest'. The fact is that the Ministers are engaged in nepotism and favouritism. They are encouraging the incapable persons. (*Loud cheers*). We are watching all this. The Government of Sir Sikander has begun to resort to mean tactics. This has moved the hearts of great national leaders of India and Pandit Jawahar Lal Nehru was forced to observe the following about the Unionist Government with regard to the Assaudha tragedy :—

I have read in the *Hindustan Times* the accounts of Assaudha happenings. This sort of *goondaism* is bound to recoil on the Unionist Ministry. You must persist in your work.

The whole Indian Press is crying against the underhand means that the Unionists employ in the Punjab. But it is strange that the Unionists go about from Lahore to Bombay and from Patna to Lucknow and preach the gospel of Muslim League and forget to present their black deeds to the public. National self-respect is unknown to them. In a photograph of the Premier's

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procession at Rohtak the Parliamentary Secretary to the Development Minister is shown to be holding in his hand the broom which perhaps they call 'chanwar' on the head of Sir Sikander. That shows their self-respect. In fact the Unionist Ministers are making the honourable members of their party carry their orders by hanging the sword of Damocles over their heads. The lower officers pressed for inquiries against a member who had misappropriated public money or committed other such offences but the Honourable Premier asked the district authorities to stay all proceedings against this member as he is a henchman of the Government, in the Gurgaon district. It is by such underhand means that the hands of the Unionist Ministry are being strengthened in the Punjab. Their misdeeds are too horrible to be narrated in this honourable House.

Mr. Speaker : The honourable member has taken about 15 minutes. So, he may wind up his speech.

Pandit Shri Ram Sharma : Sir, the Unionist Government is afraid that the Punjab has politically awakened and has become national minded. The Unionists have, therefore, taken resort to repression and organised *goondaism* in order to hold under check the national spirit of the people. They want to retain their power and influence for the next elections. Mian Nurullah has said that he is being threatened for life having left them. The henchmen of the Unionist Ministry do not fight shy of beating anybody if need be. The lovers of liberty have to pass anxious days in this regime. I myself was threatened and warned to be on my guard. Two honourable members of this very House told me once to be careful about my life. I was also told that I was still alive because I was a Brahmin. I must repeat that the Unionist Ministry has stooped very low and had resorted to mean tactics. I will now resume my seat after reciting the following Urdu Couplet :—

قرب ہے یاد روزِ محشر چھینکا کشتوں کا خون کیو کر

جو چپ دھپکی زبانِ خنجر لہو پکارے گا—آئین کا

Chaudhri Muhammad Yasin Khan (North-West Gurgaon Muhammadan, Rural) (*Urdu*) : Sir, the no-confidence motion now before the House has been dealt with exhaustively by honourable members on either side of the House and it is rather difficult for one at this stage to bring in a fresh argument. The first thing that I feel inclined to say is about the depressed classes of this province. There are about 125,000 *Achhuts* in my district, both Muhammadan and non-Muhammadan. I would ask my *Achhut* friends here to come to Gurgaon and see for themselves how their *Achhut* brethren are treated there by the people in general. Let them point out a single person there who does not permit the *Achhuts* to take water from public wells. I dare say that they will not find any such person there. As a matter of fact the relations between the *Achhuts* and non-*Achhuts* are very cordial and friendly. Some five or seven years ago an All-India *Achhut* Conference was held there under the presidency of Chaudhri Prem Singh a member of this House and you can enquire from him how the Muhammadan zamindars of the *ilaga* exerted to make that conference a success. My friend Lala Harnam Das might have had some bitter experience. But so far as I am aware I can say that the *Achhuts* there are treated fairly well.

Sardar Sampuran Singh : On a point of order. Has this any relevancy to the no-confidence motion because that is the treatment of the people of the district towards *Achhuts* of that district ?

Mr. Speaker : That is not irrelevant.

Chaudhri Muhammad Yasin Khan : I was talking about *Achhuts* only because it has been said that in other provinces large amounts of money have been provided in the provincial budgets for the purpose of digging wells for the use of *Achhuts*, and I wanted to show by reference to my district that here in this province all public wells are open to the use of *Achhuts*. (*Hear, hear*). The district boards in this province are affording all facilities to *Achhuts*. I may tell you that there was one person in my district who passed his M.A. examination in first class and I recommended him to the Assistant Director of Public Instruction and when I went to recommend again I was told that the Honourable Sir Chhotu Ram had already recommended him to the authorities. That is what we and our Ministers do in order to help the *Achhuts*.

The next point that I want to make is that these no-confidence motions are frivolous and the only purpose that they are likely to serve is that henceforward both the Opposition and the Unionist Party would know where each of them stands. My honourable friend Chaudhri Muhammad Hassan who was the first to move the no-confidence motion remarked that he was a member of the district board and he knew that in his district four schools were closed. I ask my friend what the Honourable Minister had to do with those schools. It was the concern of the district board or its members. If the district board grant had been stopped by Government the honourable member would have been justified in attacking the Ministry. On the other hand the Ministry should be given credit for one thing and that is that previously the district board grants were subject to a cut of 12½ per cent and our present Ministry have abolished that cut, in order to enable the district boards to carry on their work more vigorously than before. To me it appears that the main object underlying these no-confidence motions is none else than to say things against the present Ministry which my honourable friends over there could not say during the discussion of the budget for fear of being picked up by you as irrelevant.

Mr. Speaker : The honourable member has got only two minutes more.

Chaudhri Muhammad Yasin Khan : My honourable friend over there is the editor of the *Harjana Tilak*. He is always talking of Behrampur and Assaudah and it has become a habit with him to criticise the Government in and out of season. In my district there is a population of 7½ lakhs. The Honourable Premier had gone there and stayed only for eight hours and this time is hardly sufficient to acquire even a nodding acquaintance with the people. He might have gone to Muzaffargarh and Multan districts so often but he went to my district only once and stayed there as I have said only for a few hours. I can, therefore, say that it is wrong that the Honourable Ministers waste much of their time in making tours.

One of their chief complaints is that the Ministers are too often on tour in the rural areas but our complaint is that these tours are far too infrequent. It is well-known that the Leader

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of the Opposition and his friends whenever they go to see the Ministers never take less than two hours of their time. The Ministers and these gentlemen are often seen walking hand in hand in the lobbies for hours together. But when the Honourable Ministers go on tour the zamindars do not get an opportunity to place all their grievances before them because the time at the disposal of the Ministers is too short and therefore they cannot see every one of us even for a couple of minutes. I would, therefore, request the Honourable Ministers to give more time to the zamindars by making these tours more frequent.

Now, I will recite a couplet for the benefit of my jat friends who have left these benches and joined hands with the Opposition. So far as they are concerned that couplet alone is enough to express my views. The couplet is :—

من از بیگانگان هرگز نه تالم

که با من هر چه کرد آن آشلا کرد

Now, one word to those who are crying hoarse to express their solicitude for the poor peasants. I assure them that we are not blind to their capitalistic moves. We are aware of the hue and cry they raised against the zamindar Ministers between the years 1923 and 1926. We also know how they achieved some success during the years 1927 and 1930 and how their moves and attempts were frustrated in the last-mentioned year. Anyway let them understand that now the matter does not rest with the Governor and that, therefore, their hue and cry cannot prove of any avail to them. The Ministry and the Government is now in the hands of the voters and they know you too well to be impressed by your hubbub and professions of sympathy. Such motions of no-confidence cannot do any harm to the solidarity of the Ministry. They will soon come to know that the stability of the Government is quite assured. Let me tell them that it is not the proper place to make a correct appraisal of the strength of any party. We have had already a trial of strength with the Congress in the last elections and this will again take place in 1942. Then and only then we would see as to how many seats are captured by the Congress. The intents and objects of the Congress are no longer a secret now. We have reasons to believe that it is out and out a communal organisation. The honourable members opposite cannot now hoodwink our masses. They are too clever now to be taken in by their lip sympathy. To-day even persons like the honourable Chaudhri Krishna Gopal Dutt have themselves torn away their veils of nationalism and have come out in their true colours. By pleading the cause of the Hindu community only he has given a sufficient proof to the effect that he is more a communalist than a nationalist.

In the end, sir, I would like to submit that it is the bounden duty of every honourable member of the Unionist Party to remain loyal to its creed as well as to its founder. And after his death we are in duty bound to remain true and faithful to the Honourable Premier and his Lieutenant Chaudhri Sir Chhotu Ram. With these words, Sir, I strongly oppose the no-confidence motions moved by the Opposition Party.

Malik Barkat Ali (Eastern Towns, Muhammadan, Urban): I am very thankful to you, Sir, for the opportunity that you have been pleased to give me to make my position clear on this very important discussion. I may have my differences with the present Government,—and they are many—but I desire to make it clear beyond any shadow of doubt that I cannot possibly lend my support to the no-confidence motions. I shall state briefly my reasons for this. This House will recall that I entered this House as a representative, the sole representative of that great political organisation, which represents the Muslim community. For some time, the all-India Muslim League and the Congress as another important political organisation co-operated. However, for the last several years, the League and the Congress are not working in unison. The Congress is reviling the League as a communal organisation. The League has never been a communal organisation. (*Hear, hear*). I am very thankful to the Leader of the Hindu Sabha for the "*Hear, hear*" that he has been pleased to give me. My submission is this, and I want my friends on this side to understand, that so far as I am concerned, so long as the Congress and the League are not co-operating, so long as you continue to revile the League as a communal organisation, you shall not have my co-operation. I refuse to lend my support to these no-confidence motions that are virtually supported by the members of the Congress Party. I may be told in reply that the present Government is not a League Government, and does not profess to be a League Government. That is so, but this House and I cannot shut our eyes to the fact that the present Government is supported by no less than 70 or 80 Muslim League members out of the total of 90 Muslim members. (*An honourable member: Ask Mr. Manohar Lal*).

My second reason is this. We have Congress governments, pure Congress governments, unadulterated Congress governments, in seven out of eleven provinces. The experience of my community has been a very bitter experience in those provinces. We have it on excellent authority. I have read reports prepared and compiled by the best persons in my community, of excesses, unnameable excesses, perpetrated on the Muslim population of those provinces. (*Honourable members: Question*). The Congress has been supplied with those reports, but so far no answer is forthcoming except a bare denial. So long as my community is not satisfied, so long as those complaints continue to pour in from those seven provinces that are governed by your Congress governments, it is impossible for me to hand over 56 per cent of the population of this province to the tender mercies of an Opposition which, if it became the government, would certainly be a really Congress government. Let me analyse the position. At the present moment what does this Opposition Party consist of? There are at the present moment, so far as Muslim members are concerned, three Congress members—Muslim members who were returned on the Congress ticket. I think there could be no better reply, so far as my community is concerned, to the Congress that the fact that out of 90 seats in the province the Congress succeeded in capturing only 8 Muslim seats. It is perfectly clear that so far as the Muslim community is concerned, they have absolutely no confidence in Congress politics. (*An honourable member: How many were returned on the Muslim League tickets?*) Then there are two members returned by the Ahrar organisation. I am not here to criticise any organisation, but it is

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obvious that our Ahrar friends who are acting as and professing themselves to be subsidiary allies of the Congress,—their organisation succeeded in capturing 3 seats only out of 90 seats. Leaving the 3 Congress members who entered this House on the Congress tickets and the 2 Ahrar members, who are the other Muhammadan friends who are supporting the no-confidence motions? They are my friends:—Mian Nurullah, Sardar Muhammad Hussain, Mian Abdul Rab, Mian Abdul Aziz and Mr. Gauba. (*An honourable member*: What about Dr. Muhammad Alam?) I have included him in the Congress returnees. It virtually comes to this that at the present moment the Opposition counts 10 only out of 90 Muslim members. They cannot possibly represent the Muslim community and it cannot be urged for a minute that an Opposition which claims only 10 out of 90 Muslim members has the confidence and the understanding of the great Muslim community. This is my second reason for not giving to you my confidence and my understanding.

Should that day come when the Congress can have the support and sympathy and confidence of the majority of the Muslim members, then there should be no differences between you, the Honourable Sir Sikander Hyat-Khan or those who sit on these benches. My learned friends seem to think that when I was returned on the League ticket I was the only member and, therefore, they argue that the League too in this province has not the support and confidence of the great Muhammadan community. But they shut their eyes to the fact that out of the 80 Muslim members on this side every one has signed the League pledge and they are now professing the principles of the Muslim League. That should be a complete and silencing answer to the challenge that the Muslim League does not possess the support of the Muslims in this province.

I was submitting that we have had a foretaste of the Congress governments in those seven provinces, and the experiences of the Muslims in those provinces are very terrible. Some of those experiences are really unnameable. I shall not repeat them here.

Mr. Speaker: I request the honourable member not to attack the Congress.

Malik Barkat Ali: My submission is this. Suppose this no-confidence motion is carried, what would be the result? The result would be that the Government of this province would be handed over to the tender mercies of the party on my right, the Congress Party. I, therefore, place it in the forefront of my contention that as a representative of the Muhammadan community, I refuse to lend my support to a party which derives its inspiration and which is bound by the commands and behests coming from the High Command of the Congress Party. If the Opposition Party could be really under the control and effective influence of the representatives of the Muhammadan community, then the position would be different. But as things stand at present, there is no denying the fact that the Leader of the Opposition—and I am sure, he will candidly confess that—is bound by the mandates and orders that he receives from the High Command, that is, the Congress. I do not want to criticise the Congress one way or the other. I do desire to emphasise the disagreement that at present exists between

these two great political organisations and we, sir, the friends on my right and the friends on my left, do represent these two great organisations in this House.

Lala Duni Chand : Did you not start your career as a Congress man ?

Malik Barkat Ali : I did start my career as a young enthusiastic Muslim who loved the freedom of his country. But it was the very bitter experience that I had—

Mr. Speaker : The honourable member need not take notice of interruptions.

Malik Barkat Ali : I shall then come to my next point. There are fundamental differences between my political outlook and the political outlook of the Opposition at the present moment. Unless and until, those fundamental differences are settled amicably, unless and until my confidence is ensured and engendered in me, it is impossible for me to put myself under the Government of a people whose outlook is absolutely different from mine, whose notions of culture are absolutely different from mine and whose notions of nationalism are absolutely different from mine. I desire to make it perfectly clear that I am one of those who honestly believe in the Hindu-Muslim settlement, a settlement based on justice and fairplay to all. I feel it by bitter experience that this is not the policy of the Opposition. We had any number of Bills before this House for the settlement of agrarian questions,—Bills which received the blessings of even the High Command and yet what did we find on the floor of this House ? We found that so far as the principles of those Bills were concerned all heartily welcomed them. They were really more socialistic than any socialistic legislation ever introduced. But when it came up for actual discussion, we found the same old serpent, the same old communal outlook, the same old attempt to filch the rights and claims of the poor down-trodden zamindars of this province, the same capitalistic outlook, the same desire to keep the people under the iron heels of capitalism, the same desire to crush the manhood amongst those people, the same desire to extract the last ounce of blood out of the bloodless bodies of the poor and depressed in this province. That is only one instance. I can quote on the floor of the House any number of Bills placed on the statute book by this Government. Bills which received the support of the Hindu representatives on the benches to my left, Bills that received the support of the Sikh representatives and tillers of the soil, but which had the good fortune or misfortune of being opposed by the Opposition, by the Congress group that sits on my right, at every stage. It is not that they tabled merely amendments to improve the Bills in one respect or another. Nay, they opposed the Bills tooth and nail. How is it possible with that experience to lend my support to these no confidence motions ? (*Interruption*). You may say that you did this to improve the Bills. But we know how you wanted to improve them. You wanted to improve them beyond recognition and virtually make them capitalistic measures. Therefore it appears to me inevitable that so long as the present conditions of things continue, so long as my friends continue to look upon the League as a communal body—and one of my friends did refer to the League and taunted the Honourable Finance Minister for having joined a communal organisation although it is

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perfectly clear that the ministerial party consists of representatives of the League, representatives of the great party led by Chaudhri Sir Chhotu Ram, representatives of Sikh zamindars led by Sir Sunder Singh and others, e.g., my friend Sir William Roberts and Mr. Singha,—it is impossible for me as a Muslim Leaguer, to extend to them my support. (*An honourable member* : Whom does Mr. Manohar Lal represent ?)

Malik Barkat Ali : He represents the great University of the Punjab. (*Hear, hear*). You were pleased to refer to him as a superman. I think that description is perfectly correct, because he has been returned by supermen, the intellectuals of the Punjab. (*Hear, hear*). I am really sorry that the Honourable Finance Minister should have been singled out for this communal attack—all honour to him for this attack that he has invited on himself for his non-communal outlook from the speakers on the Opposition benches. The Honourable Mr. Manohar Lal's handling of the finances of the province has been simply superb. I know his abilities as a great economist. This House will remember that on a previous occasion when he was in the old Punjab Legislative Council it was left to Mr. Manohar Lal to stand up and identify himself and lend the support of his personality to some of the agrarian measures intended to relieve the peasants of their crushing indebtedness.

Mr. Speaker : The honourable member's time is up.

Malik Barkat Ali : I want to protest against those remarks against Mr. Manohar Lal uttered by no less a person than Chaudhri Krishna Gopal Dutt who the other day when speaking on the budget appreciated Mr. Manohar Lal's undoubted abilities. I think the province is under a great debt of gratitude to him for his splendid handling of its finances and I wish to take this opportunity of paying my compliments to him. I do not want to draw any invidious distinctions, Sir, but if there is one person in the Ministry to whom I should like to take my hat off instantaneously, it is Mr. Manohar Lal. (*Hear, hear*). With these remarks I oppose the no-confidence motions and call upon my honourable friends to remember that it is impossible for them to take up the Government of this province unless and until they succeed in winning the confidence and support and understanding of all communities. As things stand at present, the Opposition represents the Hindu capitalists and the Hindu capitalists alone (*Cheers*).

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

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram) (*Urdu*) : Sir, when I saw the notice of these no-confidence motions I was both surprised and pleased. I was surprised because I could not understand why the Opposition with the full knowledge of their severely limited strength had brought forward such motions. To my mind the members of the Opposition knew it fully well that they had not the ghost of a chance of success. But all the same they have mustered up courage to table motions expressing want of confidence in the Ministers. I thank them from the bottom of my heart because this action of theirs will enable us to achieve one very important object. Now what is that object ? We read daily in the newspapers that the foundations of the Unionist Party have been

shaken and that the said party will collapse very shortly. Besides, daily reports are being spread against the most loyal members of our party that they have decided to sever their connection with the Unionist Party, that they are about to disown their allegiance to Sir Sikander and that Hindu Unionists have actually raised their standard of revolt against me. Moreover, rumours were daily broadcast to the world that many Unionists have signed a pledge to break away from the party and that they are going to cross the floor in a day or two. Thus these motions expressing no-confidence in Ministers will fulfil one very important object of ours in so far as they have provided us an opportunity of showing to the world that these rumours are a tissue of lies and that the Unionist Party stands firm as a rock. The result of these motions will also prove the futility of a policy of lying propaganda.

An amusing statement was made on the floor of the House by the Opposition Party that these no-confidence motions had caused sleepless nights to Sir Sikander Hyat-Khan and had seriously affected my appetite. May I suggest that in fact the boot is on the other leg? So far as my information goes, the Leader of the Opposition had to undertake irksome peregrinations in the streets of Lahore at most uncanny hours in the night to enlist support for the motions which his party was going to move in the Punjab Legislative Assembly the following day. In face of this fact may I now question my friends opposite as to whose slumber was actually disturbed—whether it was Sir Sikander's and Chhotu Ram's or that of the Leader of the Opposition? At the zero hour of the night my honourable friend, the Leader of the Opposition, went to the respective houses of the honourable members of this House, knocked at their doors and begged their help and requested them to vote for his party's motions. May I know whether this kind of work suits the dignity and high position of the Leader of the Opposition? If in his opinion this is what is called leadership, I wish him joy of it. I personally think that the course adopted was distinctly undignified. However I am thankful to him that by bringing in such motions expressing want of confidence in Ministers he has solved one of our difficulties. Had my friends not put forward these no-confidence motions, we should never have got the opportunity of showing to the world that the Opposition had been living in a fools' paradise of their own making. The fact of the matter is that my honourable friends opposite tried their level best to befool others but they stand befooled themselves. These no-confidence motions have provided us an opportunity of dispelling any doubts or suspicions which may have lurked in the minds of our friends of the Opposition.

The second thing which I wish to point out in connection with these motions of no-confidence is that although they have been moved in the name of the Opposition as a whole, yet the Opposition Party consists of two, rather incongruous parts. The first part consists of those honourable members who are champions of capitalists and are themselves capitalists. The second part consists of those honourable Jat members who are neither capitalists nor champions of capitalism but who have been seduced from the path of their duty. My remarks are not directed against that part of the Opposition which consists of Jat members. I forgive their sins, their faults and their derelictions. I overlook their conduct. I will make no complaints about

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them. All my remarks and observations will be directed only against one section of the Opposition, that is, the devotees of capitalism, and against no one else.

Before I say anything regarding the Opposition as a whole, I wish to make a few observations about certain individual members of the Opposition who have taken part in to-day's debate. One of the honourable members who took part in the debate is the gentleman who represents the Southern Hindu Urban constituency. The old adage بلی کے ہاتھوں چیتکا ٹوٹا has a very close application to his case. It was through sheer luck that he was returned as a member of this House. (*Interruption*). Let me tell him that his constituents cannot repeat the mistake of returning him again to this House. It is both his nature and his profession to revile Ministers. I will leave him to himself and take no notice of his vapourings. Taking any serious notice of his observations would be giving him an importance which as a matter of fact he does not deserve. He has made many malicious statements. I would like to answer all his allegations in one brief sentence. Whatever he has stated is wholly incorrect and without foundation of any kind except his own malice. There is not an iota of truth in them. (*Interruptions*). Whenever I begin to criticise any member of the Congress Party or his statement, the honourable member for Hindu Amritsar always gets perturbed. Reverting to the subject proper I may submit that there is just one allegation of that honourable member which requires to be refuted specifically. He has stated in the course of his speech that the very foundations of the Unionist Party have been shaken. But he has not cared to substantiate his charge by any evidence. Now, sir, through you I wish to indicate my view of the position of parties. This will enable the House to judge whether it is the Congress Party which has lost its hold upon the masses or the Unionist Party. The district Hoshiarpur is admittedly the most powerful stronghold of the Congress in the Punjab. In the last elections to the district board the nomination papers of 37 Congress candidates were filed for the 37 constituencies. The Congressites tried all means, fair or foul, to capture all the seats. In one case the house of a candidate who was contesting a seat on the Unionist Party ticket was one day besieged by an army of women. These women did siapa in front of his house. But this is not all. Hundreds of men armed with chhavis and other lethal weapons went to his house, for the purpose of criminal intimidation. If any honourable member wishes to satisfy himself on the point, he may go to
7 Hoshiarpur and he will find cuts 2 or 3 inches deep on the door frame of the Unionist candidate's house. But what was the result of election in Hoshiarpur? Out of 37 seats the Unionist Party captured 25. (*Hear, hear*). I may also inform the House that the Unionist candidate to whose house the army of women had gone to do siapa came out victorious and the Congress candidate suffered a heavy defeat.

Now I cite the case of Gurgaon. Here during the district board elections congress leaders came in large numbers from Delhi, Aligarh and Muttra in the course of a whirlwind election campaign in support of the Congress candidates. But all their efforts proved futile as the Unionists swept the polls. The Congress was able to capture only one out of 34 seats, the success in respect of this one seat being due to the fact that the rival candidate was

not a Unionist. As regards the district board elections at Hissar, the Congress has very depressing results to show. After a most vigorous canvassing for votes, the Congress succeeded in capturing only six or seven seats out of 34. And let me add that even these six or seven members were elected to the District Board, Hissar, not because they subscribed to the Congress creed but because they were agriculturists. (*Interruptions*). My honourable friend Chaudhri Sahib Ram is no exception either. He was returned to the Assembly not because he sought election on the Congress ticket but because he has the privilege to belong to a very influential Jat family which is, in its turn, connected with many other influential Jat families. If that was not the case, why did not the Congress nominate the brother of the Leader of the Opposition as a candidate for that constituency? He is the leading lawyer of Hissar. If he had been nominated to contest, the result would have shown the direction in which the wind blew. However, what I want to emphasise is that the Unionist Party swept the polls at these district board elections which took place within the last three or four months and that these victories are a complete answer to the argument that the Unionists are tottering. I assert that the influence of the Congress is distinctly on the wane. All the big guns of the Congress from inside as well as outside the province, were used in these elections. But as ill-luck would have it the guns jammed. All their efforts to defeat Unionists proved unavailing.

Again, to-day all the seige guns of the Congress Party seem to have missed fire. They have refused to come into action. Before I came to a final decision to speak, I wavered in my mind as to whether I should speak or keep mum like the big guns of the Opposition. In fact I miss that warmth of feeling which the thunder of these big guns always produces in me. However, I am given to understand that one big gun will bring itself into action. It is a pity that this will be after I have finished. Whether any sparks will fly about is more than one can say. I will try to derive some warmth even from the prospect.

Now, sir, it has been said by the honourable members opposite that nothing worth the name has been done by the Government for the amelioration of the poor zamindars. I will show that this charge is utterly baseless. Before I attempt a refutation of this charge I may be allowed to say a word about my honourable friend, Chaudhri Jalal-ud-Din Amber, who is a Jat as I am. He has severed his connection with the Unionist Party on a very flimsy ground. He has stated that he approached the Honourable Minister for Education in connection with a female teacher, whose salary had not been increased along with other sister teachers with whom she had equality of efficiency. The Honourable Minister refused to comply with Mr. Amber's wishes on account of certain departmental reasons.

But my honourable friend took strong exception to this and at once receded from the ministerial party.

Diwan Chaman Lall : A very mean attack on an honourable member.

Minister for Development : My honourable friend says that this is a mean attack on an honourable members

Diwan Chaman Lall : If you do not understand how it is mean, I cannot teach you.

Minister for Development : If my honourable friend has not been a member of this House, nobody would have cared to take notice of what he says. It is a mere fluke that he is here and has been elevated to the dignity of Deputy Leader of the Opposition. He unnecessarily pokes his nose everywhere. He is childishly fond of interruptions. Well, sir, I was saying that my honourable friend Chaudhri Jalal-ud-Din Amber approached the Honourable Minister privately. The latter could not accede to his request owing to certain departmental difficulties. This fact offended my honourable friend and he bade good-bye to the Unionist Party. May I ask the honourable member whether this trivial matter indicated in any way a departure from the party's policy or principles which would justify desertion from the party? I am of the opinion that if a Minister is unable to comply with the wishes of an individual member, it does not mean that that honourable member should sever his connection with his party. But it is a different matter if the Minister fails to serve the general interests of the whole community or a section of it or is guilty of invidious treatment between one section and another. In that case an honourable member representing that population is, failing redress, entitled to withdraw his support from the ministerial party. I further maintain that if a political party in power fails to carry out its election pledges and renders no service to the poor masses, it is the moral duty of every member to declare that he has nothing to do with that party.

Diwan Chaman Lall : That is why my honourable friend is making an appeal.

Minister for Development : My honourable friend is very restive. He cannot help interrupting me. May I know what prevented him from making a speech? He had ample time at his disposal to give expression to his views.

Diwan Chaman Lall : Did I fix the time limit or did you?

Minister for Development : No one member did it.

Diwan Chaman Lall : You fixed it. You cannot have your cake and eat it too.

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

Minister for Development : Now, sir, I shall draw your attention to a few solid facts which will convince every fair-minded and right-thinking member of the House, that the present Government has done an immense lot to promote the welfare of the zamindars, especially the poorer zamindars, the depressed classes and other backward classes. In the first instance we have issued a notification under section 61, C. P. C., which confers great benefits on all zamindars, but in particular on poor zamindars. But we have not stopped at that. We have issued also another notification under section 68, C. P. C. by virtue of which the agricultural lands of all landholders who are not notified agriculturists, will largely be protected against sale in execution of decrees. Then the lessees of the Nili Bar Colony had been insisting upon their pound of flesh and treating their tenants harshly in other ways. Government at once moved in the matter and modified the original terms of their leases at a financial loss of 18 to 20 lakhs of rupees. Now lessees will have to grant their tenants fresh terms.

which will be much more favourable than the previous terms. Again, the House will be glad to hear that the Honourable Premier has made an announcement to the effect that henceforth Government lands would be distributed not among the capitalists, but among those small zamindars who cultivate them with their own hands. Besides, Government have ruled that as and when the present leases expire, the land thereby released and any other available Crown land should be leased out mostly to self-cultivating agriculturists. One result of this new policy has been very gratifying. Under former leases 83 per cent. of Crown lands had gone to capitalists but under this year's leases the proportions have been reversed, 83 per cent. having gone to agriculturists and only 17 per cent. to capitalists. (*Hear, hear*).

After this I may refer the honourable members to the case of 'ghoripal' squares of land. The House must be aware that these squares were granted for the breeding and maintenance of horses. Under the Colonization Act these squares of land were immune from attachment in execution of a decree and could not be leased out for the benefit of the creditor, but the penetrating and clever eye of the lawyer discovered a loophole in the law. In a case relating to 'ghoripal' squares it was contended by the lawyers and the contention was accepted by the High Court that although the court had no power to attach the 'ghoripal' squares, yet the Official Receiver appointed by the court could attach and lease out these squares for the benefit of the creditor. Personally I have not been able to understand the subtlety of this legal point. But we have to bow before the verdict of the High Court. As a result of this interpretation of the law these 'ghoripal' squares were converted into 'decree pal' squares. To remedy this defect the Government have had to pass an amending Bill under which the Receiver shall cease to have any power to harass the grantee of such squares by attaching or leasing his land. Similarly we have a section in the Debtors Protection Act, which directs the collector to set apart sufficient land for the maintenance of an agriculturist judgment-debtor and his family before he leases out his land in *mustajiri* in execution of a decree. Here also our lawyer friends pleaded—before the High Court successfully that if a receiver is appointed he is under no obligation to reserve any portion of an agriculturist judgment-debtor's land for the maintenance of himself and his dependents or refer the execution proceedings to a collector. So Government had to pass another amending Bill to ensure that the object of the Debtors' Protection Act was not defeated.

All these things have been done for the benefit of the poor and not for the benefit of the rich. Generally speaking the lands of wealthy people are not put to auction. It is the property of the poor people which is sold in execution. Wealthy people have a hundred other ways of earning livelihood even if their property is attached and sold.

Then our Government has passed a law which places very strict restrictions on the agriculturist money-lenders obtaining the lands of their debtors in lieu of their debts. Money-lenders Registration Act and Marketing Bill are other instances of legislation calculated to protect the weak and the ignorant. Can the occupants of Opposition benches contend with any show of truth or justice that no attempts have been made to save the poor down-trodden *kisans* from the cruel clutches of *Sahukars*? Now, we have closed

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all avenues of dishonesty and unfair dealing on *sahukars*—the blood-suckers of the poor peasantry. The *sahukars* can no longer take land from any zamindar in pursuance of a benami transaction or retain those lands which they obtained in this manner in the past. Dishonest transactions of this kind have, let us hope, disappeared for ever. May I be pardoned for asking my friends as to who has done all these services to the poor peasantry? Does the credit go to our Government or to those who put all sorts of obstacles at every stop to prevent us from taking such beneficial measures? As my learned friend Malik Barkat Ali has just remarked, the Opposition opposed the Marketing Bill in spite of the orders given by the High Command not to oppose it. I wonder why they indirectly supported even false weighments and false weights resorted to by dishonest *mandivalas*. What is the lure which inclines them to condone dishonesty? The Government wanted completely to banish false weights used by *mandivalas* and, curiously enough, the Congress Party which professes to be the friend of the poor, sought to thwart us. All that I can understand is that the Opposition opposes us simply for the sake of opposition. I am sure that the honourable members of the Congress Party who can go to the extent of opposing us even against the wishes of the High Command will bring nothing but discredit and disgrace on the name of the Congress, and if they continue behaving like that they may take it from me that Congress prestige will suffer irretrievably in the eyes of the people.

I was submitting, Sir, that even the Marketing Bill was opposed and opposed tooth and nail, by the Opposition, and it is a pity that some of the agriculturist Congressmen also were drawn into the meshes of the capitalists' net. We also passed an Act by virtue of which lands mortgaged prior to 1901 will be restored to their owners practically without any payment. I am afraid my honourable friends sitting opposite are not perhaps aware of the fact that with the passage of this Act, 835,000 acres of land burdened with a debt of Rs. 41,300,000 will be restored free of cost to 366,780 poor mortgagors. (*Hear, hear*).

May I ask these honourable friends who are sitting opposite to me and who pretend to be socialists and preach socialism in the name of the Congress, as to why they opposed the cancellation of *benami* transactions which had been made in contravention of the Land Alienation Act? May I here submit that these transactions, known as *chor gehnas* and *benami gehnas* are simply staggering in their numbers. These transactions are no less than 15 or 16 crores in money value.

I am perfectly aware of the fact that some of the honourable members oppose us at the instance of their voters. In this connection I should like to remind the House that certain people have scoured the whole province from end to end, have held meetings at Lyallpur, Tandianwala, Jaranwala, Pindi Baha-ud-Din, Rohtak, Sonapat, Montgomery and a host of other places and have cried themselves hoarse because when these laws have been enforced certain classes will lose heavily while lands encumbered with a debt of roughly 20 crores will be restored practically free of cost, to certain other classes. I fail to understand how in face of these facts some people pretend to maintain that these Acts bring no benefit to the poor. When work of such tremendous

value has been done within a short period of 20 months and when a Government has, in its infancy, passed laws and adopted administrative measures of immeasurable benefit to the down-trodden zamindar, I think it would be insensate folly and unpardonable ingratitude for any representative of agricultural interests to leave the fold of the Ministerial Party, and I doubt if such person would be able to justify himself either before God or before man or before his own conscience.

Before I resume my seat I should like to submit that some renegade Unionists and some socialists have played into the hands of capitalism. I must warn them against the unwisdom of their ways. It is a piece of friendly advice by me. If this advice is not heeded by my friends in time they may have to rue the day bitterly.

Khan Bahadur Nawab Muzaffar Khan (Attock North, Muhammadan, Rural) (*Urdu*): Sir, no earthly Government or organisation can be free from defects. I do not claim infallibility for my Government, I would, therefore, submit that to err is human and in fact Sir Sikandar made a mistake or I should say a blunder at the very outset by giving up a most comfortable and highly paid appointment and coming to the Punjab where he has to depend on friends like myself and Mian Nurullah. He should have thought twice before doing this as to whether the province was capable of appreciating his great sacrifice. If he had considered this matter most carefully, I am sure, he would not have thrown himself into the hands of admirers like Mian Nurullah. Undoubtedly we owe him a deep debt of gratitude for making this great sacrifice in the interest of the province.

Sir, we all know what the programme of the Unionist Government has been for the past 8 years. It is before the country and it is for the province to judge. Nor do I wish to sing the praises of the Premier. It is awkward for one to do so. All I would say is that he is above communalism. It has not been a question of policy with him but a question of faith from his childhood. (*Hear, hear*). I honestly assure the House once again that impartiality is not a matter of policy with him but is his faith. (*Cheers*). He has never been partial to Muhammadans during all the offices he has held. On the other hand he has given weightage in public services to Hindus and Sikhs and accepted 50 per cent. instead of 56 per cent. for the Muslims. His father's views on Hindu-Muslim unity and his cordial and friendly relations with Hindus and Sikhs are a matter of history and are well-known to those who had the privilege of knowing him. It was this atmosphere in which Sir Sikandar has been brought up and it is in pursuance of that early training that Sir Sikandar Hyat-Khan has always followed the path of impartiality and fair play. Whatever has so far been done by him, I would say without fear of contradiction, has been done in fairness and justice towards all communities and minorities of this province. (*Cheers*). He followed the same policy in the choice of Ministers and unlike Congress provinces the choice was not confined to any one party or community. Take for instance Mr. Manohar Lal who is an economist of international fame. To most of us the speeches of some of the members from that side were a matter of great pain and surprise that they should not have spared even a man of his ability and character. The Honourable Chaudhri Sir Chhotu Ram with his fiery eloquence is a man, firm in his principles and possesses great sympathy

[K. B. Nawab Muzaffar Khan.]

for humanity, especially the poor classes. Sir Sundar Singh is a perfect gentleman whose services in the cause of Sikh education are well known. It is very strange that the Honourable Mian Abdul Haye should to-day be attacked by my Congressite friends. Not so long ago in the Central Assembly, he was praised to the skies by Congressmen. He is still the same man. Our young Minister Nawabzada Major Khizar Hayat Khan has thoroughly justified his selection in every way.

Sir, a great deal of noise was made by the Opposition that Sayed Afzaalali had offered hospitality, board and lodging to a member of scheduled castes. This is ordinary hospitality shown by us to each other. We did not say a word so far about a more serious affair. It is within my knowledge that Rai Bahadur Gopal Das has placed a palatial house with spacious grounds at the disposal of Mian Nurullah and his friends. He says he pays rent for it. This may be so. In that case Rai Bahadur Gopal Das can be justly accused of inhospitality for accepting rent from a guest in contravention of the traditional hospitality of his family. God alone knows what high hopes have been held out to Mian Nurullah who has deserted the zamindars.

There are some who think that the Punjab is unfortunate owing to communal troubles. I personally believe that we in this province are lucky. Different communities in the province are so well balanced that no community can oppress the other. Look at the other provinces where Congress High Command rules and see what oppressive treatment is being meted out to minorities.

With these few words, Sir, I beg to assert with all the emphasis that I can command, that the Muslims, the Hindus and the Sikhs of the Punjab have full confidence in the present Ministry and I oppose the motion.

Pandit Muni Lal Kalia (Ludhiana and Ferozepore, General, Rural) (Urdu, Sir) : I propose to devote the short time that has been allowed to me, to sifting the grain of truth from the chaff of untruth spoken about the Honourable Mian Abdul Haye. The honourable member who has eulogised him just now would know about the Honourable Minister from me as he and I come from the same town and have had the privilege of working together as members in the Municipal Committee, Ludhiana. I have thus had an exceptional opportunity of knowing him from close quarters. He has no following of his in the House, and if he had either the ability or the necessary following he could certainly command a good deal of confidence in the House. Everyone in the House is suspicious of his credentials.

While singing the songs of his party, my honourable friend, the Minister of Development was pleased to refer to the defeat of Congressmen in Hoshiarpur and other places and to point out that several candidates of the Muslim League and the Unionists had succeeded. But he has conveniently forgotten such things regarding Municipal elections in Ludhiana, where as many as twelve candidates were put up by the Honourable Mian Abdul Haye and all but one have recently been defeated by the Ahrar candidates. Does it show that the Muslim League has a good following in the province? Does he know how often the Education Minister has been going to Ludhiana for canvassing votes?

Returning to the Honourable Mian Abdul Haye, let me mention some of his antecedents and show that it was a bad selection to take him in the Cabinet. During the non-co-operation and Khilafat days, he gave up his title of O. B. E. and took to khadi, while speaking in a meeting of Congress, he described the wearers of foreign cloth as *gusht-e-bare* (born naked) but as the wrath of the Governor was about to descend upon him, he fell down on his knees and begged his pardon. (Honourable Mian Abdul Haye: That is wrong. It is untruth). He does not know that he is now himself worse than *gusht-e-bare* having been exposed from all quarters. He is so mean that he encourages fabrication of false cases against all those persons who oppose him and whom he dislikes. He was himself involved in a case, for stealing bricks from a kiln and had to compromise, through the intervention of an A. D. M. He was then President of the Committee and member of Central Assembly.

Mr. Speaker : Only the public and official conduct of the Honourable Minister is under criticism.

Pandit Muni Lal Kalia : Sir, that is what I have in mind. I am showing his past career and how the Minister in question goes about in Ludhiana at public expense in order to serve his personal ends. He is in clique with the local officers and takes personal interest in all matters.

Mr. Speaker : That remark of the honourable member is irrelevant.

Pandit Muni Lal Kalia : I won't cite other instances, but I will quote a letter written by him which shows how he uses his influence to help his favourites and injure his opponents. The letter reads as follows :—

LUDHIANA,
26th September.

My Dear Khawaja,

I have done the needful as regards the High Court case and let us hope God will crown our efforts with success. I have deputed two friends and they are both trying to get the case adjourned. Here also I am making efforts in a certain direction which I need not divulge at present.

Your cousins feel depressed and there are already overtures for peace and unity. We the other day gave some of the people to understand that the telegram received from Simla was to the effect that Khawaja Mahmud Shah was going to stand in Gurj Mangli Ward. Alam came running to Agha and there was a sensation in the town. Some 3 days ago Akram spoke to me on the phone and Alam came to Agha and said that in the case if Mahmud Shah will stand there will be no opposition on their behalf and they will readily withdraw. "Mahmud Shah" he said, "was after all our "Lala" and blood is thicker than water."

Perhaps you do not know your strength. I would like to talk over the matter with you but I am afraid you consider that I am trying to impose my will upon you. This has never been my intention and you are satisfied, I would like to put the whole situation before you in my next letter. One thing I would say without reservation and that is :—

If some of these youngmen get into the M. C. it will be a source of immense trouble to you, myself, and Musalmans in general. What should we do to counteract their activities.

Yours sincerely,
(Sd.) ABDUL HAYE.

Now these very youngmen referred to in the letter, have captured the municipal committee. The cousin Muhammad Eusoo, *Esq.* M. L. C. defeated him in his (Minister's) presidential election in 1933, when Mian Sahib had to leave Ludhiana for good. The three other brothers of the Khawaja family also succeeded against Mian Sahib's men.

[Pandit Muni Lal Kalia.]

When, however, the Honourable Mian Sahib was questioned about this letter in a court of law, he evaded the answer and claimed privilege as Minister, Good God! *(At this stage the Honourable Mian Abdul Haye rose up to say something)*. Don't interrupt, I refuse to give way. *(A voice: A lie is being told)*.

Pandit Muni Lal Kalia : No, hundred per cent truth.

Minister for Education : What is the date of the letter?

Pandit Muni Lal Kalia : September 26.

Minister : What is the year?

Pandit Muni Lal Kalia : No year is given here. *(At this stage the Honourable Speaker sent for the document)*.

Not only that. He avenged himself on Haji Khawaja Muhammad Azam, another cousin referred to in the letter. He has been removed from committee for five years because he is said to have spoken disparagingly against him, his personal enemy. It is a pity that persons of such objectionable antecedents are present in the Punjab Cabinet. Their only aim is to serve their private ends. They can never rise and realise their responsibility. Jobbery and favouritism are their chief hobbies. He got some of his friends and supporters in the Debt Conciliation Board. He is transferring and posting his favourites in his constituency for helping him in next elections. He is now trying for nomination of those, who wrote his posters in his elections. He is going out of his way to injure those who opposed him. In truth it is proper to say about him that *مردی کی اینک جو بارہ* *میں لگی ہوئی ہے* If Sir Sikander had acted wisely and not taken him in his Cabinet, he would not have to face this storm of no-confidence motions to-day. He would have certainly avoided this disgrace. The Minister of Education goes so often to Karnal and other south-eastern places, so as to break journey at Ludhiana and to interfere in the local affairs there and attend his personal cases. He told the people at the house of Chaudhri Ghulam Muhammad that they should bestow the honour of election on Agha Sher Ahmad, his candidate, put up against Khawaja Muhammad Eusoof, the president of municipal committee. Do you know how his request was turned down?

Sir, the House can well judge what the Honourable Mian Sahib is doing. The story of his selection as Minister is too well known to need a repetition from me here. The sooner he is chucked off, the better it is for the province and its affairs. The House knows too well of his activities. I wish I could get more time to expose the Minister, who is a misfit there. Only recently he employed young students in a school in Jullundur district in carrying flower pots for arranging reception to the Honourable the Premier. Why should Chaudhri Allah Dad not support him, when a case involving misapplication of Rs. 15,000 in village school of Noh in district Gurgaon has been hushed up by him? God save us from such a Minister.

Dr. Gopi Chand Bhargava (Lahore City, General, Urban) *(Urdu)* : Sir

6 P. M.

I am sorry that I have not been able to listen to the whole of the debate on account of certain unavoidable

circumstances which detained me out of the House for some time. It was my desire that the debate should be carried on in an impersonal manner and be restricted to one point, namely, what the present Ministry have done so far for the general good of the people and what they have not done. But my friend Malik Barkat Ali has unnecessarily introduced the question of Muslim League *versus* Congress. I hope you remember that my friend was elected member of this House on Muslim League ticket. In the general elections the Unionist Party opposed the Muslim League candidates. I think as a political party Muslim League had a special programme. It was different from that of Unionists. But later on the Unionist Party wooed the Muslim League, for they stood to gain thereby politically and joined the League without reference to the electorate. My friend Malik Sahib began by being an Oppositionist but later on he became a Ministerialist. It is not long ago when my friend issued a statement to the press to the effect that he was not satisfied with the doings of the present Ministry and that he felt inclined to bring in a no-confidence motion against them. But to-day he has played the role of an ardent supporter of the Ministry. If he has any faith in them he is welcome to hold it. But to bring in the question of Muslim League *versus* Congress is most undesirable. If he wants to discuss the relative merits of both the Muslim League and the Congress let him do it out of this House. It may be that one individual is a bad and untalented person. But the wholesale condemnation of a community is most objectionable. The Honourable Sir Chhotu Ram appears to be obsessed with sentiments against the *bania* community because perhaps one of his forefathers happened to suffer at the hands of a money-lender. That is the genesis of the bogey that is still haunting the Honourable Minister. According to him no Jat can ever be a capitalist even if he is in possession of enormous wealth or behaves otherwise like a perfect capitalist. When one is in fact a bad person you can condemn him with some justification. But to make unwarranted insinuations against a person for his beliefs is what I strongly object to. I resent the Unionist insinuation that Mian Nurullah has been provided a bungalow free of rent for having severed his connection with the Unionist Party. On that analogy may I take it that the parliamentary secretaries and parliamentary private secretaries are supporting the Ministers because they are paid salaries? You should not malign people in this way. Some of the speakers have remarked that the Congress Party is very weak. That may be so, but we have the courage and the right to raise a voice of protest against the Ministry for their wrong doings. We have right to move no-confidence motion though not the strength to carry it. My friend Pir Sahib had a difference of opinion with the honourable members over there and for that he was prosecuted and made to suffer and against the wishes of the landlords, the tenants who voted for him were called upon to give a bail of Rs. 20,000 each and harassed. We have every right to protest against this high-handedness. The Honourable Minister for Development has referred to elections in the Hissar district in order to show that the Unionists have won favour with the general public. May I refer him to the election of Rai Sahib Chandhri Het Ram, a Unionist, who was given a thumping defeat by a Congressite? The Honourable Minister has probably referred to this election so that the Rai Sahib's defeat be brought to light as he belongs to another Jat party. Again, sir, what happened in the

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Sheikhupura district? There in the district board election one of their parliamentary secretaries was defeated by a small Congressman. If the Congress are growing in the estimation of the people it is because they are above communalism and sectarianism which are the strongholds of the Unionists. The Honourable Minister has referred to the election of Chaudhri Sahib Ram and said that if my brother were to stand, he would have been defeated. For us there is no sectarianism and there is no difference between one Congressman and another. What part the Honourable Sir Chhotu Ram and the Honourable Premier played in this election is evident from the letter of the Personal Assistant to the Premier. A letter was sent to a prominent voter saying that he should support the opposing candidate and that his nomination would be kept in sight. This letter was produced before the Tribunal and the Personal Assistant, the author of it, was examined. His evidence is on record and he had admitted writing this letter. The Honourable Minister of Development has insinuated in his speech that Diwan Chaman Lall can make a speech only on the floor of this House and has not the courage to speak outside the Chamber, and if he were to appear on a public platform he would not be listened to. But let me tell him that Diwan Chaman Lall is not one of those people who had to acquire the assistance of street hooligans for addressing a meeting held at the Law College or take help from Khaksar volunteers for a meeting outside Mori Gate.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : On a point of order, sir. Is the honourable Leader of the Opposition in order to insinuate that the Honourable Minister of Development acquired the assistance of street hooligans for addressing a meeting? (*Uproar*).

Mr. Speaker : What was the expression used by the honourable Leader of the Opposition?

Dr. Gopi Chand Bhargava : Sir, either believe me or enquire from the reporter as to what I have said. I have only submitted that the Honourable Minister of Development was pleased to remark that no one is prepared to listen to Diwan Chaman Lall outside this House, and that he is only a Chamber hopper. In reply to that I have said that he is not one of those who stand in need of the assistance of hooligans for addressing—

Minister for Development : *Ghallat*.

Master Kabul Singh : Shut up. (*Uproar*).

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : Again on a point of order, Sir. Is the honourable member in order to shout "shut up" to the Honourable Minister of Development? (*Interruptions*).

Diwan Chaman Lall : The Minister for Development said "shut up" first.

Mr. Speaker : Did the Honourable Minister of Development use the words "shut up"?

Minister for Development : I fail to understand why the enquiry has been addressed to me first, especially when I have only used the Urdu word *ghallat*.

Mr. Speaker : Then I would request Master Kabul Singh to withdraw those words unconditionally.

Master Kabul Singh : All right, sir, I withdraw those words.

Dr. Gopi Chand Bhargava : It is just as they say جور کی دازھی میں تنکا تنکا. If a reference to that incident gives pain to the Honourable Minister of Development I leave it untouched and will not allude to that episode in the course of my speech.

Now, sir, I come to the uncharitable remarks made by the honourable Nawab Muzaffar Khan with regard to the alleged atrocities on minorities in the Congress provinces. It was not befitting an eminent person like him to make such unworthy remarks without making due inquiries into these allegations. We are here discussing the no-confidence motions and so we should refrain from saying things which have nothing to do with them. It was a sort of challenge which could only be taken up outside the Chamber and not on the floor of this House. The policy of every Government is expected to have two aspects, one political and the other economic. The political aspect of the policy of any Government is judged by the interest it takes in the freedom of the press, the civil liberties of its people and the treatment which the party in power metes out to the minorities. Here in the Punjab it is much to be regretted that the freedom of the press has been considerably fettered. Securities are being demanded and confiscated under the pretext that such and such papers are fanning the flames of communalism. But the real fact is that the newspapers which are really encouraging communalism are let go unpunished. Only those newspapers are subjected to this invidious treatment which are not friendly to the Government. It is really very sad that a certain section of the press is being throttled simply on account of political differences. And if I am not mistaken there is still a piece of legislation hanging over our heads like the sword of Damocles. Here it would not be out of place to make a few observations in connection with the Unity Conference sponsored by the Honourable Premier. The Conference took great pains to bring about harmonious relations between the various communities of the Punjab. But it is a pity that this conference also met the fate of similar other committees and ended in a fiasco. The hitch which brought about its premature failure was this. A suggestion was made by some of us to consider the advisability of introducing the joint electorate system in the Legislative Assembly. With this end in view a sub-committee was appointed under my chairmanship to explore the possibilities of effecting such a healthy change in the communal award. But when I asked the secretary of the conference to supply me with the necessary information and statistics in this connection he did not comply with my request, and so the committee disappeared before it came into being. I am sure the Premier has not changed his views about the system of separate electorates as yet. He was at that time opposed to the principle of separate electorates. But ever since he has joined hands with the Muslim League he dare not flaunt such views and ideas from the public platform. It goes without saying that without weeding out communalism from the province, the Punjab cannot make steady advance towards its goal. As long as the outlook of the ministry is marked with communalism and sectarianism one cannot expect smooth working of the Government and creation of harmonious relations between

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the various communities of the Punjab. Communalism will not disappear as long as favour lies in communal electorates and a certain community is shown favour in the matter of services on the basis of communalism only. To my mind joint electorate system is the only solution of communal tangle. I am strongly of the opinion that so long as separate electorates are not done away with, communal riots cannot be permanently checked.

Now, having finished with the press, I come to the liberty of the platform. If we keep apart the prosecutions launched against political workers during the days of the civil disobedience, the present Government has smashed all records of prosecuting political workers. Then, the happenings at Asaudab speak for themselves. We have no liberty to raise our voice against the activities of the Government. The public has only to see the reports of the speeches of the Honourable Ministers at public meetings outside in order to be convinced as to how they wish the political workers in the country should be treated. But let me assure the Honourable Ministers that they will not be successful in curbing the voice of the Congress. It has not been possible for the British Imperialism to perform that feat. How can the vassals of British Imperialism *فرزندان امپریالیزم* succeed in this respect? The words in which the Honourable Ministers speak of Congress only reflect their own intellectual level. The Congress has nothing to lose on account of a few furious expressions of Honourable Ministers. I am sure that there must be many members on those benches who, left to themselves and not tempted with promises of all sorts, would disapprove of the way in which the Honourable Ministers are accustomed to talk of other individuals and organizations in this province.

Now, I would refer to the economic side of the question now before the House. The Honourable Minister for Development has claimed to have cut down rural indebtedness to the extent of 15 crores of rupees. But even if that be true, will it solve the problem of indebtedness? If I am not incorrect, the Punjab peasant is groaning under a debt of 200 crores of rupees. How, then, will this scaling of debts help the zamindar? You may cut down capital or interest but the remedy does not lie in lessening to a small extent the enormous debt which the Punjab peasant owes. Intelligent people all the world over have not attempted to solve their problems like this. Dr. Constanzo, the eminent economist, has recently written some articles on this problem. He has dwelt upon all the radical measures which may be utilized for the solution of the debt problem. He has held that if the existing contracts are upset, the result is a deadly blow to agriculture credit. If two or three things are not attempted, debts cannot be diminished successfully. First of all cheap credit should be provided for. The agriculturist would not flourish unless and until provision is made to make cheap credit available for him. Secondly, prices should be fixed or raised. What has our Government done in this connexion? It has raised the price of petrol by 5 pice per gallon but we have to pay a pice more. This increase in price has not rather than helped the poor cultivators of the province. Leaving alone peasants, let us see what the Government has so far done to help the labourers living in towns and countryside. There are many factory owners whose factories are seldom visited and inspected. No effective check can, therefore, be exercised over them. We proposed a

Maternity Benefit Bill. It was opposed on flimsy grounds that the number of women employed would go down although the Labour Commission has clearly repudiated this reason. The Government has been sleeping over this matter of vital importance to the life of the labourers in the province.

Then, no programme has been presented so far by the Ministry about the introduction of small scale or large scale industries in the province. How can the Government deny that so long as the province is industrialized, prices cannot be made to rise? But the Honourable Ministers are not prepared to assume responsibility for the small progress industry has made under their Government. The Honourable Minister for Development just now said that that sad state of neglect in which we find the industries of the province is only a legacy left to us by the Government which used to be. But this does not exonerate the Government of my honourable friend. It was his duty to redress the old wrongs wherever they existed. But he has done nothing of the kind. The Government has only passed a few agrarian Bills but even these Bills do not help the zamindars of the province to any large extent. The peasantry is still in a state of ineffable poverty. I have heard there are as many as a lakh of zamindars in this province who take water from private canals and the private owners of canals take away 25 per cent of the produce of the agriculturist as *abiana*. The Government has State-owned canals in those places but they do not give water from them on the strange plea that the water taken from Government canals will cause water-logging and *thur*. This has reminded me of the condition of the agriculturists in the waterlogged and *thohar*-stricken areas of Sheikhupura and Lyallpur districts. The Government has done nothing so far to compensate the zamindars whose lands have been laid waste by waterlogging and *thur* in these districts. I understand a zamindar threatened the Government with suit for damages if no compensation was paid. The Government seems busy attending to the needs of those rich people who hold, for instance, large plots of land and wish to add another 200 squares by way of a free grant or on the basis of cultivation because it adjoins their land. The Government is singularly indifferent to the case of those unfortunate people who invested thousands in lands but now their lands have been rendered uncultivable by waterlogging or *thur*.

Now, I shall briefly refer to the case of the poor Harijans who are in the employ of municipal committees. In 1936, a circular was issued by Government that the municipal committees should provide for leave, provident fund and permanency of service for the sweepers in their employ. In 1937, a report was asked through the commissioners as to what was done by the committees in connection with the recommendation contained in that circular. The reply came that nothing had been done by the committees in this connection. What action, people may reasonably ask, has the Government taken? In Lahore and Sialkot there are no municipal committees. Municipal administration has been vested in administrators. In prominent places like Pindigheb and Isakhel the system of nominations is still in vogue. Could any popular Government worth the name, I ask, allow this state of affairs to continue in the province? I want to point out that the grievances of Harijans are many and varied. They cannot all be solved by providing services to a few of them.

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So far as the release of the political prisoners is concerned, some political prisoners, under life sentences, have been released under the practice that such people may be released after serving 14 years of their sentences. Those who had otherwise completed their sentences have been released. Some sick persons have been released. But the principle of the release of the politicals has not been honoured. Nothing has been done for labourers either in the towns or in the villages. Only attempt has been made to accentuate class war in the province. I condemn the Punjab Government as definitely anti-Indian in its outlook. I condemn it for lending help to British Imperialism. I condemn it for trying to betray the interests of the province in order to benefit the foreigner. The state of affairs in the Punjab has been aptly commented upon in this cartoon (*The honourable member held up a cartoon for the House to see*) where provincial autonomy is depicted as dancing to the pleasure of some one else. I will impeach this Government for being too wooden in its outlook, for being anti-Indian, anti-religious, in short anti-everything good.

It has been said that we are anxious to have a majority here. I assure my honourable friend that the Congress will not try to assume power unless it has a clear majority. It is the right of a minority to develop into a majority if possible. If it does not make an attempt to win over other people to its way of thinking, it fails in its duty. With these words I support all the motions of no-confidence which have been moved against all Ministers individually.

Mian Muhammad Nurullah : I want to make a personal explanation, Sir. An analogy has been drawn by Nawab Muzaffar Khan between the letters read by my honourable friend Lala Harnam Das and my living in a *kothi* belonging to Rai Bahadur Gopal Das. He does not know that Sayed Afzaal Ali Hasnie is the Resident Secretary of a different party and Lala Harnam Das has ceased to be a member of that party. The relations that I have with Rai Bahadur Lala Gopal Das are quite different. Not only are we both independent members and colleagues for the last ten years but he was my classmate and now his father is a member of the Council of State and my brother is a member of the Central Assembly. Besides, I am paying rent for that *kothi*. It was only this morning that I and my friends Pir Lal Badshah and Sardar Muhammad Hussain who are also living there settled accounts between ourselves to know as to how much we had to pay to Rai Bahadur Gopal Das and how much to the common servants of the *kothi*.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : Mr. Speaker,

Lala Sita Ram : Sir, on a point of order. This is a very important matter and I wish to submit.....

Mr. Speaker : Certain names were given to me but they were withdrawn subsequently.

Diwan Chaman Lall : Nobody withdrew anything. Only there was no time. No information was communicated to you that any name was withdrawn.

Premier : Mr. Speaker, I am glad, and if I may say so, indeed grateful to my honourable friends opposite that they have after all had the courage to move these motions of no-confidence. As you are aware, Sir, I requested them, made an offer to them, that I would be prepared to give time if they wanted to challenge the Government or if they wanted to see whether those malicious misrepresentations made in the press and elsewhere about big land-slides from the ministerial party, were true or not. They did not, however, accept my offer. As a matter of fact, that offer was described by the press as a challenge but even then the opposition refused to move and I had to resort to the device of asking one of my own members to move a motion of confidence in order to dispel any disillusion under which my honourable friends opposite might be labouring.

Diwan Chaman Lall : My honourable friend may know that the Unionist Party's headquarter's own statement in the press says that it was a challenge.

Premier : I am glad that my honourable friends opposite were eventually goaded into accepting that challenge.

Diwan Chaman Lall : It says so.

Premier : Why am I glad that they have accepted that challenge? My reasons are two-fold. First, that in a big party like ours, a party which consists of about two-thirds of the members of this House, unless no-confidence motions are moved occasionally, the members are likely to be lulled into a sense of false security; they are likely to become stale and likely to wander away unconsciously from the ideals of discipline in the belief that the Opposition was much too weak to do the party any damage. It was, therefore, as one of my honourable friends here said, a good thing that a motion of no-confidence was moved because it has put life into the party and into the individual members. My second reason for welcoming these motions is that they should provide a little respite to some of my friends of the fourth estate, who have been for the last 15 months forecasting big land-slides—fore-casts which in some cases were perhaps inspired, and in other cases a matter of wish being father to the thought,—and enable them to concentrate on more profitable themes in future instead of forecasting land-slides and imaginary dissensions in the ministerial party. Now, if I may, I would like to, with your permission, trace the genesis of this no-confidence motion. I am sure the House will be interested. I have several friends in Bombay and Calcutta, friends some of whom subscribe to the Congress creed—very esteemed friends. I was rather amused and interested to get a letter from a Calcutta friend last year to the effect that the versatile whip of the Congress party, here had an opportunity of discussing party politics and alignments with the whip of the Congress party in the Bengal Assembly; and that my friend, the whip of the Congress party in the Punjab Assembly told the Bengal whip that he would be able to shake the foundations of the Unionist Party within a short time because he had been working hard, and because there were other friends who were working hard in order to demolish the citadel of the Unionists in the Punjab. I am further told by my Bengali friend that the Congress whip in the Punjab later shrewdly qualified his statement and hinted that he should get adequate funds from the Congress headquarters for the purpose. That was the condition, a very important condition, and I dare say that it was fulfilled.

Dr. Gopi Chand Bhargava : I repudiate this insinuation.

Premier : My honourable friend wants to repudiate an insinuation which I never made. Party funds are meant for party purposes, and party propaganda.

Dr. Gopi Chand Bhargava : It is a wrong statement.

Mr. Speaker : Many other statements, made on the floor of the House, have not been verified. In a single case this has not been done and this case is not different.

Diwan Chaman Lall : We have a right to point out that this is not true.

Mr. Speaker : Not at this stage, unless there is—

Diwan Chaman Lall : This is the only stage.

Premier : That whip of the Bengal Congress party went to Kashmir from Jullundur, enjoyed his holiday there and on his return probably conveyed the message of the whip of the Punjab Congress party to the Congress headquarters. But why go to Bengal? I can cite an instance here. One of our socialist friends—I have several friends among them—came to me some time ago and said that when the President of the Congress visited this province, several gentlemen including my friends opposite, requested him to help them with funds, so that they can do a little service to our brethren of the scheduled castes. That was a statement made by a responsible socialist. I will not divulge his name for obvious reasons. The response was quick. But those funds were not considered sufficient and a request was made for a larger amount, so that they could do more 'service' to my friends of the scheduled castes. However, that is neither here nor there. I was merely tracing the genesis of the no-confidence motion which has been maturing for the last 18 or 20 months.

Dr. Gopi Chand Bhargava : May I know who asked for the money?

Premier : My honourable friend himself perhaps asked for money.

Diwan Chaman Lall : Who asked for it?

Premier : The Congress party. I will not divulge names.

Dr. Gopi Chand Bhargava : I am the President of the Provincial Harijan Sevak Sangh.

Premier : He is the *de jure* president, not the *de facto* president.

Dr. Gopi Chand Bhargava : I am the *de facto* president.

Premier : Then my honourable friend has used the money profitably on Harijan members. I was, Sir, tracing the genesis of these no-confidence motions. They have taken over 18 months to mature. One might well say, that the mountain has been labouring all this time, and what will come out of it? I hope we shall see to-day only some very small mice.

Sardar Sampuran Singh : You mean 'mouse'?

Premier : I would have used the word 'mouse' if there had been only one party opposite there. But there are several parties and therefore I used the word 'mice' deliberately, in which of course my honourable friend is included. (Laughter.)

Diwan Chaman Lal : Who are the rats ? (*Laughter.*)

Mr. Speaker : I would request the honourable members not to make remarks and interruptions.

Dr. Sir Gokul Chand Narang : But will you kindly define what we are ? Sir Chhotu Ram said we were cats and the Premier says we are mice. What are we ? (*Laughter.*)

Premier : As I have said, Sir, I had to goad them, provoke the mice to bring these no-confidence motions and I am sure that my honourable friends opposite, when they have time to consider the position, will admit that from a tactical point of view I was right and they were wrong. (*Interruption.*)

Mr. Speaker : That is a matter of opinion.

Premier : Yes. But I make a present of it, for their consideration and deliberation later on, in their calmer moments.

Now, Sir, let us see what was the objective of the opposition in moving this motion of no-confidence against the present ministry. I was waiting to hear an impeachment which would make the members on this side sit up and the reporters in the press gallery gloat. But what has been the up-shot ? My honourable friend who moved the first motion spoke for an hour and a half and brought two "important" charges against the ministry. The first was that my honourable colleague, the Minister for Education, had taken tea with the civil surgeon of Ludhiana and therefore he should be impeached. (*Laughter.*) Why ? Because these ministers he said make friends with Government servants ! He should remember that all public servants are our friends—all honest public servants—and will continue to be our friends so long as they remain honest and discharge their duties properly. It is the duty of a minister to cultivate their friendship so that all such officers, whether they belong to the Medical Department or any other department, should feel that they have in the ministry friends to defend their rightful and legitimate interests. (*Hear, hear and applause.*) The other point which my honourable friend made was with regard to corruption. He is very fond of attacking the Police Department, and he has a reason for doing so. Those who believe in the medical theory of heredity will agree with me that my honourable friend has every reason and justification for attacking the police, because he is himself the son of a policeman and naturally he should know more about the police than any other department. But I hope I am doing justice to his very revered parent, who had the privilege and honour of serving this department, when I say that my honourable friend could not have based his remarks on his personal experience of his father. I am certain he did not mean any disrespect to him. I am sorry that he should have made a cheap attack on one of our most honest, straightforward and independent officers—the officer who has recently been appointed in charge of the agency to inquire into cases of corruption. (*Hear, hear.*) He had the audacity to attack him on the score that I had the privilege of being his guest 4 or 5 years ago, when I was Revenue Member, during one of my visits to Ludhiana. These are the gravamen of charges brought by him against the present Ministry. From these he has made a sweeping charge against all services with regard to

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corruption. He went on to say that this officer had been appointed to this post because he happened to be a friend of mine. As I have said, all officials are my friends, so long as they are honest, straightforward and upright. (*Hear, hear and applause.*) This gentleman is certainly a personal friend of mine. But I can assure my honourable friend that personal considerations do not enter in my official duties (*hear, hear*) nor in the official duties of any other minister. (*Hear, hear.*) If that were so, this ministry would not be fit to remain in office; that is to say we would not be entitled to the confidence of the House if we allowed personal considerations to have the better of our official duties and decorum and administrative propriety. Now this particular officer is one of the two officers whom I had in mind on account of their uprightness and suitability for this very important and, if I may say so, thankless and unpleasant task. This particular officer twice refused the offer and eventually I had to ask the Inspector-General of Police to write to him that I wanted him for this job and it was his duty to come here. It was in response to that emphatic request or, if you like to put it that way, that emphatic order, from the head of his department that this gentleman agreed to come and take charge of his present office. The honesty and integrity of this officer is unimpeachable and yet my honourable friend had the audacity and indecency of making a most unwarranted and senseless attack against him.

Now what are the other charges against the Ministers on which it is sought to impeach them? Before I touch on other points, courtesy demands that I should try to meet the charges levelled by my honourable friend, the Leader of the Opposition. One of his points was that nothing had been done in regard to the so-called political prisoners. I was surprised to hear that statement from my honourable friend opposite. It has greatly pained me that he should have made that charge because he has been in close touch with me and the Honourable Finance Minister and he knows perfectly well that, barring a handful of people, we have released all those prisoners who fall under that category. (*Hear, hear.*) We have released them in spite of the fact that the assurances given to us by my honourable friend and others on their behalf have not been respected. I can cite several instances where they have gone back on the undertaking they gave us to refrain from taking part in subversive movements; and some of them have been openly preaching violence. This is our experience. If my honourable friend wants details he can come to me, and I will convince him that these breaches of faith, disappointments, and disillusionments, did not deter us from releasing other prisoners whose cases were considered deserving. I may tell you, Sir, that there now remain only a few persons, who can be counted on the fingers of one hand, and who by any stretch of imagination, can be termed political prisoners. And if they are prepared to give a satisfactory undertaking, even their cases will be considered sympathetically, and as a matter of fact they are examined in the ordinary course. His next point was in regard to the demand of cash securities from the press. There again my honourable friend is perfectly aware of our policy. There are two defects which I cannot and will not overlook, namely, arousing communal bitterness and preaching violence. My honourable friend has apparently forgotten that in Congress provinces, where at one

time an attempt was made to repeal the press laws, the Congress Governments are now having resort to those very laws because they have been forced by circumstances to use them. It also shows that the Congress Governments were well advised in refusing to be stampeded by their enthusiastic supporters who wanted the Press Emergency Act to be repealed. They must now be glad that they had the courage to resist the temptation of earning a little cheap popularity. The Governments of both the United Provinces and Bombay have found it necessary to use these laws and have used them. So, my honourable friend cannot reasonably blame the Punjab Government for taking action against those papers which are guilty of such offences.

Then my honourable friend went on to refer to the Unity Conference and said that after it had passed several useful resolutions there was a deadlock—the words used by him were *atak gai* —اتک گئی—over the question of joint electorates. My honourable friend is aware that the question of joint and separate electorates was discussed threadbare by the leaders in this province at the All-India Unity Conference and later at the Round Table Conference in England, and in the Joint Select Committees, and eventually in the British Parliament itself. My honourable friend is also aware, if I may venture to remind him, that it was I who, in 1932, devised a formula through which, if it had not been torpedoed at the eleventh hour, joint electorates would have been an established fact before the Communal Award was given. It was my honourable friend opposite and his companions, who are sitting next to him now, who put a spoke in the wheel at the time. I do not think I need go into the details of that unfortunate episode again.

Dr. Sir Gokul Chand Narang : Are you referring to me ?

Premier : I am referring to all of you.

Dr. Sir Gokul Chand Narang : He has been so plainly referring to me several times and I now take this opportunity to say that the insinuation is absolutely false and uncalled for. (*Voices from Treasury benches : Order, order.*)

Mr. Speaker. The honourable Premier should not refer to the honourable Doctor.

Premier : Not in this connection. The next question which my honourable friend put and answered himself was this—what has the present Government done? He then went on to say 'Our information is this'. The Leader of the Opposition, who is the prospective Premier of this province is sadly misinformed if that is his information.

Dr. Gopi Chand Bhargava : Do not live under that misapprehension. I am not a candidate.

Premier : I am surprised. If the Leader of the Opposition is not the prospective Premier then who else is? I know my friend's difficulty—the promises and bait of premiership held out to credulous renegades. He then mentioned the burden of debt in the Punjab and said that it was a little over two hundred crores. Perfectly correct. And he asked, what has the Government done to reduce it? What brazenfaced audacity? When I devise measures to reduce the debt, my honourable friend is the first to

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squeak and his henchmen join in the chorus. When we passed the agrarian legislation, we did so in the teeth of opposition from our friends opposite. Where was my honourable friend then and what did he do to help me? This—that in spite of the mandate from the Congress high command he had not the will or the courage to allow his party to come to the same lobby with the Government.

Dr. Gopi Chand Bhargava : Because your Bill was so defective.

Premier : Oh! *میرا اس کا بہانہ ہے*—his excuse is worse than his offence. Let me assure my honourable friend that we have been doing our duty in spite of his efforts and in spite of the misguided efforts of his colleagues, and those others whom he is now hugging to his bosom—people who were opposed to the Congress—I use the very epithet with which he taunted the Unionist Party or the League—I mean those who fought him in the elections and are now sitting on the same bench with him. But they are birds of the same feather and flock together (*interruptions*).

Mr. Speaker : I request the honourable members not to interrupt.

Premier : Then there are my socialist friends sitting cheek by jowl with him. I am not surprised because adversity makes strange bed fellows and, therefore, I do not blame them for making common cause with communalists and capitalists. What I want to convey is this that in spite of their opposition, in spite of the obstacles put in our way by these combined forces we have done our little bit and will continue to do whatever we can. Apart from twenty crores' worth of land which will be returned to those unfortunate people who had lost it for generations, we have also, by a mere notification under section 61 and another under section 68 of the Civil Procedure Code, been able to wipe off eighty per cent of that debt. (*Hear hear.*) But not the capital. We have so far only wiped off the accumulated usurious interest which had piled up and made the total amount into appalling and enormous aggregate of over 200 crores.

Let me now take one or two points made by the other speakers. I am afraid I have a grouse—if I may use that slang—against the Opposition. They did not give notice of a no-confidence motion against me at first, ostensibly as a mark of courtesy. They put me to the trouble of devising means, which I need not mention here, in order to force them to make a similar motion against me also. This was necessary as I learnt that some members of the Opposition were trying to hoodwink the waverers on their benches by stressing the point that after all the Premier—in whom they may have confidence and whom they may not like to oppose on personal grounds—was not to be attacked. They argued, I am told, that since the Premier had been left out, therefore, there was no difficulty if they voted against Mian Abdul Haye or the other ministers. In spite of the fact that I took upon myself the responsibility of all the no-confidence motions and made it clear that a motion moved against any one of my colleagues would be taken by me as a no-confidence motion against myself, they persisted in this subtle manoeuvring. To avoid any misunderstanding and to counter this propaganda, I had to devise means to get this motion moved. But my main grievance is that the Leader of the Opposition—the future Premier

of the Punjab—has not shown me the courtesy of tabling a motion in his own name against me, and instead persuaded a political renegade to pick out the chestnuts for him.

Diwan Chaman Lall : Each one of you who has joined the Muslim League is really a political renegade.

Premier : My honourable friend may be humorous but is not original and in any case cannot by such remarks hoodwink any one. The gentleman who has been selected to impeach me has said several things which a gentleman should not say. I can however assure him that I will not stoop to his level. So far as the remarks against my colleagues and myself are concerned I can assure my honourable friends opposite that I will not—and even if I attempted I cannot—stoop to the level which some of the speakers attained on that side of the House. Hard words do not break any bones, and the bitterness of those words, if they have any sense of decency, will remain in their mouths and not mine. But there are one or two points—one or two palpable misstatements made—to which I must briefly refer. For instance, I am told that among other things Mian Nurullah during my absence from the House, said that I came to Lahore three years ago, and tried to intrigue with the Hindus and Sikhs at a dinner party, at which he was also present, and that he assured me of his wholehearted allegiance. Perhaps what he wanted to convey was that I was trying to intrigue against the late Mian Sir Fazl-i-Husain.

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Mian Muhammad Nurullah : That is a wrong statement. What I said was that 40 per cent of the Muslims would come to you but the traditions would not be the same.

Premier : My honourable friend is now trying to back out. Let me briefly go into the history of that incident which he has tried to distort. I was at that time in Bombay, an exile from this province, but had and still have, the privilege of counting several esteemed friends among both Hindus and Sikhs as also among Muslims. As you are aware, Sir, I have throughout my political career consistently and persistently striven to bring about communal harmony and good will. That has been the main ideal of my political convictions and I have never for a moment lost sight of it and as in the past so in the future I shall continue to keep it prominently in view. It was in pursuance of that cherished ideal of mine and with the fullest concurrence and knowledge of Sir Fazl-i-Husain that I came here. Why? Because I wanted to bring him and Raja Narendra Nath—the two great men of this province who were not on speaking terms since the no-confidence motion moved by the latter in 1928—together. As I have said I undertook this task with the knowledge and concurrence of Sir Fazl-i-Husain and in consultation with him and Raja Sahib. And I am glad to say that I did succeed in my mission. Unfortunately Sir Fazl-i-Husain is not amongst us to-day and perhaps that is why the member from Lyallpur has had the temerity to make such shabby insinuations against me and about him. But Raja Narendra Nath is fortunately still alive and hale and hearty and he will tell you how after several attempts I eventually succeeded in bringing him and Sir Fazl-i-Husain together.

Then there is my friend from Hoshiarpur—Sardar Hari Singh—for whom I have the greatest respect because of his industry and studiousness.

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He is always to be found in the library going through books and collecting facts and figures. He tried to make a point by putting me a question. He wanted to know under what flag I was acting when I supported the Indo-British Trade Agreement. Let me answer my honourable friend and assure him that whenever I make a pronouncement as Premier of the Punjab it is under the Punjab flag. (*Hear, hear.*) And I will continue to declare my views unhesitatingly and boldly whenever the interests of the province require it and a pronouncement of that nature will always be made under the inspiring emblem of the Punjab—"The five rivers and the rising sun." (*Hear, hear and applause.*)

Sardar Hari Singh : May I ask him under what flag he is going to Sholapur ?

Premier : I am going there as president of a conference called by the Provincial Muslim League.

Diwan Chaman Lall : What did Mr. Jinnah say about the Lancashire Pact ?

Premier : I do not propose to answer that question. My honourable friend in trying to be facetious is merely supporting my point of view, that as Premier of this province I owe allegiance only to the Punjab electorate. Mr. Jinnah is free to speak according to his convictions. I speak in such matters for the Punjab as a whole.

Diwan Chaman Lall : Your loyalty to the Muslim League is only skin deep. (*Interruptions.*)

Premier : My honourable friends have very short memories. They forget that one of the Muslim Ministers in Madras was a Muslim Leaguer until he was turned out at the Lucknow Session. Similarly Sir Wazir Hassan was also a Muslim Leaguer and he fought every inch to be allowed to remain in the League when the Council of the League decided to expel him. They have short memories.

Diwan Chaman Lall : May I interrupt my honourable friend ?

Premier : My honourable friend from Hoshiarpur went on to say that the kisans were not allowed to represent their grievances to me : that "while their plaintive cries could reach him they could not reach the Premier." I do not wish to use strong language but I must say that this is a most unjust and malicious misstatement. I received not one but two deputations and I am willing to receive another if required. All this agitation is not genuine ; it has been engineered by interested persons merely to embarrass the Government ; and so long as that alone is the objective of my honourable friend and his party, he may rest assured that the kisan movement will not make any headway. It has been suggested that we have been unjust to the Lahore district as compared with other districts, in the matter of land revenue. This is not true ; and if my honourable friend has studied the Government *communiqué* he must admit that this charge is false.

Diwan Chaman Lall : May I interrupt my honourable friend ? Is he a member of the Pakistan movement ?

Premier : I can assure my honourable friend that I am not a member of the Pakistan Committee or of any such organisation. My honourable friend from Lyallpur again gave us a learned discourse on the sliding scale system. I am afraid he has like the other member from Lyallpur—Sardar Sampuran Singh—failed to understand even the elementaries of this system. (*Interruptions.*) There is no limit to their interruptions. It may be that Sardar Sampuran Singh's land has been reclassified by the Settlement Officer who may have taken it out of the second class and put it in the first. If that is the case I am afraid I cannot convince him or help him as his plot will remain where it is. I cannot alter the classification. An attack was made on my friend, Sir William Roberts, by my erstwhile colleague in the Unionist Party—my erstwhile Indian Christian colleague. He had the audacity to make the baseless allegation that we had given special concessions to Sir William Roberts. Let me tell him that instead of giving him any concessions, we have on the contrary taken away a large area from Sir William Roberts. He should be ashamed of making that misstatement and I hope he will not repeat it.

My honourable friend Sardar Hari Singh made an attempt to impeach the present Government for allowing His Excellency the Viceroy to hold a Durbar in Lahore. Let me declare for the benefit of my friends opposite that I not only allowed him but actually invited him to the Punjab for the purpose and for the simple reason that we have taken an oath of allegiance to the King Emperor—not in the spirit in which my friends have sworn allegiance—but in the spirit in which honourable upright people take an oath and act up to it. We abide by that oath of allegiance and as men of honour and as gentlemen must do honour to the representatives of the King Emperor; if and when we decide to take another course, I can assure my honourable friend that we would do so, again as gentlemen and men of honour and not take shelter behind mental reservations. My honourable friend from Hoshiarpur has also cited another complaint against me. It is a serious 'grievance', though somewhat unique and out of the ordinary. And for this heinous offence he has seriously criticised the whole Government. And what is this grave offence? "The Premier has got a disarming smile", he said (*laughter*). I am afraid I cannot satisfy my honourable friend over this particular grievance, but I can divulge to him the secret—the recipe—which carries me through my arduous and exacting task with a smile on my face. It is faith—an unshakable faith. (*Hear, hear.*) My honourable friend need have no worry on that score; he can also acquire that smile provided he acquires the other thing—faith. But my friend's main obsession is John Bull. That clearly indicates an inferiority complex in my honourable friend. He seems to be labouring under that obsession and John Bull is a nightmare to him. It shows that he is mortally afraid of John Bull. To hide his discomfiture he uses all kinds of epithets to show that he is not afraid of John Bull. The use of indecent language out of sheer bravado is a clear symptom of that inferiority complex. We on this side do not suffer from that complex. It is not the will of John Bull which is guiding the administration in the province but the will of the electorate and the poor zamindars. (*Hear, hear.*)

I am perfectly aware that several of my honourable friends opposite are prepared and even anxious to make sacrifices in the interest of the

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province and in the interest of poor kisans. Their main anxiety, perhaps, is to oust the highly paid ministers and take their places. Each one of them is vying with the other to make a "sacrifice" and get Rs. 500 as salary, Rs. 1,500 as travelling allowance, a free bungalow, a motor car at state expense with free petrol and no running expenses and several other "patriotic amenities." Several briefless lawyers would be only too glad to make a sacrifice on these terms, as also those who are at the moment living on public subscriptions. In these hard times it is difficult to collect subscriptions. The profession is not so lucrative now as people do not pay so easily as they used to do. My honourable friends are anxious to make sacrifices on those terms for the sake of the province and the motherland. They are welcome to cherish that "patriotic" ideal, but I am afraid I cannot be a party to encourage them because I know what that "sacrifice" means. They cannot expect me to put such "patriots" in office who for the sake of a paltry five hundred may ruin this great province of ours. (*Hear, hear.*) (*Laughter.*)

Diwan Chaman Lall: What happens if a briefless lawyer earns Rs. 3,000 a month?

Premier: I am coming to that point. A lawyer who cannot get a job and who is living on subscription or perhaps a dole can afford to make a sacrifice and accept Rs. 500 as they have done elsewhere. But honest self-respecting people cannot stoop to such shabby tactics. These then are the gravamen of the charges against the present ministry which I have recounted.

Now if I was on those benches and if I had also the mentality of my honourable friends opposite, I would certainly say, impeach this Government—impeach my honourable colleague, Mian Abdul Haye and turn him out of office. Why? Because he has opened 186 new girls schools during the short space of 18 months, because he has encouraged mass literacy in the province and has declared that he would maintain the lead of the Punjab over other provinces; because he has had the temerity to open dispensaries in rural areas where formerly almost the whole amount was spent in the cities; he has thus committed the most heinous offence of giving the rural areas their due share—an offence which according to the code of my friends opposite is unpardonable. If I was in my honourable friend Dr. Gopi Chand's position, I would do exactly the same. If I was an urbanite capitalist imbued with the sentiments of the present opposition, I would have been the first to impeach the Education Minister. So impeach him. By all means impeach him for his several acts of commission, for bringing forward the Primary Education Bill, for appointing a committee to examine and modify the syllabus—and do not forget the cup of tea which he took with the Civil Surgeon at Ludhiana. (*Laughter and applause.*)

Then I come to my honourable colleague, the Minister for Public Works. He certainly deserves to be impeached. A rich man like him should have been in Kashmir at this time of the year instead of being couped up in this Chamber and listening to frivolous charges against himself and his colleagues. And what has he gained by giving up all those comforts, by leaving the management of his estates worth lakhs and lakhs to the tender mercy of

paid agents? He is being rewarded for coming forward to serve his province by a no-confidence motion. So impeach him. Why? Because he has provided 8 crores of rupees for his rural road programme; because he has brought forward the Panchayat Bill which seeks to revive the ancient system of village self-government and which would give power to the villager and make the rural areas prosperous. (*Hear, hear.*) That in itself is a sufficient reason why my honourable friends opposite should do their worst against him. If I was in the Opposition and possessed their jaundiced urban outlook, I would do exactly the same. He has done several things and intends doing several more which cannot but be unpalatable to my honourable friends. So impeach him in anticipation for all the various schemes, which he has declared he proposes to sponsor for the benefit of the rural areas. By all means impeach him.

Then take my colleague, the Minister for Development. This is not the first time that the Opposition has demanded his head on a charger. By all means impeach him. But it is not necessary for me to defend him for the simple reason that he is capable of defending himself against any attack which might emanate from the other side either in this House or outside. I may, however, recall for their benefit his outstanding weakness—a chronic and incorrigible shortcoming for which he should be impeached. He should be impeached because he is a most ardent and most selfless worker in the cause of the rural community. (*Hear, hear.*) He has consistently acted up to his conviction of serving the rural masses and the poor and backward classes for the last 20 years or more. So my friends opposite have every right, every justification for impeaching him. My honourable friend, Chaudhri Krishna Gopal Dutt or Dr. Sir Gokul Chand Narang would, however, have been more suited for the task of impeaching him than my friend from Rohtak who tried in vain to belittle his work in rural areas. His attack savoured of petty local jealousies and intrigue, and sounded more like a Brahmin-Jat controversy than an impeachment of a Minister of the Crown. But impeach him, by all means impeach him if for no other reason because of his omissions and commissions in the old Legislative Council. Let me remind my friends of the Opposition of the incident when my colleague here was ousted out of office by the subterranean intrigues of urban capitalists some of whom are now sitting on the Opposition benches. After he had left the ministry they tried to cajole him into joining hands with them together with his rural Hindu supporters. They appealed to him in the name of Hindu solidarity. They threw their turbans and caps at his feet, and begged him on their knees to accept the leadership of a combined Hindu party. They gave him a solemn assurance and undertaking that if he joined them he and he alone shall be their representative in the Cabinet. And what was his reply? An emphatic 'No'. And like a man of honour and convictions that he is, he refused to sell his conscience and turned down their offer with the contempt it deserved. (*Applause.*)

Next comes my honourable colleague, the Finance Minister. He, of course, is a person who should be hanged, drawn and quartered. Why? Because he has saved this province from financial chaos, because he happens to be one of the foremost economists which this country has produced (*hear, hear*),—a practical economist of whom any country would be proud

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because, in spite of the various calamities, he has been able to find money for remissions to the extent of nearly 3 crores (*hear, hear*) and in addition over a crore for beneficent departments and 55 lakhs for the rural development fund. (*Cheers.*) Impeach him because he has given us a balanced budget without imposing any fresh burden. Impeach him because his three budgets have enhanced the credit and prestige of this province—budgets which will do credit to any Finance Minister in any country—I am not comparing them with the budgets of other provinces because, their budgets will not bear comparison with our budgets. (*Hear, hear.*) And my honourable friends opposite have every reason to impeach him. Why? Because he has had the courage of his convictions, honesty and uprightness, to stand for the underdog. (*Cheers.*) In spite of the fact that he belongs to a class, which by mentality and tradition, lack the will and courage to come forward openly to the help of the poor agriculturist and in spite of the fact that he was hauled over coals by the Opposition for his independence of thought and action, and in spite of the filthy abuse constantly flung at him—and in this my friends in the Opposition have even surpassed themselves to-day—he has stood like a rock and will continue to stand like a rock, unperturbed by reason of his rare courage and unshakable conviction. (*Cheers.*) So impeach him, by all means impeach him. The honourable member from Sialkot gave himself away completely when he remarked—it would be more correct to say shouted—in an indignant tone full of emotion that my honourable colleague should be ashamed of sitting on these benches and that as a Hindu his proper place was on those benches. I entirely sympathise with my honourable friend's sentiments who is a prominent member of that non-communal body—the Congress. I congratulate him for blurting out the truth and depicting the Punjab Congress in its true colours. We have known it all along, but it is refreshing that my honourable friend has himself, though under stress of emotion and in an unguarded moment, shown to the world what the Punjab Congress is—a body of capitalist Hindus and not a friend of the poor which it professes to be (*cheers*). It will stand to the everlasting shame and disgrace of the Congress in the Punjab that that argument should have come from a Congressman. He will no doubt be taken to task by his colleagues for thus discarding the flimsy cloak of nationalism with which my honourable friends on those benches try to conceal their communal and capitalistic mentality. But I am glad that he has done so and now the whole world knows on the authority of a prominent Congressman himself that what we said about the Punjab Congress and its complexion is true—every word of it. (*Applause.*) (*An honourable member:* When did Mr. Manohar Lal join the Muslim League?)

Now a word about the Minister for Revenue. My honourable friend the member from Lyallpur, has had the temerity and, if I may say so, the impertinence to use harsh words about my venerable and public spirited colleague who in spite of his long years has not shirked undertaking the onerous burden of office for the sake of the province and, if I may say so, in the best interests of his own community. My honourable friend has every right to impeach him. He has not only the right but every reason to impeach him because my honourable friend was himself an aspirant

for a seat in the Cabinet, and no doubt feels that but for this one obstacle, which stood in his way he might have become a Minister. (*Uproar.*)

Sardar Sampuran Singh : I must protest. He has attributed a motive to me. He said that I brought the motion against the Revenue Minister because I was expecting to be a Minister. He must withdraw those words. (*Cries of withdraw, withdraw.*)

Mr. Speaker : He did not attribute any motive. He said that had the Revenue Minister not been appointed a minister, Sardar Sampuran Singh would have been.

Sardar Sampuran Singh : Either the Premier should withdraw those words or I must have an opportunity to explain my position.

Mr. Speaker : No motive has been attributed and no insinuation has been made.

Premier : I am not surprised that my honourable friends do not wish to hear me. But I do hope that my honourable friend, the Leader of the Opposition would show me the courtesy of listening to me without allowing interruptions as I listened to him. The other day my friend, Diwan Chaman Lall made a passing remark with regard to my colleague here. He said, why do you not ask that question of that Round-Table?

Diwan Chaman Lall : I did not make any remark.

Premier : Some one did make that remark. Perhaps my honourable friend's memory is short.

Lala Deshbandhu Gupta : Not he, but I made that remark.

Diwan Chaman Lall : May I ask now whose memory is short?

Premier : I stand corrected and express my regret to my friend Diwan Chaman Lall. Mr. Deshbandhu made that passing remark and yet he claims to be non-communal because he belongs to the Punjab Congress which is professedly a non-communal body, but he forgot at the time that it was risky to indulge in brick throwing as he was himself living in a glass house. My honourable friend from Lyallpur, who wanted to rise to a personal explanation, was also one of the representatives from this province at the Round Table Conference.

Lala Deshbandhu Gupta : But he is in the right place now.

Premier : I entirely agree with my honourable friend that that is the right place for him and therefore he should not aspire to come over to these benches. (*Laughter and continued uproar.*) I listened quietly to my honourable friends opposite and they must show me the same courtesy. I know that my words are not palatable. I can see that I am scoring a bull's eye every time. My honourable friend was one of the Sikh representatives. It was my privilege to get him nominated because I wanted a representative of the agriculturist Sikhs in the delegation to safeguard their interests. And what did he do there to safeguard the interests of the agriculturist Sikhs? What did he do? He signed a blank cheque and gave it to Raja Narendra Nath.

Sardar Sampuran Singh : Totally wrong. He was not at that place at all.

Mrs. J. A. Shah Nawaz : I was there and I know that he was there too.

Premier : I know the whole story. I do not propose to enter into details, because my honourable friend is already feeling very uncomfortable. But I am constrained to remark that my honourable friend who was nominated as a representative of the rural Sikhs hopelessly betrayed their cause. He did nothing to safeguard their interests. In short he sold his community for a mess of pottage. (*Uproar.*)

Sardar Sampuran Singh : That is a lie.

Diwan Chaman Lall : You must protect us from these accusations. It is not Parliamentary. You are not checking him at all. (*Uproar.*)

Mr. Speaker : Will you stop first ?

Diwan Chaman Lall : I want you to consider that expression and give your ruling whether that expression is not unparliamentary. (*Uproar.*)

Mr. Speaker : Order, order. I cannot hear anything. What did the honourable member say ?

Diwan Chaman Lall : An expression has been used by my honourable friend, the Premier and I am asking you to give your ruling as to whether that is or is not an unparliamentary expression. The expression used is that my honourable friend here sold his community for a mess of pottage. I take it that that is one of the worst expressions, a most unparliamentary expression.

Mr. Speaker : I do not know that the expression is unparliamentary. So, I shall look up the point and then give my ruling.

Diwan Chaman Lall : Supposing I had used that expression against the Honourable Premier—

Mr. Speaker : If the Premier has used an expression which the honourable member considers unparliamentary, Sardar Sampuran Singh also has used the word 'lie'.

Sardar Sampuran Singh (excitedly) : The Premier had no business to talk like that—

Mr. Speaker : If the honourable member behaves like this, I shall have to expel him from the House.

Sardar Sampuran Singh : Yes, Sir, you may expel me. (*Uproar.*) Is it not your duty to protect me ?

Mr. Speaker : My duty is to protect every honourable member. When the honourable member said 'it is a lie', he used an unparliamentary expression.

Sardar Sampuran Singh : He first used an unparliamentary expression against me.

Mr. Speaker : He did not say anything.

Sardar Sampuran Singh : He did not say anything because you did not hear it. I will not let him proceed unless he withdraws it. (*Uproar.*)

Premier : My honourable friends are perhaps looking for a pretext to walk out as usual. They are welcome to do so but I must have my say. What is the object of a motion of no-confidence ?

Sardar Lal Singh : Sir, the Honourable Premier must withdraw the expression 'he sold his community for a mess of pottage'.

Premier : I seek the protection of the Chair and request the Leader of the Opposition to control his followers.

Mr. Speaker : I will consult books and then decide whether the expression used is unparliamentary. I cannot decide the point off-hand. But the expression used by the honourable gentleman on this side is on the face of it unparliamentary.

Sardar Sampuran Singh : Does he admit that he used that expression ?

Mr. Speaker : Yes, he admits. As I am not in a position to decide at once that the expression objected to is unparliamentary, I cannot ask him to withdraw it. (*Uproar and noise.*)

Premier : I withdraw those words to save time.

Mr. Speaker : Now that the Honourable Premier has withdrawn the expression, used by him is the honourable member prepared to withdraw his ?

Sardar Sampuran Singh : But the mischief is done.

Premier : I do not press that the honourable member should withdraw his unparliamentary expression. It would mean further waste of time. Please allow me to continue my speech. Now, Sir, a no-confidence motion is ordinarily moved with a view to oust the party in power. Here also the object, or at any rate the ostensible object, should be the same that is to oust the party in power or at least to shake its solidarity. Now if the present Government goes out of office, some other party must take over the responsibility of administration ; and it is normally the Opposition which changes place with the party in power. If a motion of no-confidence is successful it is their inherent right to form the ministry. Now, let us assume for a moment that we on this side go out of office. What would happen ? Who would form the ministry ? Let me remind the House of that Hindi saying *ہاں مٹی کا کنبہ*. Can any one deny that that description is literally applicable to the present Opposition ? (*Cheers.*) I am fully aware of the methods and devices employed to seduce the members on this side, but I have not the time to go into the sordid details of their fruitless efforts. If dame rumour is correct, I understand there are at least half a dozen prospective premiers on those benches, two dozen ministers and I do not know how many parliamentary secretaries. Who is going to be the Premier ? We all know that more than one gentleman has been promised that job. I am not aware if they have had an occasion before now to exchange views or even realised that others had also been promised this office and that they were, each of them, living in a fool's paradise. The gentleman who moved the no-confidence motion against me was, perhaps, persuaded to do so in order to assert his right to succeed me. But there are others, several of them, sitting on the front Opposition benches. There is the Leader of the Opposition, a kindly and nice gentleman ; and if I were to draw a pen picture of him I would say that he is an amiable gentleman, a well meaning docile Hindu who wears a somewhat transparent cloak of nationalism, and succeeded wonderfully in keeping it on until his rival

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managed to get himself elected and came on the scene. As it often happens this embarrassing addition to his party forced him into a position where he had to out-Herod Herod in order to retain his leadership. Then there are in this heterogeneous party the so-called socialists who as we all know have joined the Congress party to use it as a stalking horse. They are of course welcome to exploit the Congress for their communist ends and it is not for me to blame them for it. Then there is the group which has recently seceded from the ministerial benches. I have every respect for them, because they differed from us on a matter of principle and consequently took the only honourable course open to them. They parted company with us over the question of agrarian legislation, and all honour to them for acting up to the mandate of their constituents. But there is a gentleman among them, a free lance, who from the very beginning has been striving ceaselessly both within and outside this House to elbow out of leadership of the Hindu community that doyen of Punjab politics, that venerable old gentleman, Raja Narendra Nath, in order to take his place.

Dr. Sir Gokul Chand Narang : That is an absolute lie.

Mr. Speaker : Will the honourable member say that it is absolutely wrong?

Dr. Sir Gokul Chand Narang : Very well, if you like that expression.

Premier : I purposely refrained from mentioning any name and am glad that he has made it unnecessary to do so. He was also one of the aspirants for the office of a Minister. Then there is my honourable friend from Lyallpur—Sardar Sampuran Singh—the modern Rip Van Winkle—who gets very much upset when I mention him. He is also a candidate for the post of a Minister, and I see no reason why he should not aspire for it considering that other equally ignorant and ambitious people are also in the field. But he will have to learn a great deal and unlearn a lot in order to equip himself with the qualities which my honourable colleague here possesses.

One word of advice to my friend, Mian Itikhar-ud-Din, who is also, I understand a nominee for the Premiership. (*Laughter.*) I speak to him as a friend and not as a political opponent. Let me warn him and remind him of what happened to Maulana Muhammad Ali, that great patriot and one of the most eminent sons of India. What happened to Shaukat Ali who was once a staunch Congressman? What happened to Dr. Saif-ud-Din Kitchlew? He was one of the foremost Congress workers in this province possessing lakhs worth of property. He sacrificed all that property for the cause he had espoused and what is his position to-day? He is living a hand to mouth existence and is completely at the mercy of his capitalist friends. (*Interruption.*) Let my honourable friend take heed of the instances I have cited. A day would come when he would also be discarded like a sucked lemon. He would then rub his hands and rue the day when he weakly allowed himself to be seduced from the path of discretion by glamorous promises and say 'my friend, you were right and I was wrong'. But it might be too late then as Dr. Kitchlew has found it to his cost. (*Hear, hear.*) I should also like to address a word or two to

my friend, Diwan Chaman Lall, because I have a soft corner for him in my heart. I have feelings of personal affection and regard for him, on account of the long standing friendship between his family and mine. It pains me to see his life being wasted. But it is not entirely his fault. He has always been acclaimed as the prodigal son by the family. He was the pet child of his parents and if I may venture to say so, a spoilt child. He is able. He has brains and as you once said, Mr. Speaker, he is 'the sweetest speaker in the House'. But let me tell him that mere eloquence does not carry one very far. One needs other virtues to get on in this world such as character, industry and the will to work. But nothing is lost yet. My honourable friend is still young and there are ample opportunities awaiting him if he would only apply himself seriously to the career which he has chosen for himself. I assure you, Sir, that I would be very happy indeed to see him on these benches. These then are some of the candidates out of whom a ministry would be constituted. I could have named several more but the time is short. Now what would be the programme of a mosaic work ministry formed out of the heterogeneous medley of people sitting opposite? Would they support the agrarian laws? Does the Congress support them? Or would they start a boycott of the agriculturists and their produce? Or again would they impose taxes on urban people? I will not wait for an answer but leave my friends opposite to ponder over these questions.

One word more and I have done. I had many things to say but unfortunately the time at my disposal is limited. I would like to say one word in the end about my colleagues and myself. I crave the indulgence of the House and trust that it will not consider me immodest. But on an occasion like this one is sometimes forced to detail facts which ordinarily one would not even dream of mentioning. I only want to say this that so far as I am concerned—and in this matter also there is complete harmony between my honourable colleagues and myself—there is only one ideal before me—the ideal of service to my fellow-men. (*Hear, hear.*) And if there be anyone in this House who does not already know it let me tell him that it was this ideal—this spirit of service which actuated me to come back to the Punjab. I had a lucrative job, you all know. I was getting almost double the salary that I am getting now. I had a pleasant and comfortable house to live in, one in Bombay and one in Calcutta, and I had every facility for travelling comfortably to any part of India or Burma. If I had stayed on in the Reserve Bank I might have one day, and at not a very distant date, become the Governor of the Bank. My friends both officials and non-officials pressed me to stay on. An esteemed friend, a very highly placed official, wrote to me to say, how very sorry he would be to lose me, and tried his best to persuade me to change my mind. I might add that similar sentiments were expressed by my colleagues on the Board of the Reserve Bank who were kind enough to repose the fullest confidence in me. It would amuse the House to know that my highly placed official friend humorously remarked that I was a B. F. to leave the Bank. (*A voice: What is a B. F.?*) Some of my honourable friends apparently do not know what these letters stand for. If I paraphrased them I may be pulled up by the Chair for using unparliamentary language. He meant that I was a blooming fool to leave the *kushi* job. (*Laughter.*) (*An honourable member: What a language!*)

[Premier.]

(Dr. Sir Gokul Chand Narang: They spoke the truth.) (Laughter.) There is a capitalist speaking. (Laughter.) And my friend also added the following postscript, "I would not be surprised if you end your days in a lunatic asylum!" (Laughter.) My honourable friend, Dr. Sir Gokul Chand Narang, will perhaps say that he was again correct. But let me assure him and others of his ilk that although I carry and will continue to carry pleasant recollections of my connection with the Reserve Bank, I have not on a single occasion for a single moment regretted my decision to come back to the Punjab in order to do my duty to my countrymen and the province. (Hear, hear.) It was that sense of duty which brought me back from that *kushi* job to this thankless task—and you all know what my present job is like. Now that I have come back, my ambition is to achieve the twofold ideal which I have set before me, namely, service of my fellowmen and to bring about harmonious relations between the various communities. And let me add that every one of my honourable colleagues here is imbued with that same spirit of service. I am afraid I must now conclude my speech as in another minute my time will be up. But before I sit down let me read to the House a poem, a favourite of mine, which I learnt at school when I was a small boy and which has ever remained fresh in my memory—that little gem by Leigh Hunt, Abou Ben Adhem:

Abou Ben Adhem (may his tribe increase)
Awoke one night from a deep dream of peace
And saw within the moonlight in his room,
Making it rich, and like a lily in bloom,
An angel writing in a book of gold:
Exceeding peace had made Ben Adhem bold,
And to the Presence in the room he said,
"What writest thou?" The vision raised its head,
And with a look made of all sweet accord,
Answered "The names of those who love the Lord."

"And is mine one?" said Abou. "Nay, not so".
Replied the Angel. Abou spoke more low,
But cheerily still, and said, "I pray thee then,
Write me as one that loves his fellow men".

The Angel wrote and vanished. The next night
It came again with a great wakening light,
And showed the names whom love of God had blessed,
And lo! Ben Adhem's name led all the rest.

I pray that a merciful and kind Providence may grant me courage and perseverance to work for and achieve the lofty ideal which I have set before me—an ideal which it should be the ambition of every one of us, who represent that vast multitude of our less fortunate brethren in this province, to attain. (Hear, hear and loud applause from the Ministerial benches.)

Minister for Education: Before you put the question, would you allow me to say a few words?

(At this stage other members also got up to speak.)

Mr. Speaker: The Leader of the Opposition arranged with the Leader of the House as to who, at what hour, and for how many minutes, will speak and when the debate shall be finished. In that mutual arrangement, there was no term for giving replies or for prolonging the debate beyond 8 o'clock.

Diwan Chaman Lall : I told you once before that this arrangement was arrived at by *force majeure*, that we were not parties to the stalling of this debate. We did not agree to the termination of this debate to-day. But my honourable friend insisted upon the debate terminating to-day as he has got the majority behind him. It is only by the force of his majority that he has arrived at this decision and not by our consent and I ask you now as the Speaker of the Assembly to permit a reply to every mover of the motion. There is no reason why the mover of the motion should not be allowed to reply.

Mr. Speaker : I have explained what I understood to be the arrangement and there can be no doubt that the arrangement was that half of the whole time shall be taken by each party. I do not propose to go against that arrangement.

Diwan Chaman Lall : But there was no contemplation of any objection that might be raised to any right of reply. The right of reply stipulates that if six people who have put in these motions exercise their right of reply, the six honourable members against whom these motions have been put naturally have their right of reply, their final right of reply, so that the equalisation of time for this purpose would obviously arise.

Mr. Speaker : Why I understood that no right of reply will be claimed. It is that the duration of each member's speech was fixed and the hour of ending discussion and voting was fixed.

(Honourable members : No, Sir).

Mr. Speaker : I know it. The honourable member also knows it. But for that arrangement I would have reserved some time for reply and further reply.

Diwan Chaman Lall : May I draw your attention to rule 71? I want to recall to you that it is not we that wanted to throttle this debate. My friend said, "Why don't you speak?" In order to facilitate honourable members in their speeches I did not exercise my right of speech. Why? Because it is my honourable friend over there who limited this debate when he should not have limited this debate. But that does not prevent us from exercising our right of reply and if my honourable friends find it too late to sit now, they may sit to-morrow. (Premier : No.) It was the very same gentleman Sir Chhotu Ram who was taunting me for not speaking. (Premier : Because..). There is no question of 'because'. He prevented a free debate.

Mr. Speaker : According to my information the arrangement was to finish the debate by 7-80 P. M. and then to proceed to voting. I was not a party to that arrangement. The honourable members themselves divided the whole time. They fixed even the number of minutes to be allowed to each speaker.

Diwan Chaman Lall : May I ask your permission to enquire whether it was contemplated at any time that it was a waiver of the right of reply?

Mr. Speaker : The debate was intended to be finished by 7-80.

Diwan Chaman Lall : Was it ever contemplated that there was a waiver of the right of reply ?

Sardar Sampuran Singh : There are only two courses. One is that both leaders should come to an understanding and you should act according to that understanding and the other is that when a subject has been debated and no speaker gets up to speak, then the question should be put according to the rules.

Mr. Speaker : I may state once more that the arrangement arrived at between the two leaders was that the motions shall be put to the vote at 7-30. According to that arrangement both parties gave me the names of their speakers and the number of minutes for which each one of them was to speak. Thus they divided the whole time without, of course, including any time for reply either by the mover of the motion or the minister concerned.

Chaudhri Muhammad Hassan : It is a breach of the rules.

Mr. Speaker : The question is—

That this House expresses want of confidence in the Honourable Minister of Education, Mian Abdul Haye.

The Assembly divided : Ayes 55, Noes 112.

AYES

Abdul Aziz, Mian.	Kapoor Singh, Sardar.
Ajit Singh, Sardar.	Kartar Singh, Chaudhri.
Balbir Singh, Rao Bahadur Captain Rao.	Kartar Singh, Sardar.
Baldev Singh, Sardar.	Kishan Singh, Sardar.
Bhagat Ram Choda, Lala.	Krishna Gopal Dutt, Chaudhri.
Bhagat Ram Sharma, Pandit.	Lal Singh, Sardar.
Bhim Sen Sachar, Lala.	Mazhar Ali Azhar, Maulvi.
Binda Saran, Rai Bahadur.	Mohy-ud-Din Lai Badshah, Pir.
Chaman Lall, Diwan.	Muhammad Abdul Rahman Khan, Chaudhri.
Chanan Singh, Sardar.	Muhammad Hassan, Chaudhri.
Deshbandhu Gupta, Lala.	Muhammad Hussain, Sardar.
Dev Raj Sethi, Mr.	Muhammad Iftikhar-ud-Din, Mian.
Duni Chand, Lala.	Muhammad Nurullah, Mian.
Duni Chand, Mrs.	Mukand Lal Puri, Rai Bahadur Mr.
Faqir Chand, Chaudhri.	Mula Singh, Sardar.
Ganba, Mr. K. L.	Muni Lal Kalia, Pandit.
Gokul Chand Narang, Dr. Sir.	Partab Singh, Sardar.
Gopal Das, Rai Bahadur Lala.	Ragbir Kaur, Shrimati.
Gopi Chand Bhargava, Dr.	Rur Singh, Sardar.
Hari Lal, Munshi.	Sahib Ram, Chaudhri.
Hari Singh, Sardar.	Sampuran Singh, Sardar.
Harjab Singh, Sardar.	Santokh Singh, Sardar Sahib
Harnam Das, Lala.	Sardar.
Jalal-ud-Din Amber, Chaudhri.	Sant Ram Seth, Dr.
Jugal Kishore, Chaudhri.	Satya Pal, Dr.
Kabul Singh, Master.	Shri Ram Sharma, Pandit.

Sita Ram, Lala.
Sonan Singh Josh, Sardar.

Sudershan, Seth.
Uttam Singh Dugal, Sardar.

NOES

Abdul Hamid Khan, Sufi.
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.
Allah Bakhsh Khan, Khan Bahadur Nawab Malik.
Amjad Ali Shah, Sayed.
Anant Ram, Chaudhri.
Ashiq Hussain, Captain.
Badar Mohy-ud-Din Qadri, Mian.
Balwant Singh, Sardar.
Barkat Ali, Malik.
Bhagwant Singh, Rai.
Chhotu Ram, The Honourable Chaudhri Sir.
Dasaundha Singh, Sardar.
Dina Nath, Captain.
Faiz Muhammad Khan, Rai.
Faiz Muhammad, Shaikh.
Faqir Hussain Khan, Chaudhri.
Farman Ali Khan, Subedar-Major Raja.
Fateh Jang Singh, 2nd-Lieut. Bhai.
Fateh Khan, Khan Sahib Raja.
Fateh Muhammad, 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, Khan Bahadur Maulvi.
Ghulam Qadir Khan, Khan Bahadur.
Ghulam Rasul, Chaudhri.
Ghulam Samad, Khawaja.

Gopal Singh (American), Sardar.
Gurbachan Singh, Sardar Sahib Sardar.
Habib Ullah Khan, Malik.
Haibat Khan Daba, Khan.
Hans Raj, Bhagat.
Hari Chand, Rai Sahib Rai.
Harnam Singh, Captain Sodhi.
Het Ram, Rai Sahib Chaudhri.
Indar Singh, Sardar.
Jafar Ali Khan, M.
Jagjit Singh Bedi, Tikka.
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 Amin, Khan Sahib Shaikh.
Muhammad Ashraf, Chaudhri.
Muhammad Azam Khan, Sardar.
Muhammad Faiyaz Ali Khan, Nawabzada.
Muhammad Hayat Khan Noon, Nawab Malik Sir.
Muhammad Hussain, Chaudhri.
Muhammad Jamal Khan Leghari, Nawab Sir.
Muhammad Nawaz Khan, Major Sardar.
Muhammad Qasim, Chaudhri.
Muhammad Raza Shah Jeelani, Makhdumzada Haji Sayed.
Muhammad Saadat Ali Khan, Khan Bahadur Khan.
Muhammad Sadiq, Shaikh.
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.
Muhammad Yusaf Khan, Khan.
Mushtaq Ahmad Gurmani, Khan
Bahadur Mian.
Muzaffar Ali Khan Qizilbash, Sar-
dar.
Muzaffar Khan, Khan Bahadur
Captain Malik.
Muzaffar Khan, Khan Bahadur
Nawab.
Nasir-ud-Din, Chaudhri.
Nasir-ud-Din Shah, Pir.
Nasrullah Khan, Rana.
Naunihal Singh Mann, Lieutenant
Sardar.
Nawazish Ali Shah, Sayed.
Nur Ahmad Khan, Khan Sahib
Mian.
Pir Muhammad, Khan Sahib Chau-
dhri.
Pohop Singh, Rao.
Prem Singh, Chaudhri.
Pritam Singh Siddhu, Sardar.
Ram Sarup, Chaudhri.
Ranpat Singh, Chaudhri.

Rashida Latif Baji, Begum.
Riasat Ali, Khan Bahadur Chau-
dhri.
Ripudaman Singh, Thakur.
Roberts, Sir William.
Sahib Dad Khan, Khan Sahib
Chaudhri.
Shahadat Khan, Khan Sahib Rai.
Shah Nawaz, Mrs. J. A.
Shah Nawaz Khan, Nawab Sir.
Sham Lal, Rai Bahadur Chaudhri.
Sikander Hyat-Khan, The Honour-
able Major Sir.
Singha, Diwan Bahadur S. P.
Sohan Lal, Rai Sahib Lala.
Sultan Mahmood 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 Bahadur Sar-
dar.
Wali Muhammad Sayyal Hiraj,
Sardar.

Mr. Speaker : If Diwan Chaman Lal wishes to have his motion put to the vote of the House, he may move it formally without making a speech.

8 P. M.

Diwan Chaman Lal : I move—

That this house expresses want of confidence in Chaudhri Sir Chhota Ram, the Hon'ble Minister of Development.

The Assembly divided : Ayes 54, Noes 112.

AYES

Abdul Aziz, Mian.
Ajit Singh, Sardar.
Balbir Singh, Rao Bahadur Captain
Rao.
Baldev Singh, Sardar.
Bhagat Ram Choda, Lala.
Bhagat Ram Sharma, Pandit.
Bhim Sen Sachar, Lala.
Binda Saran, Rai Bahadur.
Chaman Lal, Diwan.
Chanan Singh, Sardar.
Deshbandhu Gupta, Lala.
Dev Raj Sethi, Mr.

Duni Chand, Lala.
Duni Chand, Mrs.
Faqir Chand, Chaudhri.
Gauba, Mr. K. L.
Gokul Chand Narang, Dr. Sir.
Gopal Das, Rai Bahadur Lala.
Gopi Chand Bhargava, Dr.
Hari Lal, Munshi.
Hari Singh, Sardar.
Harjab Singh, Sardar.
Harnam Das, Lala.
Jugal Kishore, Chaudhri.
Kabul Singh, Master.

Kapoor Singh, Sardar.
 Kartar Singh, Chaudhri.
 Kartar Singh, Sardar.
 Kishan Singh, Sardar.
 Krishna Gopal Dutt, Chaudhri.
 Lal Singh, Sardar.
 Mazhar Ali Azhar, Maulvi.
 Mohy-ud-Din Lal Badshah, Pir.
 Muhammad Abdul Rahman Khan,
 Chaudhri.
 Muhammad Hassan, Chaudhri.
 Muhammad Hussain, Sardar.
 Muhammad Iftikhar-ud-Din, Mian.
 Muhammad Nurullah, Mian.
 Mukand Lal Puri, Rai Bahadur Mr.
 Mula Singh, Sardar.

Muni Lal Kalia, Pandit.
 Partab Singh, Sardar.
 Raghbir Kaur, Shrimati.
 Rur Singh, Sardar.
 Sahib Ram, Chaudhri.
 Sampuran Singh, Sardar.
 Santokh Singh, Sardar Sahib
 Sardar.
 Sant Ram Seth, Dr.
 Satya Pal, Dr.
 Shri Ram Sharma, Pandit.
 Sita Ram, Lala.
 Sohnan Singh Josh, Sardar.
 Sudarshan, Seth.
 Uttam Singh Dugal, Sardar.

NOES

Abdul Hamid Khan, Sufi.
 Abdul Haye, The Honourable Mian.
 Abdul Rahim, Chaudhri (Gurdas-
 pur).
 Abdul Rahim, Chaudhri (Gurgaon).
 Afzaalali Hasnie, Sayed.
 Ahmad Yar Khan Daultana, Khan
 Bahadur Mian.
 Ahmad Yar Khan, Chaudhri.
 Akbar Ali, Pir.
 Ali Akbar, Chaudhri.
 Allah Bakhsh Khan, Khan Baba-
 dur Nawab Malik.
 Amjad Ali Shah, Sayed.
 Anant Ram, Chaudhri.
 Ashiq Hussain, Captain.
 Badar Mohy-ud-Din Qadri, Mian.
 Balwant Singh, Sardar.
 Barkat Ali, Malik.
 Bhagwant Singh, Rai.
 Chhotu Ram, The Honourable
 Chaudhri Sir.
 Dasaundha Singh, Sardar.
 Dina Nath, Captain.
 Faiz Muhammad Khan, Rai.
 Faiz Muhammad, Shaikh.
 Faqir Hussain Khan, Chaudhri.
 Farman Ali Khan, Subedar-Major
 Raja.
 Fateh Jang Singh, 2nd-Lieut. Bhai.
 Fateh Khan, Khan Sahib Raja.
 Fateh Muhammad, 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, Khan Baha-
 dur Maulvi.
 Ghulam Qadir Khan, Khan Baha-
 dur.
 Ghulam Rasul, Chaudhri.
 Ghulam Samad, Khawaja.
 Gopal Singh (American), Sardar.
 Gurbachan Singh, Sardar Sahib
 Sardar.
 Habib Ullah Khan, Malik.
 Haibat Khan Dahi, Khan.
 Hans Raj, Bhagat.
 Hari Chand, Rai Sahib Rai.
 Harnam Singh, Captain Sodhi.
 Het Ram, Rai Sahib Chaudhri.
 Indar Singh, Sardar.
 Jafar Ali Khan, M.
 Jagjit Singh Bedi, Tikka
 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 Amin, Khan Sabib Shaikh.
 Muhammad Ashraf, Chaudhri.
 Muhammad Azam Khan, Sardar.
 Muhammad Faiyaz Ali Khan, Nawabzada.
 Muhammad Hayat Khan Noon, Nawab Malik Sir.
 Muhammad Hussain, Chaudhri.
 Muhammad Jamal Khan Leghari, Nawab Sir.
 Muhammad Nawaz Khan, Major Sardar.
 Muhammad Qasim, Chaudhri.
 Muhammad Raza Shah Jeelani, Makhdumzada Haji Sayed.
 Muhammad Saadat Ali Khan, Khan Bahadur Khan.
 Muhammad Sadiq, Shaikh.
 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.
 Muhammad Yusuf Khan, Khan.
 Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
 Muzaffar Ali Khan Qizilbash, Sardar.
 Muzaffar Khan, Khan Bahadur Captain Malik.
 Muzaffar Khan, Khan Bahadur Nawab.
 Nasir-ud-Din, Chaudhri.

Nasir-ud-Din Shah, Pir.
 Nasrullah Khan, Rana.
 Naunihal Singh Mann, Lieutenant Sardar.
 Nawazish Ali Shah, Sayed.
 Nur Ahmad Khan, Khan Sahib Mian.
 Pir Muhammad, Khan Sahib Chaudhri.
 Pohop Singh, Rao.
 Prem Singh, Chaudhri.
 Pritam Singh Siddhu, Sardar.
 Ram Sarup, Chaudhri.
 Ranpat Singh, Chaudhri.
 Rashida Latif Baji, Begum.
 Riasat Ali, Khan Bahadur Chaudhri.
 Ripudaman Singh, Thakur.
 Roberts, Sir William.
 Sahib Dad Khan, Khan Sahib Chaudhri.
 Shahadat Khan, Khan Sahib Rai.
 Shah Nawaz, Mrs. J. A.
 Shah Nawaz Khan, Nawab Sir.
 Sham Lal, Rai Bahadur Chaudhri.
 Sikander Hyat-Khan, The Honourable Major Sir.
 Singha, Diwan Bahadur S. P.
 Sohan Lal, Rai Sahib Lala.
 Sultan Mahmood Hotiana, Mian.
 Sumer Singh, Chaudhri.
 Sundar Singh Majithia, The Honourable Dr. Sir.
 Suraj Mal, Chaudhri.
 Talib Hussain Khan, Khan.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sardar.
 Wali Muhammad Sayyal Hiraj, Sardar.

Mr. Speaker : Sardar Sampuran Singh, Sardar Kapoor Singh and Chaudhri Krishna Gopal Dutt, who had given notices of no-confidence motions against the Honourable Sardar Sir Sundar Singh, The Honourable Minister for Revenue, Honourable Major Khizar Hayat Khan, Minister for Public Works and the Honourable Finance Minister, Mr. Manohar Lal, respectively, do not wish to have their motions voted upon. Therefore, they decline to move them. Now, Mian Muhammad Nurullah may move his motion.

Mian Muhammad Nurullah : Sir, I beg to move—

That this House expresses want of confidence in the Hon'ble Premier, Sir Sikandar Hyat Khan.

(The Assembly divided : During division).

An honourable member : Sir, force is being used against Chaudhri Jalal Din Amber.

Mr. Speaker : No force should be used. The honourable member may be left alone.

The Assembly divided : Ayes 53, Noes 112.



AYES

Abdul Aziz, Mian.	Kartar Singh, Sardar.
Ajit Singh, Sardar.	Kishan Singh, Sardar.
Balbir Singh, Rao Bahadur Captain Rao.	Krishna Gopal Dutt, Chaudhri.
Baldev Singh, Sardar.	Lal Singh, Sardar.
Bhagat Ram Choda, Lala.	Mazhar Ali Azhar, Maulvi.
Bhagat Ram Sharma, Pandit.	Muhammad Abdul Rahman Khan, Chaudhri.
Bhim Sen Sachar, Lala.	Muhammad Hassan, Chaudhri.
Binda Saran, Rai Bahadur.	Muhammad Hussain, Sardar.
Chaman Lall, Diwan.	Muhammad Iftikhar-ud-Din, Mian.
Chanan Singh, Sardar.	Muhammad Nurullah, Mian.
Deshbandhu Gupta, Lala.	Mukand Lal Puri, Rai Bahadur Mr.
Dev Raj Sethi, Mr.	Mula Singh, Sardar.
Duni Chand, Lala.	Muni Lal Kalra, Pandit.
Duni Chand, Mrs.	Partab Singh, Sardar.
Faqir Chand, Chaudhri.	Raghubir Kaur, Shrimati.
Gauba, Mr. K. L.	Rur Singh, Sardar.
Gokul Chand Narang, Dr. Sir.	Sahib Ram, Chaudhri.
Gopal Das, Rai Bahadur Lala.	Sampuran Singh, Sardar.
Gopi Chand Bhargava, Dr.	Santokh Singh, Sardar Sahib Sardar.
Hari Lal, Munshi.	Sant Ram Seth, Dr.
Hari Singh, Sardar.	Satya Pal, Dr.
Harjab Singh, Sardar.	Shri Ram Sharma, Pandit.
Harnam Das, Lala.	Sita Ram, Lala.
Jugal Kishore, Chaudhri.	Sohan Singh Josh, Sardar.
Kabul Singh, Master.	Sudarshan, Seth.
Kapoor Singh, Sardar.	Uttam Singh Dugal, Sardar.
Kartar Singh, Chaudhri.	

NOES

Abdul Hamid Khan, Sufi.	Ahmad Yar Khan, Chaudhri.
Abdul Haye, The Honourable Mian.	Akbar Ali, Pir.
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(When Mr. Speaker announced the result of the division there were prolonged cheers and cries of 'Sikander Zinda Bad', Zamindara Government zinda bad' from the Ministerial benches).

Premier : Sir, I move—

That the Assembly do now stand adjourned sine die.

The motion was carried.

Accordingly the Assembly adjourned sine die..

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